

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 43

Senators Kunze, Antonio

Cosponsors: Senators Maharath, Thomas, Sykes, Fedor

A BILL

To amend sections 2903.13, 2919.25, 2919.26,
2923.13, 2923.14, 2929.13, 2929.14, and 3113.31
and to enact sections 2923.133, 2923.134, and
2935.082 of the Revised Code to address domestic
violence by means of firearms restrictions,
penalty enhancements, and a prohibition against
strangulation, and to make an appropriation.

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

Section 1. That sections 2903.13, 2919.25, 2919.26,
2923.13, 2923.14, 2929.13, 2929.14, and 3113.31 be amended and
sections 2923.133, 2923.134, and 2935.082 of the Revised Code be
enacted to read as follows:

Sec. 2903.13. (A) No person shall knowingly cause or
attempt to cause physical harm to another or to another's
unborn.

(B) No person shall recklessly cause serious physical harm
to another or to another's unborn.

(C) (1) Whoever violates this section is guilty of assault,
and the court shall sentence the offender as provided in this

division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 19
(8), (9), and (10) of this section. Except as otherwise provided 20
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 21
section, assault is a misdemeanor of the first degree. 22

(2) Except as otherwise provided in this division, if the 23
offense is committed by a caretaker against a functionally 24
impaired person under the caretaker's care, assault is a felony 25
of the fourth degree. If the offense is committed by a caretaker 26
against a functionally impaired person under the caretaker's 27
care, if the offender previously has been convicted of or 28
pleaded guilty to a violation of this section or section 2903.11 29
or 2903.16 of the Revised Code, and if in relation to the 30
previous conviction the offender was a caretaker and the victim 31
was a functionally impaired person under the offender's care, 32
assault is a felony of the third degree. 33

(3) If the offense occurs in or on the grounds of a state 34
correctional institution or an institution of the department of 35
youth services, the victim of the offense is an employee of the 36
department of rehabilitation and correction or the department of 37
youth services, and the offense is committed by a person 38
incarcerated in the state correctional institution or by a 39
person institutionalized in the department of youth services 40
institution pursuant to a commitment to the department of youth 41
services, assault is a felony of the third degree. 42

(4) If the offense is committed in any of the following 43
circumstances, assault is a felony of the fifth degree: 44

(a) The offense occurs in or on the grounds of a local 45
correctional facility, the victim of the offense is an employee 46
of the local correctional facility or a probation department or 47
is on the premises of the facility for business purposes or as a 48

visitor, and the offense is committed by a person who is under 49
custody in the facility subsequent to the person's arrest for 50
any crime or delinquent act, subsequent to the person's being 51
charged with or convicted of any crime, or subsequent to the 52
person's being alleged to be or adjudicated a delinquent child. 53

(b) The offense occurs off the grounds of a state 54
correctional institution and off the grounds of an institution 55
of the department of youth services, the victim of the offense 56
is an employee of the department of rehabilitation and 57
correction, the department of youth services, or a probation 58
department, the offense occurs during the employee's official 59
work hours and while the employee is engaged in official work 60
responsibilities, and the offense is committed by a person 61
incarcerated in a state correctional institution or 62
institutionalized in the department of youth services who 63
temporarily is outside of the institution for any purpose, by a 64
parolee, by an offender under transitional control, under a 65
community control sanction, or on an escorted visit, by a person 66
under post-release control, or by an offender under any other 67
type of supervision by a government agency. 68

(c) The offense occurs off the grounds of a local 69
correctional facility, the victim of the offense is an employee 70
of the local correctional facility or a probation department, 71
the offense occurs during the employee's official work hours and 72
while the employee is engaged in official work responsibilities, 73
and the offense is committed by a person who is under custody in 74
the facility subsequent to the person's arrest for any crime or 75
delinquent act, subsequent to the person being charged with or 76
convicted of any crime, or subsequent to the person being 77
alleged to be or adjudicated a delinquent child and who 78
temporarily is outside of the facility for any purpose or by a 79

parolee, by an offender under transitional control, under a 80
community control sanction, or on an escorted visit, by a person 81
under post-release control, or by an offender under any other 82
type of supervision by a government agency. 83

(d) The victim of the offense is a school teacher or 84
administrator or a school bus operator, and the offense occurs 85
in a school, on school premises, in a school building, on a 86
school bus, or while the victim is outside of school premises or 87
a school bus and is engaged in duties or official 88
responsibilities associated with the victim's employment or 89
position as a school teacher or administrator or a school bus 90
operator, including, but not limited to, driving, accompanying, 91
or chaperoning students at or on class or field trips, athletic 92
events, or other school extracurricular activities or functions 93
outside of school premises. 94

(5) If the victim of the offense is a peace officer or an 95
investigator of the bureau of criminal identification and 96
investigation, a firefighter, or a person performing emergency 97
medical service, while in the performance of their official 98
duties, assault is a felony of the fourth degree. 99

(6) If the victim of the offense is a peace officer or an 100
investigator of the bureau of criminal identification and 101
investigation and if the victim suffered serious physical harm 102
as a result of the commission of the offense, assault is a 103
felony of the fourth degree, and the court, pursuant to division 104
(F) of section 2929.13 of the Revised Code, shall impose as a 105
mandatory prison term one of the prison terms prescribed for a 106
felony of the fourth degree that is at least twelve months in 107
duration. 108

(7) If the victim of the offense is an officer or employee 109

of a public children services agency or a private child placing 110
agency and the offense relates to the officer's or employee's 111
performance or anticipated performance of official 112
responsibilities or duties, assault is either a felony of the 113
fifth degree or, if the offender previously has been convicted 114
of or pleaded guilty to an offense of violence, the victim of 115
that prior offense was an officer or employee of a public 116
children services agency or private child placing agency, and 117
that prior offense related to the officer's or employee's 118
performance or anticipated performance of official 119
responsibilities or duties, a felony of the fourth degree. 120

(8) If the victim of the offense is a health care 121
professional of a hospital, a health care worker of a hospital, 122
or a security officer of a hospital whom the offender knows or 123
has reasonable cause to know is a health care professional of a 124
hospital, a health care worker of a hospital, or a security 125
officer of a hospital, if the victim is engaged in the 126
performance of the victim's duties, and if the hospital offers 127
de-escalation or crisis intervention training for such 128
professionals, workers, or officers, assault is one of the 129
following: 130

(a) Except as otherwise provided in division (C) (8) (b) of 131
this section, assault committed in the specified circumstances 132
is a misdemeanor of the first degree. Notwithstanding the fine 133
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 134
Revised Code for a misdemeanor of the first degree, in 135
sentencing the offender under this division and if the court 136
decides to impose a fine, the court may impose upon the offender 137
a fine of not more than five thousand dollars. 138

(b) If the offender previously has been convicted of or 139

pleaded guilty to one or more assault or homicide offenses 140
committed against hospital personnel, assault committed in the 141
specified circumstances is a felony of the fifth degree. 142

(9) If the victim of the offense is a judge, magistrate, 143
prosecutor, or court official or employee whom the offender 144
knows or has reasonable cause to know is a judge, magistrate, 145
prosecutor, or court official or employee, and if the victim is 146
engaged in the performance of the victim's duties, assault is 147
one of the following: 148

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 149
of this section, assault committed in the specified 150
circumstances is a misdemeanor of the first degree. In 151
sentencing the offender under this division, if the court 152
decides to impose a fine, notwithstanding the fine specified in 153
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 154
for a misdemeanor of the first degree, the court may impose upon 155
the offender a fine of not more than five thousand dollars. 156

(b) If the offender previously has been convicted of or 157
pleaded guilty to one or more assault or homicide offenses 158
committed against justice system personnel, assault committed in 159
the specified circumstances is a felony of the fifth degree. 160

(10) If an offender who is convicted of or pleads guilty 161
to assault when it is a misdemeanor also is convicted of or 162
pleads guilty to a specification as described in section 163
2941.1423 of the Revised Code that was included in the 164
indictment, count in the indictment, or information charging the 165
offense, the court shall sentence the offender to a mandatory 166
jail term as provided in division (G) of section 2929.24 of the 167
Revised Code. 168

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C)(6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B)(8) of section 2929.14 of the Revised Code.

(D) Upon a person's conviction of a violation of this section, the court shall determine whether, as a result of the violation, it is unlawful for the offender to possess or purchase a firearm under section 2923.13 of the Revised Code or 18 U.S.C. 922(g)(9). If the court determines that the offender is prohibited from possessing or purchasing a firearm, the court shall order the offender to transfer all firearms in the offender's possession or control in accordance with section 2923.133 of the Revised Code.

(E) As used in this section:

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

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another

county, multicounty, municipal, municipal-county, or 198
multicounty-municipal facility used for the custody of persons 199
arrested for any crime or delinquent act, persons charged with 200
or convicted of any crime, or persons alleged to be or 201
adjudicated a delinquent child. 202

(5) "Employee of a local correctional facility" means a 203
person who is an employee of the political subdivision or of one 204
or more of the affiliated political subdivisions that operates 205
the local correctional facility and who operates or assists in 206
the operation of the facility. 207

(6) "School teacher or administrator" means either of the 208
following: 209

(a) A person who is employed in the public schools of the 210
state under a contract described in section 3311.77 or 3319.08 211
of the Revised Code in a position in which the person is 212
required to have a certificate issued pursuant to sections 213
3319.22 to 3319.311 of the Revised Code. 214

(b) A person who is employed by a nonpublic school for 215
which the state board of education prescribes minimum standards 216
under section 3301.07 of the Revised Code and who is 217
certificated in accordance with section 3301.071 of the Revised 218
Code. 219

(7) "Community control sanction" has the same meaning as 220
in section 2929.01 of the Revised Code. 221

(8) "Escorted visit" means an escorted visit granted under 222
section 2967.27 of the Revised Code. 223

(9) "Post-release control" and "transitional control" have 224
the same meanings as in section 2967.01 of the Revised Code. 225

(10) "Investigator of the bureau of criminal 226
identification and investigation" has the same meaning as in 227
section 2903.11 of the Revised Code. 228

(11) "Health care professional" and "health care worker" 229
have the same meanings as in section 2305.234 of the Revised 230
Code. 231

(12) "Assault or homicide offense committed against 232
hospital personnel" means a violation of this section or of 233
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 234
2903.12, or 2903.14 of the Revised Code committed in 235
circumstances in which all of the following apply: 236

(a) The victim of the offense was a health care 237
professional of a hospital, a health care worker of a hospital, 238
or a security officer of a hospital. 239

(b) The offender knew or had reasonable cause to know that 240
the victim was a health care professional of a hospital, a 241
health care worker of a hospital, or a security officer of a 242
hospital. 243

(c) The victim was engaged in the performance of the 244
victim's duties. 245

(d) The hospital offered de-escalation or crisis 246
intervention training for such professionals, workers, or 247
officers. 248

(13) "De-escalation or crisis intervention training" means 249
de-escalation or crisis intervention training for health care 250
professionals of a hospital, health care workers of a hospital, 251
and security officers of a hospital to facilitate interaction 252
with patients, members of a patient's family, and visitors, 253
including those with mental impairments. 254

(14) "Assault or homicide offense committed against 255
justice system personnel" means a violation of this section or 256
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 257
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 258
circumstances in which the victim of the offense was a judge, 259
magistrate, prosecutor, or court official or employee whom the 260
offender knew or had reasonable cause to know was a judge, 261
magistrate, prosecutor, or court official or employee, and the 262
victim was engaged in the performance of the victim's duties. 263

(15) "Court official or employee" means any official or 264
employee of a court created under the constitution or statutes 265
of this state or of a United States court located in this state. 266

(16) "Judge" means a judge of a court created under the 267
constitution or statutes of this state or of a United States 268
court located in this state. 269

(17) "Magistrate" means an individual who is appointed by 270
a court of record of this state and who has the powers and may 271
perform the functions specified in Civil Rule 53, Criminal Rule 272
19, or Juvenile Rule 40, or an individual who is appointed by a 273
United States court located in this state who has similar powers 274
and functions. 275

(18) "Prosecutor" has the same meaning as in section 276
2935.01 of the Revised Code. 277

(19) (a) "Hospital" means, subject to division ~~(D)~~ (E) (19) 278
(b) of this section, an institution classified as a hospital 279
under section 3701.01 of the Revised Code in which are provided 280
to patients diagnostic, medical, surgical, obstetrical, 281
psychiatric, or rehabilitation care or a hospital operated by a 282
health maintenance organization. 283

(b) "Hospital" does not include any of the following: 284

(i) A facility licensed under Chapter 3721. of the Revised 285
Code, a health care facility operated by the department of 286
mental health or the department of developmental disabilities, a 287
health maintenance organization that does not operate a 288
hospital, or the office of any private, licensed health care 289
professional, whether organized for individual or group 290
practice; 291

(ii) An institution for the sick that is operated 292
exclusively for patients who use spiritual means for healing and 293
for whom the acceptance of medical care is inconsistent with 294
their religious beliefs, accredited by a national accrediting 295
organization, exempt from federal income taxation under section 296
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 297
U.S.C. 1, as amended, and providing twenty-four-hour nursing 298
care pursuant to the exemption in division (E) of section 299
4723.32 of the Revised Code from the licensing requirements of 300
Chapter 4723. of the Revised Code. 301

(20) "Health maintenance organization" has the same 302
meaning as in section 3727.01 of the Revised Code. 303

Sec. 2919.25. (A) No person shall knowingly cause or 304
attempt to cause physical harm to a family or household member_ 305
or dating partner. 306

(B) No person shall recklessly cause serious physical harm 307
to a family or household member or dating partner. 308

(C) No person, by threat of force, shall knowingly cause a 309
family or household member or dating partner to believe that the 310
offender will cause imminent physical harm to the family or 311
household member or dating partner. 312

(D) No person shall knowingly impede the normal breathing 313
or circulation of the blood of a family or household member or 314
dating partner by applying pressure to the throat or neck, or by 315
blocking the nose or mouth, of the family or household member or 316
dating partner. 317

(E) (1) Whoever violates this section is guilty of domestic 318
violence, and the court shall sentence the offender as provided 319
in divisions ~~(D)~~ (E) (2) to ~~(6)~~ (8) of this section. 320

(2) Except as otherwise provided in divisions ~~(D)~~ (E) (3) to 321
(5) of this section, a violation of division (C) of this section 322
is a misdemeanor of the fourth degree, and a violation of 323
division (A) or (B) of this section is a misdemeanor of the 324
first degree. 325

(3) Except as otherwise provided in division ~~(D)~~ (E) (4) of 326
this section, if the offender previously has pleaded guilty to 327
or been convicted of domestic violence, a violation of an 328
existing or former municipal ordinance or law of this or any 329
other state or the United States that is substantially similar 330
to domestic violence, a violation of section 2903.14, 2909.06, 331
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 332
the victim of the violation was a family or household member or 333
dating partner at the time of the violation, a violation of an 334
existing or former municipal ordinance or law of this or any 335
other state or the United States that is substantially similar 336
to any of those sections if the victim of the violation was a 337
family or household member or dating partner at the time of the 338
commission of the violation, or any offense of violence if the 339
victim of the offense was a family or household member or dating 340
partner at the time of the commission of the offense, a 341
violation of division (A) or (B) of this section is a felony of 342

the fourth degree, and, if the offender knew that the victim of 343
the violation was pregnant at the time of the violation, the 344
court shall impose a mandatory prison term on the offender 345
pursuant to division ~~(D) (6)~~ (E) (8) of this section, and a 346
violation of division (C) of this section is a misdemeanor of 347
the second degree. 348

(4) If the offender previously has pleaded guilty to or 349
been convicted of two or more offenses of domestic violence or 350
two or more violations or offenses of the type described in 351
division ~~(D)~~ (E) (3) of this section involving a person who was a 352
family or household member or dating partner at the time of the 353
violations or offenses, a violation of division (A) or (B) of 354
this section is a felony of the third degree, and, if the 355
offender knew that the victim of the violation was pregnant at 356
the time of the violation, the court shall impose a mandatory 357
prison term on the offender pursuant to division ~~(D) (6)~~ (E) (8) 358
of this section, and a violation of division (C) of this section 359
is a misdemeanor of the first degree. 360

(5) Except as otherwise provided in division ~~(D)~~ (E) (3) or 361
(4) of this section, if the offender knew that the victim of the 362
violation was pregnant at the time of the violation, a violation 363
of division (A) or (B) of this section is a felony of the fifth 364
degree, and the court shall impose a mandatory prison term on 365
the offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, 366
and a violation of division (C) of this section is a misdemeanor 367
of the third degree. 368

(6) Except as otherwise provided in division (E) (7) of 369
this section, a violation of division (D) of this section is a 370
felony of the third degree, and the court shall impose a 371
mandatory prison term on the offender pursuant to division (E) 372

(8) of this section. 373

(7) If the offender previously has pleaded guilty to or 374
been convicted of a violation of this section, or if the 375
offender previously has pleaded guilty to or been convicted of 376
two or more offenses of violence, a violation of division (D) of 377
this section is a felony of the second degree, and the court 378
shall impose a mandatory prison term on the offender pursuant to 379
division (E) (8) of this section. 380

(8) If division ~~(D)~~ (E) (3), (4), ~~or~~ (5), (6), or (7) of 381
this section requires the court that sentences an offender for a 382
violation of division (A) ~~or~~, (B), or (D) of this section to 383
impose a mandatory prison term on the offender pursuant to this 384
division, the court shall impose the mandatory prison term as 385
follows: 386

(a) If the violation of division (A) or (B) of this 387
section is a felony of the fourth or fifth degree, except as 388
otherwise provided in division ~~(D)~~ ~~(6)~~ (E) (8) (b) or (c) of this 389
section, the court shall impose a mandatory prison term on the 390
offender of at least six months. 391

(b) If the violation of division (A) or (B) of this 392
section is a felony of the fifth degree and the offender, in 393
committing the violation, caused serious physical harm to the 394
pregnant woman's unborn or caused the termination of the 395
pregnant woman's pregnancy, the court shall impose a mandatory 396
prison term on the offender of twelve months. 397

(c) If the violation of division (A) or (B) of this 398
section is a felony of the fourth degree and the offender, in 399
committing the violation, caused serious physical harm to the 400
pregnant woman's unborn or caused the termination of the 401

pregnant woman's pregnancy, the court shall impose a mandatory
prison term on the offender of at least twelve months.

(d) If the violation of division (A) ~~or, (B), or (D)~~ of
this section is a felony of the third degree, except as
otherwise provided in division ~~(D) (6)~~ (E) (8) (e) of this section
and notwithstanding the range of definite prison terms
prescribed in division (A) (3) of section 2929.14 of the Revised
Code for a felony of the third degree, the court shall impose a
mandatory prison term on the offender of either a definite term
of ~~six~~ twelve months or one of the prison terms prescribed in
division (A) (3) ~~(b)~~ (a) of section 2929.14 of the Revised Code
for felonies of the third degree.

(e) If the violation of division (A) ~~or, (B), or (D)~~ of
this section is a felony of the third degree and the offender,
in committing the violation, caused serious physical harm to the
pregnant woman's unborn or caused the termination of the
pregnant woman's pregnancy, notwithstanding the range of
definite prison terms prescribed in division (A) (3) of section
2929.14 of the Revised Code for a felony of the third degree,
the court shall impose a mandatory prison term on the offender
of either a definite term of ~~one year~~ eighteen months or one of
the prison terms prescribed in division (A) (3) ~~(b)~~ (a) of section
2929.14 of the Revised Code for felonies of the third degree.

~~(E)~~ (f) If the violation of division (D) of this section
is a felony of the second degree, the court shall impose as the
minimum prison term for the offense a mandatory prison term that
is one of the minimum terms prescribed in division (A) (2) (a) of
section 2929.14 of the Revised Code for felonies of the second
degree.

(F) Notwithstanding any provision of law to the contrary,

no court or unit of state or local government shall charge any 432
fee, cost, deposit, or money in connection with the filing of 433
charges against a person alleging that the person violated this 434
section or a municipal ordinance substantially similar to this 435
section or in connection with the prosecution of any charges so 436
filed. 437

~~(F)~~ (G) It is not required in a prosecution under division 438
(D) of this section to allege or prove that the family or 439
household member or dating partner who is the victim suffered 440
physical harm or serious physical harm or visible injury. 441

(H) It is an affirmative defense to a charge under 442
division (D) of this section that the act was done to the family 443
or household member or dating partner as part of a medical or 444
other procedure undertaken to aid or benefit the victim. 445

(I) Upon a person's conviction of a violation of this 446
section, the court shall determine whether, as a result of the 447
violation, it is unlawful for the offender to possess or 448
purchase a firearm under section 2923.13 of the Revised Code or 449
18 U.S.C. 922(g)(9). If the court determines that the offender 450
is prohibited from possessing or purchasing a firearm, the court 451
shall order the offender to transfer all firearms in the 452
offender's possession or control in accordance with section 453
2923.133 of the Revised Code. 454

(J) As used in this section and sections 2919.251 and 455
2919.26 of the Revised Code: 456

(1) "Family or household member" means any of the 457
following: 458

(a) Any of the following who is residing or has resided 459
with the offender: 460

(i) A spouse, a person living as a spouse, or a former spouse of the offender; 461
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(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender; 463
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(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender. 466
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(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent. 470
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(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. 473
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(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain. 479
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(4) "Termination of the pregnant woman's pregnancy" has the same meaning as "unlawful termination of another's pregnancy," as set forth in section 2903.09 of the Revised Code, 487
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as it relates to the pregnant woman. Division (C) of that 490
section applies regarding the use of the term in this section, 491
except that the second and third sentences of division (C) (1) of 492
that section shall be construed for purposes of this section as 493
if they included a reference to this section in the listing of 494
Revised Code sections they contain. 495

(5) "Dating partner" means a person with whom the offender 496
is or was in a dating relationship, as defined in section 497
3113.31 of the Revised Code. 498

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 499
alleges a violation of section 2909.06, 2909.07, 2911.12, or 500
2911.211 of the Revised Code if the alleged victim of the 501
violation was a family or household member at the time of the 502
violation, a violation of a municipal ordinance that is 503
substantially similar to any of those sections if the alleged 504
victim of the violation was a family or household member at the 505
time of the violation, any offense of violence if the alleged 506
victim of the offense was a family or household member at the 507
time of the commission of the offense, or any sexually oriented 508
offense if the alleged victim of the offense was a family or 509
household member at the time of the commission of the offense, 510
the complainant, the alleged victim, or a family or household 511
member of an alleged victim may file, or, if in an emergency the 512
alleged victim is unable to file, a person who made an arrest 513
for the alleged violation or offense under section 2935.03 of 514
the Revised Code may file on behalf of the alleged victim, a 515
motion that requests the issuance of a temporary protection 516
order as a pretrial condition of release of the alleged 517
offender, in addition to any bail set under Criminal Rule 46. 518
The motion shall be filed with the clerk of the court that has 519
jurisdiction of the case at any time after the filing of the 520

complaint. 521

(2) For purposes of section 2930.09 of the Revised Code, 522
all stages of a proceeding arising out of a complaint alleging 523
the commission of a violation, offense of violence, or sexually 524
oriented offense described in division (A)(1) of this section, 525
including all proceedings on a motion for a temporary protection 526
order, are critical stages of the case, and a victim may be 527
accompanied by a victim advocate or another person to provide 528
support to the victim as provided in that section. 529

(B) (1) The motion shall be prepared on a form that is 530
provided by the clerk of the court, which form shall be 531
substantially as follows: 532

"MOTION FOR TEMPORARY PROTECTION ORDER 533

..... Court 534

Name and address of court 535

State of Ohio 536

v. No. 537

..... 538

Name of Defendant 539

(name of person), moves the court to issue a temporary 540
protection order containing terms designed to ensure the safety 541
and protection of the complainant, alleged victim, and other 542
family or household members, in relation to the named defendant, 543
pursuant to its authority to issue such an order under section 544
2919.26 of the Revised Code. 545

A complaint, a copy of which has been attached to this 546
motion, has been filed in this court charging the named 547

defendant with (name of the specified 548
violation, the offense of violence, or sexually oriented offense 549
charged) in circumstances in which the victim was a family or 550
household member in violation of (section of the Revised Code 551
designating the specified violation, offense of violence, or 552
sexually oriented offense charged), or charging the named 553
defendant with a violation of a municipal ordinance that is 554
substantially similar to (section of 555
the Revised Code designating the specified violation, offense of 556
violence, or sexually oriented offense charged) involving a 557
family or household member. 558

I understand that I must appear before the court, at a 559
time set by the court within twenty-four hours after the filing 560
of this motion, for a hearing on the motion or that, if I am 561
unable to appear because of hospitalization or a medical 562
condition resulting from the offense alleged in the complaint, a 563
person who can provide information about my need for a temporary 564
protection order must appear before the court in lieu of my 565
appearing in court. I understand that any temporary protection 566
order granted pursuant to this motion is a pretrial condition of 567
release and is effective only until the disposition of the 568
criminal proceeding arising out of the attached complaint, or 569
the issuance of a civil protection order or the approval of a 570
consent agreement, arising out of the same activities as those 571
that were the basis of the complaint, under section 3113.31 of 572
the Revised Code. 573

..... 574

Signature of person 575

(or signature of the arresting officer who filed the motion on 576
behalf of the alleged victim) 577

..... 578

Address of person (or office address of the arresting officer 579
who filed the motion on behalf of the alleged victim)" 580

(2) The petitioner may attach a document to the form that 581
describes the number, types, and locations of any firearms that 582
the petitioner knows to be in the possession or control of the 583
defendant. 584

(C) (1) As soon as possible after the filing of a motion 585
that requests the issuance of a temporary protection order, but 586
not later than twenty-four hours after the filing of the motion, 587
the court shall conduct a hearing to determine whether to issue 588
the order. The person who requested the order shall appear 589
before the court and provide the court with the information that 590
it requests concerning the basis of the motion. If the person 591
who requested the order is unable to appear and if the court 592
finds that the failure to appear is because of the person's 593
hospitalization or medical condition resulting from the offense 594
alleged in the complaint, another person who is able to provide 595
the court with the information it requests may appear in lieu of 596
the person who requested the order. If the court finds that the 597
safety and protection of the complainant, alleged victim, or any 598
other family or household member of the alleged victim may be 599
impaired by the continued presence of the alleged offender, the 600
court may issue a temporary protection order, as a pretrial 601
condition of release, that contains terms designed to ensure the 602
safety and protection of the complainant, alleged victim, or the 603
family or household member, including a requirement that the 604
alleged offender refrain from entering the residence, school, 605
business, or place of employment of the complainant, alleged 606
victim, or the family or household member. The court may include 607

within a protection order issued under this section a term 608
requiring that the alleged offender not remove, damage, hide, 609
harm, or dispose of any companion animal owned or possessed by 610
the complainant, alleged victim, or any other family or 611
household member of the alleged victim, and may include within 612
the order a term authorizing the complainant, alleged victim, or 613
other family or household member of the alleged victim to remove 614
a companion animal owned by the complainant, alleged victim, or 615
other family or household member from the possession of the 616
alleged offender. 617

(2) (a) If the court issues a temporary protection order 618
that includes a requirement that the alleged offender refrain 619
from entering the residence, school, business, or place of 620
employment of the complainant, the alleged victim, or the family 621
or household member, the order shall state clearly that the 622
order cannot be waived or nullified by an invitation to the 623
alleged offender from the complainant, alleged victim, or family 624
or household member to enter the residence, school, business, or 625
place of employment or by the alleged offender's entry into one 626
of those places otherwise upon the consent of the complainant, 627
alleged victim, or family or household member. 628

(b) Division (C) (2) (a) of this section does not limit any 629
discretion of a court to determine that an alleged offender 630
charged with a violation of section 2919.27 of the Revised Code, 631
with a violation of a municipal ordinance substantially 632
equivalent to that section, or with contempt of court, which 633
charge is based on an alleged violation of a temporary 634
protection order issued under this section, did not commit the 635
violation or was not in contempt of court. 636

(D) (1) Upon the filing of a complaint that alleges a 637

violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 638
the Revised Code if the alleged victim of the violation was a 639
family or household member at the time of the violation, a 640
violation of a municipal ordinance that is substantially similar 641
to any of those sections if the alleged victim of the violation 642
was a family or household member at the time of the violation, 643
any offense of violence if the alleged victim of the offense was 644
a family or household member at the time of the commission of 645
the offense, or any sexually oriented offense if the alleged 646
victim of the offense was a family or household member at the 647
time of the commission of the offense, the court, upon its own 648
motion, may issue a temporary protection order as a pretrial 649
condition of release if it finds that the safety and protection 650
of the complainant, alleged victim, or other family or household 651
member of the alleged offender may be impaired by the continued 652
presence of the alleged offender. 653

(2) If the court issues a temporary protection order under 654
this section as an ex parte order, it shall conduct, as soon as 655
possible after the issuance of the order, a hearing in the 656
presence of the alleged offender not later than the next day on 657
which the court is scheduled to conduct business after the day 658
on which the alleged offender was arrested or at the time of the 659
appearance of the alleged offender pursuant to summons to 660
determine whether the order should remain in effect, be 661
modified, or be revoked. The hearing shall be conducted under 662
the standards set forth in division (C) of this section. 663

(3) An order issued under this section shall contain only 664
those terms authorized in orders issued under division (C) of 665
this section. 666

(4) If a municipal court or a county court issues a 667

temporary protection order under this section and if, subsequent 668
to the issuance of the order, the alleged offender who is the 669
subject of the order is bound over to the court of common pleas 670
for prosecution of a felony arising out of the same activities 671
as those that were the basis of the complaint upon which the 672
order is based, notwithstanding the fact that the order was 673
issued by a municipal court or county court, the order shall 674
remain in effect, as though it were an order of the court of 675
common pleas, while the charges against the alleged offender are 676
pending in the court of common pleas, for the period of time 677
described in division (E) (2) of this section, and the court of 678
common pleas has exclusive jurisdiction to modify the order 679
issued by the municipal court or county court. This division 680
applies when the alleged offender is bound over to the court of 681
common pleas as a result of the person waiving a preliminary 682
hearing on the felony charge, as a result of the municipal court 683
or county court having determined at a preliminary hearing that 684
there is probable cause to believe that the felony has been 685
committed and that the alleged offender committed it, as a 686
result of the alleged offender having been indicted for the 687
felony, or in any other manner. 688

(E) A temporary protection order that is issued as a 689
pretrial condition of release under this section: 690

(1) Is in addition to, but shall not be construed as a 691
part of, any bail set under Criminal Rule 46; 692

(2) Is effective only until the occurrence of either of 693
the following: 694

(a) The disposition, by the court that issued the order 695
or, in the circumstances described in division (D) (4) of this 696
section, by the court of common pleas to which the alleged 697

offender is bound over for prosecution, of the criminal 698
proceeding arising out of the complaint upon which the order is 699
based; 700

(b) The issuance of a protection order or the approval of 701
a consent agreement, arising out of the same activities as those 702
that were the basis of the complaint upon which the order is 703
based, under section 3113.31 of the Revised Code. 704

(3) Shall not be construed as a finding that the alleged 705
offender committed the alleged offense, and shall not be 706
introduced as evidence of the commission of the offense at the 707
trial of the alleged offender on the complaint upon which the 708
order is based. 709

(F) A person who meets the criteria for bail under 710
Criminal Rule 46 and who, if required to do so pursuant to that 711
rule, executes or posts bond or deposits cash or securities as 712
bail, shall not be held in custody pending a hearing before the 713
court on a motion requesting a temporary protection order. 714

(G) (1) A copy of any temporary protection order that is 715
issued under this section shall be issued by the court to the 716
complainant, to the alleged victim, to the person who requested 717
the order, to the defendant, and to all law enforcement agencies 718
that have jurisdiction to enforce the order. The court shall 719
direct that a copy of the order be delivered to the defendant on 720
the same day that the order is entered. If a municipal court or 721
a county court issues a temporary protection order under this 722
section and if, subsequent to the issuance of the order, the 723
defendant who is the subject of the order is bound over to the 724
court of common pleas for prosecution as described in division 725
(D) (4) of this section, the municipal court or county court 726
shall direct that a copy of the order be delivered to the court 727

of common pleas to which the defendant is bound over.

(2) Upon the issuance of a protection order under this section, the court shall determine whether, as a result of the order, it is unlawful for the defendant to possess or purchase a firearm under division (A)(7) of section 2923.13 of the Revised Code or 18 U.S.C. 922(g)(8). If the court determines that the defendant is prohibited from possessing or purchasing a firearm, the court shall order the defendant to transfer all firearms in the defendant's possession or control, and shall ensure that the transfer is made, in accordance with section 2923.134 of the Revised Code. If the defendant is so prohibited, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this protection order, it ~~may be~~ is unlawful for you, the defendant, to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to ~~federal law under section 2923.13 of the Revised Code or 18 U.S.C. 922(g)(8)~~ for the duration of this order. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney. You are required to transfer all firearms in your possession or control within twenty-four hours after service of this order in accordance with section 2923.134 of the Revised Code. You are required to file with this court a proof of transfer and an affidavit that you possess no firearms within forty-eight hours after service of this order."

(3) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section.

With respect to each order delivered, each agency shall note on 758
the index, the date and time of the receipt of the order by the 759
agency. 760

(4) A complainant, alleged victim, or other person who 761
obtains a temporary protection order under this section may 762
provide notice of the issuance of the temporary protection order 763
to the judicial and law enforcement officials in any county 764
other than the county in which the order is issued by 765
registering that order in the other county in accordance with 766
division (N) of section 3113.31 of the Revised Code and filing a 767
copy of the registered protection order with a law enforcement 768
agency in the other county in accordance with that division. 769

(5) Any officer of a law enforcement agency shall enforce 770
a temporary protection order issued by any court in this state 771
in accordance with the provisions of the order, including 772
removing the defendant from the premises, regardless of whether 773
the order is registered in the county in which the officer's 774
agency has jurisdiction as authorized by division (G) (4) of this 775
section. 776

(H) Upon a violation of a temporary protection order, the 777
court may issue another temporary protection order, as a 778
pretrial condition of release, that modifies the terms of the 779
order that was violated. 780

(I) (1) As used in divisions (I) (1) and (2) of this 781
section, "defendant" means a person who is alleged in a 782
complaint to have committed a violation, offense of violence, or 783
sexually oriented offense of the type described in division (A) 784
of this section. 785

(2) If a complaint is filed that alleges that a person 786

committed a violation, offense of violence, or sexually oriented 787
offense of the type described in division (A) of this section, 788
the court may not issue a temporary protection order under this 789
section that requires the complainant, the alleged victim, or 790
another family or household member of the defendant to do or 791
refrain from doing an act that the court may require the 792
defendant to do or refrain from doing under a temporary 793
protection order unless both of the following apply: 794

(a) The defendant has filed a separate complaint that 795
alleges that the complainant, alleged victim, or other family or 796
household member in question who would be required under the 797
order to do or refrain from doing the act committed a violation 798
or offense of violence of the type described in division (A) of 799
this section. 800

(b) The court determines that both the complainant, 801
alleged victim, or other family or household member in question 802
who would be required under the order to do or refrain from 803
doing the act and the defendant acted primarily as aggressors, 804
that neither the complainant, alleged victim, or other family or 805
household member in question who would be required under the 806
order to do or refrain from doing the act nor the defendant 807
acted primarily in self-defense, and, in accordance with the 808
standards and criteria of this section as applied in relation to 809
the separate complaint filed by the defendant, that it should 810
issue the order to require the complainant, alleged victim, or 811
other family or household member in question to do or refrain 812
from doing the act. 813

(J) (1) Subject to division (J) (2) of this section and 814
regardless of whether a protection order is issued or a consent 815
agreement is approved by a court of another county or a court of 816

another state, no court or unit of state or local government 817
shall charge the movant any fee, cost, deposit, or money in 818
connection with the filing of a motion pursuant to this section, 819
in connection with the filing, issuance, registration, 820
modification, enforcement, dismissal, withdrawal, or service of 821
a protection order, consent agreement, or witness subpoena or 822
for obtaining a certified copy of a protection order or consent 823
agreement. 824

(2) Regardless of whether a protection order is issued or 825
a consent agreement is approved pursuant to this section, if the 826
defendant is convicted the court may assess costs against the 827
defendant in connection with the filing, issuance, registration, 828
modification, enforcement, dismissal, withdrawal, or service of 829
a protection order, consent agreement, or witness subpoena or 830
for obtaining a certified copy of a protection order or consent 831
agreement. 832

(K) As used in this section: 833

(1) "Companion animal" has the same meaning as in section 834
959.131 of the Revised Code. 835

(2) "Sexually oriented offense" has the same meaning as in 836
section 2950.01 of the Revised Code. 837

(3) "Victim advocate" means a person who provides support 838
and assistance for a victim of an offense during court 839
proceedings. 840

Sec. 2923.13. (A) Unless relieved from disability under 841
operation of law or legal process, no person shall knowingly 842
acquire, have, carry, or use any firearm or dangerous ordnance, 843
if any of the following apply: 844

(1) The person is a fugitive from justice. 845

(2) The person is under indictment for or has been 846
convicted of any felony offense of violence or has been 847
adjudicated a delinquent child for the commission of an offense 848
that, if committed by an adult, would have been a felony offense 849
of violence. 850

(3) The person is under indictment for or has been 851
convicted of any felony offense involving the illegal 852
possession, use, sale, administration, distribution, or 853
trafficking in any drug of abuse or has been adjudicated a 854
delinquent child for the commission of an offense that, if 855
committed by an adult, would have been a felony offense 856
involving the illegal possession, use, sale, administration, 857
distribution, or trafficking in any drug of abuse. 858

(4) The person is drug dependent, in danger of drug 859
dependence, or a chronic alcoholic. 860

(5) The person is under adjudication of mental 861
incompetence, has been adjudicated as a mental defective, has 862
been committed to a mental institution, has been found by a 863
court to be a mentally ill person subject to court order, or is 864
an involuntary patient other than one who is a patient only for 865
purposes of observation. As used in this division, "mentally ill 866
person subject to court order" and "patient" have the same 867
meanings as in section 5122.01 of the Revised Code. 868

(6) The person has been convicted of either domestic 869
violence or assault when the victim is a family or household 870
member, whether the offense is classified as a felony or 871
misdemeanor. 872

(7) The person is subject to a court order, granted after 873
a full hearing for which the person received notice and an 874

opportunity to be heard, that restrains the person from 875
harassing, stalking, threatening, or engaging in other conduct 876
that would place a family or household member, or a person with 877
whom the respondent is or was in a dating relationship, in 878
reasonable fear of bodily injury, or is subject to a temporary 879
protection order issued under section 2919.26 of the Revised 880
Code. 881

(B) Whoever violates this section is guilty of having 882
weapons while under disability, a felony of the third degree. 883

(C) For the purposes of this section, "under operation of 884
law or legal process" shall not itself include mere completion, 885
termination, or expiration of a sentence imposed as a result of 886
a criminal conviction. 887

(D) As used in this section, "family or household member" 888
and "person with whom the respondent is or was in a dating 889
relationship" have the same meanings as in section 3113.31 of 890
the Revised Code. 891

Sec. 2923.133. (A) Any offender who has been convicted of 892
an offense described in division (A) (6) of section 2923.13 of 893
the Revised Code and has been served with a court order 894
requiring the offender to transfer all firearms in the 895
offender's possession or control in accordance with this section 896
shall transfer all firearms under the offender's possession or 897
control as described in this division. 898

(1) Within twenty-four hours after being served with the 899
court order, the offender shall transfer all firearms in the 900
offender's possession or control to a law enforcement agency or 901
federally licensed firearms dealer. The offender shall provide a 902
copy of the court order to the law enforcement agency or 903

firearms dealer at the time of transfer. Prior to accepting a 904
transfer of firearms from the offender, a law enforcement agency 905
shall notify the offender that if the firearms are transferred 906
to a law enforcement agency, the firearms shall be considered to 907
be abandoned and are subject to disposal under division (A) (3) 908
of this section. The law enforcement agency or federally 909
licensed firearms dealer taking possession of the firearm or 910
firearms shall issue a proof of transfer to the offender. The 911
proof of transfer shall include the name of the offender, the 912
date of transfer, and the serial number, make, and model of each 913
transferred firearm. 914

(2) Within forty-eight hours after being served with the 915
court order, the offender shall do one of the following: 916

(a) File a copy of proof of transfer with the court that 917
issued the order and an affidavit that all firearms in the 918
offender's possession or control at the time the offender was 919
served with the court order have been transferred in accordance 920
with this section and that the offender currently has no 921
firearms in the offender's possession or control; 922

(b) File an affidavit with the court that issued the order 923
that at the time the offender was served with the order the 924
offender had no firearms in the offender's possession or control 925
and that the offender currently has no firearms in the 926
offender's possession or control. 927

(3) If the offender transfers the firearm to a law 928
enforcement agency, the firearm shall be considered to be 929
abandoned. The law enforcement agency may establish policies for 930
disposal of abandoned firearms, provided such policies require 931
that the offender be notified of the disposal and receive any 932
financial value from the disposal less the costs to the law 933

enforcement agency associated with taking possession of, 934
storing, and disposing of the firearms. 935

(B) Notwithstanding division (A) of this section, if the 936
offender is incarcerated at the time the offender is served with 937
the court order and is unable to comply with the order due to 938
the offender's incarceration, the offender may file an affidavit 939
with the court that these circumstances are applicable to the 940
offender. 941

(C) An offender who recklessly violates the requirements 942
of this section is guilty of a felony of the fifth degree. 943

(D) As used in this section, "law enforcement agency" 944
means the state highway patrol, or a police department of a 945
municipal corporation or sheriff's office under the court's 946
jurisdiction. 947

Sec. 2923.134. (A) Any person who is subject to a court 948
order described in division (A) (7) of section 2923.13 of the 949
Revised Code and has been served with a court order requiring 950
the person to transfer all firearms in the person's possession 951
or control in accordance with this section shall transfer all 952
firearms in the person's possession or control as described in 953
this division. 954

(1) Within twenty-four hours after being served with the 955
court order, the respondent shall transfer all firearms in the 956
respondent's possession to a law enforcement agency or federally 957
licensed firearms dealer. The respondent shall provide a copy of 958
the court order to the law enforcement agency or federally 959
licensed firearms dealer at the time of transfer, along with a 960
copy of the protection order. The law enforcement agency or 961
federally licensed firearms dealer shall issue a proof of 962

transfer to the respondent. The proof of transfer shall include 963
the name of the respondent, the date of transfer, and the serial 964
number, make, and model of each transferred firearm. 965

(2) Within forty-eight hours after being served with the 966
court order, the respondent shall do one of the following: 967

(a) File a copy of the proof of transfer with the court 968
that issued the order and an affidavit that all firearms in the 969
respondent's possession or control at the time the respondent 970
was served with the order have been transferred in accordance 971
with this section and that the respondent currently has no 972
firearms in the respondent's possession or control; 973

(b) File an affidavit with the court that issued the order 974
that at the time the respondent was served with the order the 975
respondent had no firearms in the respondent's possession or 976
control and that the respondent currently has no firearms in the 977
respondent's possession or control. 978

(3) (a) Upon the expiration of the court order, the law 979
enforcement agency or federally licensed firearms dealer in 980
possession of the respondent's firearms shall, at the 981
respondent's request, return those firearms to the respondent, 982
unless either of the following applies: 983

(i) The order is extended or another court order described 984
in division (A) (7) of section 2923.13 of the Revised Code is in 985
effect; 986

(ii) The respondent is prohibited from possessing a 987
firearm under state or federal law. 988

(b) Before returning a firearm pursuant to this division, 989
the law enforcement agency or federally licensed firearms dealer 990
may require the respondent to sign a statement that the court 991

order has expired and has not been extended and that the 992
respondent is not prohibited from possessing a firearm under 993
state or federal law. 994

(4) (a) If the respondent is prohibited from possessing a 995
firearm under state or federal law, the respondent shall have 996
sixty days after the expiration of the court order and any 997
extensions to the court order to make one sale to a federally 998
licensed firearms dealer of any transferred firearms in the 999
possession of a law enforcement agency. The law enforcement 1000
agency shall transfer possession of the firearms to a federally 1001
licensed firearms dealer at the request of the firearms dealer, 1002
if the firearms dealer provides the law enforcement agency with 1003
a copy of a bill of sale that indicates the respondent has sold 1004
the firearms to the firearms dealer. If the law enforcement 1005
agency accepts any proceeds from the sale on behalf of the 1006
respondent, the law enforcement agency shall transfer the 1007
proceeds of the sale to the respondent. 1008

(b) If the respondent or a federally licensed firearms 1009
dealer does not provide a copy of a bill of sale for the 1010
respondent's firearms to the law enforcement agency within sixty 1011
days after the expiration of the court order and any extensions 1012
to the court order, the firearms shall be considered to be 1013
abandoned. The law enforcement agency may establish policies for 1014
the disposal of abandoned firearms, provided the policies 1015
require that the respondent be notified of the disposal and 1016
receive any financial value from the disposal of the firearms. 1017

(5) A law enforcement agency or federally licensed 1018
firearms dealer may charge a respondent a reasonable fee in 1019
connection with the storage of any firearm pursuant to this 1020
section. The fee charged by a law enforcement agency shall not 1021

exceed the costs associated with taking possession of, storing, 1022
and disposing of the firearms. 1023

(B) A respondent who recklessly violates the requirements 1024
of this section is guilty of a felony of the fifth degree. 1025

(C) As used in this section: 1026

(1) "Law enforcement agency" has the same meaning as in 1027
section 2923.133 of the Revised Code. 1028

(2) "Respondent" includes a defendant who is subject to a 1029
temporary protection order under section 2919.26 of the Revised 1030
Code. 1031

Sec. 2923.14. (A) (1) Except as otherwise provided in 1032
division (A) (2) of this section, any person who is prohibited 1033
from acquiring, having, carrying, or using firearms may apply to 1034
the court of common pleas in the county in which the person 1035
resides for relief from such prohibition. 1036

(2) Division (A) (1) of this section does not apply to a 1037
person who has been convicted of or pleaded guilty to a 1038
violation of section 2923.132 of the Revised Code or to a person 1039
who, two or more times, has been convicted of or pleaded guilty 1040
to a felony and a specification of the type described in section 1041
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 1042
of the Revised Code. 1043

(B) The application shall recite the following: 1044

(1) All indictments, convictions, or adjudications upon 1045
which the applicant's disability is based, the sentence imposed 1046
and served, and any release granted under a community control 1047
sanction, post-release control sanction, or parole, any partial 1048
or conditional pardon granted, or other disposition of each 1049

case, or, if the disability is based upon a factor other than an 1050
indictment, a conviction, or an adjudication, the factor upon 1051
which the disability is based and all details related to that 1052
factor; 1053

(2) Facts showing the applicant to be a fit subject for 1054
relief under this section. 1055

(C) A copy of the application shall be served on the 1056
county prosecutor. The county prosecutor shall cause the matter 1057
to be investigated and shall raise before the court any 1058
objections to granting relief that the investigation reveals. 1059

(D) Upon hearing, the court may grant the applicant relief 1060
pursuant to this section, if all of the following apply: 1061

(1) One of the following applies: 1062

(a) If the disability is based upon an indictment, a 1063
conviction, or an adjudication, the applicant has been fully 1064
discharged from imprisonment, community control, post-release 1065
control, and parole, or, if the applicant is under indictment, 1066
has been released on bail or recognizance. 1067

(b) If the disability is based upon a factor other than an 1068
indictment, a conviction, or an adjudication, that factor no 1069
longer is applicable to the applicant. 1070

(2) The applicant has led a law-abiding life since 1071
discharge or release, and appears likely to continue to do so. 1072

(3) The applicant is not otherwise prohibited by law from 1073
acquiring, having, or using firearms. 1074

(E) Costs of the proceeding shall be charged as in other 1075
civil cases, and taxed to the applicant. 1076

(F) Relief from disability granted pursuant to this 1077
section restores the applicant to all civil firearm rights to 1078
the full extent enjoyed by any citizen, and is subject to the 1079
following conditions: 1080

(1) Applies only with respect to indictments, convictions, 1081
or adjudications, or to the other factor, recited in the 1082
application as the basis for the applicant's disability; 1083

(2) Applies only with respect to firearms lawfully 1084
acquired, possessed, carried, or used by the applicant; 1085

(3) May be revoked by the court at any time for good cause 1086
shown and upon notice to the applicant; 1087

(4) Is automatically void upon commission by the applicant 1088
of any offense set forth in division (A) (2) ~~or~~, (3), or (6) of 1089
section 2923.13 of the Revised Code, or upon the applicant's 1090
becoming one of the class of persons named in division (A) (1), 1091
(4), ~~or~~ (5), or (7) of that section. 1092

(G) As used in this section: 1093

(1) "Community control sanction" has the same meaning as 1094
in section 2929.01 of the Revised Code. 1095

(2) "Post-release control" and "post-release control 1096
sanction" have the same meanings as in section 2967.01 of the 1097
Revised Code. 1098

Sec. 2929.13. (A) Except as provided in division (E), (F), 1099
or (G) of this section and unless a specific sanction is 1100
required to be imposed or is precluded from being imposed 1101
pursuant to law, a court that imposes a sentence upon an 1102
offender for a felony may impose any sanction or combination of 1103
sanctions on the offender that are provided in sections 2929.14 1104

to 2929.18 of the Revised Code. 1105

If the offender is eligible to be sentenced to community 1106
control sanctions, the court shall consider the appropriateness 1107
of imposing a financial sanction pursuant to section 2929.18 of 1108
the Revised Code or a sanction of community service pursuant to 1109
section 2929.17 of the Revised Code as the sole sanction for the 1110
offense. Except as otherwise provided in this division, if the 1111
court is required to impose a mandatory prison term for the 1112
offense for which sentence is being imposed, the court also 1113
shall impose any financial sanction pursuant to section 2929.18 1114
of the Revised Code that is required for the offense and may 1115
impose any other financial sanction pursuant to that section but 1116
may not impose any additional sanction or combination of 1117
sanctions under section 2929.16 or 2929.17 of the Revised Code. 1118

If the offender is being sentenced for a fourth degree 1119
felony OVI offense or for a third degree felony OVI offense, in 1120
addition to the mandatory term of local incarceration or the 1121
mandatory prison term required for the offense by division (G) 1122
(1) or (2) of this section, the court shall impose upon the 1123
offender a mandatory fine in accordance with division (B) (3) of 1124
section 2929.18 of the Revised Code and may impose whichever of 1125
the following is applicable: 1126

(1) For a fourth degree felony OVI offense for which 1127
sentence is imposed under division (G) (1) of this section, an 1128
additional community control sanction or combination of 1129
community control sanctions under section 2929.16 or 2929.17 of 1130
the Revised Code. If the court imposes upon the offender a 1131
community control sanction and the offender violates any 1132
condition of the community control sanction, the court may take 1133
any action prescribed in division (B) of section 2929.15 of the 1134

Revised Code relative to the offender, including imposing a 1135
prison term on the offender pursuant to that division. 1136

(2) For a third or fourth degree felony OVI offense for 1137
which sentence is imposed under division (G)(2) of this section, 1138
an additional prison term as described in division (B)(4) of 1139
section 2929.14 of the Revised Code or a community control 1140
sanction as described in division (G)(2) of this section. 1141

(B)(1)(a) Except as provided in division (B)(1)(b) of this 1142
section, if an offender is convicted of or pleads guilty to a 1143
felony of the fourth or fifth degree that is not an offense of 1144
violence or that is a qualifying assault offense, the court 1145
shall sentence the offender to a community control sanction or 1146
combination of community control sanctions if all of the 1147
following apply: 1148

(i) The offender previously has not been convicted of or 1149
pleaded guilty to a felony offense. 1150

(ii) The most serious charge against the offender at the 1151
time of sentencing is a felony of the fourth or fifth degree. 1152

(iii) If the court made a request of the department of 1153
rehabilitation and correction pursuant to division (B)(1)(c) of 1154
this section, the department, within the forty-five-day period 1155
specified in that division, provided the court with the names 1156
of, contact information for, and program details of one or more 1157
community control sanctions that are available for persons 1158
sentenced by the court. 1159

(iv) The offender previously has not been convicted of or 1160
pleaded guilty to a misdemeanor offense of violence that the 1161
offender committed within two years prior to the offense for 1162
which sentence is being imposed. 1163

(b) The court has discretion to impose a prison term upon 1164
an offender who is convicted of or pleads guilty to a felony of 1165
the fourth or fifth degree that is not an offense of violence or 1166
that is a qualifying assault offense if any of the following 1167
apply: 1168

(i) The offender committed the offense while having a 1169
firearm on or about the offender's person or under the 1170
offender's control. 1171

(ii) If the offense is a qualifying assault offense, the 1172
offender caused serious physical harm to another person while 1173
committing the offense, and, if the offense is not a qualifying 1174
assault offense, the offender caused physical harm to another 1175
person while committing the offense. 1176

(iii) The offender violated a term of the conditions of 1177
bond as set by the court. 1178

(iv) The court made a request of the department of 1179
rehabilitation and correction pursuant to division (B)(1)(c) of 1180
this section, and the department, within the forty-five-day 1181
period specified in that division, did not provide the court 1182
with the name of, contact information for, and program details 1183
of any community control sanction that is available for persons 1184
sentenced by the court. 1185

(v) The offense is a sex offense that is a fourth or fifth 1186
degree felony violation of any provision of Chapter 2907. of the 1187
Revised Code. 1188

(vi) In committing the offense, the offender attempted to 1189
cause or made an actual threat of physical harm to a person with 1190
a deadly weapon. 1191

(vii) In committing the offense, the offender attempted to 1192

cause or made an actual threat of physical harm to a person, and 1193
the offender previously was convicted of an offense that caused 1194
physical harm to a person. 1195

(viii) The offender held a public office or position of 1196
trust, and the offense related to that office or position; the 1197
offender's position obliged the offender to prevent the offense 1198
or to bring those committing it to justice; or the offender's 1199
professional reputation or position facilitated the offense or 1200
was likely to influence the future conduct of others. 1201

(ix) The offender committed the offense for hire or as 1202
part of an organized criminal activity. 1203

(x) The offender at the time of the offense was serving, 1204
or the offender previously had served, a prison term. 1205

(xi) The offender committed the offense while under a 1206
community control sanction, while on probation, or while 1207
released from custody on a bond or personal recognizance. 1208

(c) If a court that is sentencing an offender who is 1209
convicted of or pleads guilty to a felony of the fourth or fifth 1210
degree that is not an offense of violence or that is a 1211
qualifying assault offense believes that no community control 1212
sanctions are available for its use that, if imposed on the 1213
offender, will adequately fulfill the overriding principles and 1214
purposes of sentencing, the court shall contact the department 1215
of rehabilitation and correction and ask the department to 1216
provide the court with the names of, contact information for, 1217
and program details of one or more community control sanctions 1218
that are available for persons sentenced by the court. Not later 1219
than forty-five days after receipt of a request from a court 1220
under this division, the department shall provide the court with 1221

the names of, contact information for, and program details of 1222
one or more community control sanctions that are available for 1223
persons sentenced by the court, if any. Upon making a request 1224
under this division that relates to a particular offender, a 1225
court shall defer sentencing of that offender until it receives 1226
from the department the names of, contact information for, and 1227
program details of one or more community control sanctions that 1228
are available for persons sentenced by the court or for forty- 1229
five days, whichever is the earlier. 1230

If the department provides the court with the names of, 1231
contact information for, and program details of one or more 1232
community control sanctions that are available for persons 1233
sentenced by the court within the forty-five-day period 1234
specified in this division, the court shall impose upon the 1235
offender a community control sanction under division (B) (1) (a) 1236
of this section, except that the court may impose a prison term 1237
under division (B) (1) (b) of this section if a factor described 1238
in division (B) (1) (b) (i) or (ii) of this section applies. If the 1239
department does not provide the court with the names of, contact 1240
information for, and program details of one or more community 1241
control sanctions that are available for persons sentenced by 1242
the court within the forty-five-day period specified in this 1243
division, the court may impose upon the offender a prison term 1244
under division (B) (1) (b) (iv) of this section. 1245

(d) A sentencing court may impose an additional penalty 1246
under division (B) of section 2929.15 of the Revised Code upon 1247
an offender sentenced to a community control sanction under 1248
division (B) (1) (a) of this section if the offender violates the 1249
conditions of the community control sanction, violates a law, or 1250
leaves the state without the permission of the court or the 1251
offender's probation officer. 1252

(2) If division (B) (1) of this section does not apply, 1253
except as provided in division (E), (F), or (G) of this section, 1254
in determining whether to impose a prison term as a sanction for 1255
a felony of the fourth or fifth degree, the sentencing court 1256
shall comply with the purposes and principles of sentencing 1257
under section 2929.11 of the Revised Code and with section 1258
2929.12 of the Revised Code. 1259

(C) Except as provided in division (D), (E), (F), or (G) 1260
of this section, in determining whether to impose a prison term 1261
as a sanction for a felony of the third degree or a felony drug 1262
offense that is a violation of a provision of Chapter 2925. of 1263
the Revised Code and that is specified as being subject to this 1264
division for purposes of sentencing, the sentencing court shall 1265
comply with the purposes and principles of sentencing under 1266
section 2929.11 of the Revised Code and with section 2929.12 of 1267
the Revised Code. 1268

(D) (1) Except as provided in division (E) or (F) of this 1269
section, for a felony of the first or second degree, for a 1270
felony drug offense that is a violation of any provision of 1271
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1272
presumption in favor of a prison term is specified as being 1273
applicable, and for a violation of division (A) (4) or (B) of 1274
section 2907.05 of the Revised Code for which a presumption in 1275
favor of a prison term is specified as being applicable, it is 1276
presumed that a prison term is necessary in order to comply with 1277
the purposes and principles of sentencing under section 2929.11 1278
of the Revised Code. Division (D) (2) of this section does not 1279
apply to a presumption established under this division for a 1280
violation of division (A) (4) of section 2907.05 of the Revised 1281
Code. 1282

(2) Notwithstanding the presumption established under 1283
division (D) (1) of this section for the offenses listed in that 1284
division other than a violation of division (A) (4) or (B) of 1285
section 2907.05 of the Revised Code, the sentencing court may 1286
impose a community control sanction or a combination of 1287
community control sanctions instead of a prison term on an 1288
offender for a felony of the first or second degree or for a 1289
felony drug offense that is a violation of any provision of 1290
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1291
presumption in favor of a prison term is specified as being 1292
applicable if it makes both of the following findings: 1293

(a) A community control sanction or a combination of 1294
community control sanctions would adequately punish the offender 1295
and protect the public from future crime, because the applicable 1296
factors under section 2929.12 of the Revised Code indicating a 1297
lesser likelihood of recidivism outweigh the applicable factors 1298
under that section indicating a greater likelihood of 1299
recidivism. 1300

(b) A community control sanction or a combination of 1301
community control sanctions would not demean the seriousness of 1302
the offense, because one or more factors under section 2929.12 1303
of the Revised Code that indicate that the offender's conduct 1304
was less serious than conduct normally constituting the offense 1305
are applicable, and they outweigh the applicable factors under 1306
that section that indicate that the offender's conduct was more 1307
serious than conduct normally constituting the offense. 1308

(E) (1) Except as provided in division (F) of this section, 1309
for any drug offense that is a violation of any provision of 1310
Chapter 2925. of the Revised Code and that is a felony of the 1311
third, fourth, or fifth degree, the applicability of a 1312

presumption under division (D) of this section in favor of a 1313
prison term or of division (B) or (C) of this section in 1314
determining whether to impose a prison term for the offense 1315
shall be determined as specified in section 2925.02, 2925.03, 1316
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1317
2925.36, or 2925.37 of the Revised Code, whichever is applicable 1318
regarding the violation. 1319

(2) If an offender who was convicted of or pleaded guilty 1320
to a felony violates the conditions of a community control 1321
sanction imposed for the offense solely by reason of producing 1322
positive results on a drug test or by acting pursuant to 1323
division (B)(2)(b) of section 2925.11 of the Revised Code with 1324
respect to a minor drug possession offense, the court, as 1325
punishment for the violation of the sanction, shall not order 1326
that the offender be imprisoned unless the court determines on 1327
the record either of the following: 1328

(a) The offender had been ordered as a sanction for the 1329
felony to participate in a drug treatment program, in a drug 1330
education program, or in narcotics anonymous or a similar 1331
program, and the offender continued to use illegal drugs after a 1332
reasonable period of participation in the program. 1333

(b) The imprisonment of the offender for the violation is 1334
consistent with the purposes and principles of sentencing set 1335
forth in section 2929.11 of the Revised Code. 1336

(3) A court that sentences an offender for a drug abuse 1337
offense that is a felony of the third, fourth, or fifth degree 1338
may require that the offender be assessed by a properly 1339
credentialed professional within a specified period of time. The 1340
court shall require the professional to file a written 1341
assessment of the offender with the court. If the offender is 1342

eligible for a community control sanction and after considering 1343
the written assessment, the court may impose a community control 1344
sanction that includes addiction services and recovery supports 1345
included in a community-based continuum of care established 1346
under section 340.032 of the Revised Code. If the court imposes 1347
addiction services and recovery supports as a community control 1348
sanction, the court shall direct the level and type of addiction 1349
services and recovery supports after considering the assessment 1350
and recommendation of community addiction services providers. 1351

(F) Notwithstanding divisions (A) to (E) of this section, 1352
the court shall impose a prison term or terms under sections 1353
2929.02 to 2929.06, section 2929.14, section 2929.142, or 1354
section 2971.03 of the Revised Code and except as specifically 1355
provided in section 2929.20, divisions (C) to (I) of section 1356
2967.19, or section 2967.191 of the Revised Code or when parole 1357
is authorized for the offense under section 2967.13 of the 1358
Revised Code shall not reduce the term or terms pursuant to 1359
section 2929.20, section 2967.19, section 2967.193, or any other 1360
provision of Chapter 2967. or Chapter 5120. of the Revised Code 1361
for any of the following offenses: 1362

(1) Aggravated murder when death is not imposed or murder; 1363

(2) Any rape, regardless of whether force was involved and 1364
regardless of the age of the victim, or an attempt to commit 1365
rape if, had the offender completed the rape that was attempted, 1366
the offender would have been guilty of a violation of division 1367
(A) (1) (b) of section 2907.02 of the Revised Code and would be 1368
sentenced under section 2971.03 of the Revised Code; 1369

(3) Gross sexual imposition or sexual battery, if the 1370
victim is less than thirteen years of age and if any of the 1371
following applies: 1372

(a) Regarding gross sexual imposition, the offender 1373
previously was convicted of or pleaded guilty to rape, the 1374
former offense of felonious sexual penetration, gross sexual 1375
imposition, or sexual battery, and the victim of the previous 1376
offense was less than thirteen years of age; 1377

(b) Regarding gross sexual imposition, the offense was 1378
committed on or after August 3, 2006, and evidence other than 1379
the testimony of the victim was admitted in the case 1380
corroborating the violation. 1381

(c) Regarding sexual battery, either of the following 1382
applies: 1383

(i) The offense was committed prior to August 3, 2006, the 1384
offender previously was convicted of or pleaded guilty to rape, 1385
the former offense of felonious sexual penetration, or sexual 1386
battery, and the victim of the previous offense was less than 1387
thirteen years of age. 1388

(ii) The offense was committed on or after August 3, 2006. 1389

(4) A felony violation of section 2903.04, 2903.06, 1390
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 1391
or 2923.132 of the Revised Code if the section requires the 1392
imposition of a prison term; 1393

(5) A first, second, or third degree felony drug offense 1394
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1395
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 1396
or 4729.99 of the Revised Code, whichever is applicable 1397
regarding the violation, requires the imposition of a mandatory 1398
prison term; 1399

(6) Any offense that is a first or second degree felony 1400
and that is not set forth in division (F)(1), (2), (3), or (4) 1401

of this section, if the offender previously was convicted of or 1402
pleaded guilty to aggravated murder, murder, any first or second 1403
degree felony, or an offense under an existing or former law of 1404
this state, another state, or the United States that is or was 1405
substantially equivalent to one of those offenses; 1406

(7) Any offense that is a third degree felony and either 1407
is a violation of section 2903.04 of the Revised Code or an 1408
attempt to commit a felony of the second degree that is an 1409
offense of violence and involved an attempt to cause serious 1410
physical harm to a person or that resulted in serious physical 1411
harm to a person if the offender previously was convicted of or 1412
pleaded guilty to any of the following offenses: 1413

(a) Aggravated murder, murder, involuntary manslaughter, 1414
rape, felonious sexual penetration as it existed under section 1415
2907.12 of the Revised Code prior to September 3, 1996, a felony 1416
of the first or second degree that resulted in the death of a 1417
person or in physical harm to a person, or complicity in or an 1418
attempt to commit any of those offenses; 1419

(b) An offense under an existing or former law of this 1420
state, another state, or the United States that is or was 1421
substantially equivalent to an offense listed in division (F) (7) 1422
(a) of this section that resulted in the death of a person or in 1423
physical harm to a person. 1424

(8) Any offense, other than a violation of section 2923.12 1425
of the Revised Code, that is a felony, if the offender had a 1426
firearm on or about the offender's person or under the 1427
offender's control while committing the felony, with respect to 1428
a portion of the sentence imposed pursuant to division (B) (1) (a) 1429
of section 2929.14 of the Revised Code for having the firearm; 1430

(9) Any offense of violence that is a felony, if the 1431
offender wore or carried body armor while committing the felony 1432
offense of violence, with respect to the portion of the sentence 1433
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 1434
Revised Code for wearing or carrying the body armor; 1435

(10) Corrupt activity in violation of section 2923.32 of 1436
the Revised Code when the most serious offense in the pattern of 1437
corrupt activity that is the basis of the offense is a felony of 1438
the first degree; 1439

(11) Any violent sex offense or designated homicide, 1440
assault, or kidnapping offense if, in relation to that offense, 1441
the offender is adjudicated a sexually violent predator; 1442

(12) A violation of division (A) (1) or (2) of section 1443
2921.36 of the Revised Code, or a violation of division (C) of 1444
that section involving an item listed in division (A) (1) or (2) 1445
of that section, if the offender is an officer or employee of 1446
the department of rehabilitation and correction; 1447

(13) A violation of division (A) (1) or (2) of section 1448
2903.06 of the Revised Code if the victim of the offense is a 1449
peace officer, as defined in section 2935.01 of the Revised 1450
Code, or an investigator of the bureau of criminal 1451
identification and investigation, as defined in section 2903.11 1452
of the Revised Code, with respect to the portion of the sentence 1453
imposed pursuant to division (B) (5) of section 2929.14 of the 1454
Revised Code; 1455

(14) A violation of division (A) (1) or (2) of section 1456
2903.06 of the Revised Code if the offender has been convicted 1457
of or pleaded guilty to three or more violations of division (A) 1458
or (B) of section 4511.19 of the Revised Code or an equivalent 1459

offense, as defined in section 2941.1415 of the Revised Code, or 1460
three or more violations of any combination of those divisions 1461
and offenses, with respect to the portion of the sentence 1462
imposed pursuant to division (B) (6) of section 2929.14 of the 1463
Revised Code; 1464

(15) Kidnapping, in the circumstances specified in section 1465
2971.03 of the Revised Code and when no other provision of 1466
division (F) of this section applies; 1467

(16) Kidnapping, abduction, compelling prostitution, 1468
promoting prostitution, engaging in a pattern of corrupt 1469
activity, a violation of division (A) (1) or (2) of section 1470
2907.323 of the Revised Code that involves a minor, or 1471
endangering children in violation of division (B) (1), (2), (3), 1472
(4), or (5) of section 2919.22 of the Revised Code, if the 1473
offender is convicted of or pleads guilty to a specification as 1474
described in section 2941.1422 of the Revised Code that was 1475
included in the indictment, count in the indictment, or 1476
information charging the offense; 1477

(17) A felony violation of division (A) ~~or, (B), or (D)~~ 1478
of section 2919.25 of the Revised Code if division ~~(D) (E)~~ (3), 1479
(4), ~~or (5), (6), or (7)~~ of that section, and division ~~(D) (6)~~ 1480
(E) (8) of that section, require the imposition of a prison term; 1481

(18) A felony violation of section 2903.11, 2903.12, or 1482
2903.13 of the Revised Code, if the victim of the offense was a 1483
woman that the offender knew was pregnant at the time of the 1484
violation, with respect to a portion of the sentence imposed 1485
pursuant to division (B) (8) of section 2929.14 of the Revised 1486
Code; 1487

(19) (a) Any violent felony offense if the offender is a 1488

violent career criminal and had a firearm on or about the 1489
offender's person or under the offender's control during the 1490
commission of the violent felony offense and displayed or 1491
brandished the firearm, indicated that the offender possessed a 1492
firearm, or used the firearm to facilitate the offense, with 1493
respect to the portion of the sentence imposed under division 1494
(K) of section 2929.14 of the Revised Code. 1495

(b) As used in division (F) (19) (a) of this section, 1496
"violent career criminal" and "violent felony offense" have the 1497
same meanings as in section 2923.132 of the Revised Code; 1498

(20) Any violation of division (A) (1) of section 2903.11 1499
of the Revised Code if the offender used an accelerant in 1500
committing the violation and the serious physical harm to 1501
another or another's unborn caused by the violation resulted in 1502
a permanent, serious disfigurement or permanent, substantial 1503
incapacity or any violation of division (A) (2) of that section 1504
if the offender used an accelerant in committing the violation, 1505
the violation caused physical harm to another or another's 1506
unborn, and the physical harm resulted in a permanent, serious 1507
disfigurement or permanent, substantial incapacity, with respect 1508
to a portion of the sentence imposed pursuant to division (B) (9) 1509
of section 2929.14 of the Revised Code. The provisions of this 1510
division and of division (D) (2) of section 2903.11, divisions 1511
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 1512
the Revised Code shall be known as "Judy's Law." 1513

(21) Any violation of division (A) of section 2903.11 of 1514
the Revised Code if the victim of the offense suffered permanent 1515
disabling harm as a result of the offense and the victim was 1516
under ten years of age at the time of the offense, with respect 1517
to a portion of the sentence imposed pursuant to division (B) 1518

(10) of section 2929.14 of the Revised Code. 1519

(22) A felony violation of section 2925.03, 2925.05, or 1520
2925.11 of the Revised Code, if the drug involved in the 1521
violation is a fentanyl-related compound or a compound, mixture, 1522
preparation, or substance containing a fentanyl-related compound 1523
and the offender is convicted of or pleads guilty to a 1524
specification of the type described in division (B) of section 1525
2941.1410 of the Revised Code that was included in the 1526
indictment, count in the indictment, or information charging the 1527
offense, with respect to the portion of the sentence imposed 1528
under division (B) (9) of section 2929.14 of the Revised Code. 1529

(G) Notwithstanding divisions (A) to (E) of this section, 1530
if an offender is being sentenced for a fourth degree felony OVI 1531
offense or for a third degree felony OVI offense, the court 1532
shall impose upon the offender a mandatory term of local 1533
incarceration or a mandatory prison term in accordance with the 1534
following: 1535

(1) If the offender is being sentenced for a fourth degree 1536
felony OVI offense and if the offender has not been convicted of 1537
and has not pleaded guilty to a specification of the type 1538
described in section 2941.1413 of the Revised Code, the court 1539
may impose upon the offender a mandatory term of local 1540
incarceration of sixty days or one hundred twenty days as 1541
specified in division (G) (1) (d) of section 4511.19 of the 1542
Revised Code. The court shall not reduce the term pursuant to 1543
section 2929.20, 2967.193, or any other provision of the Revised 1544
Code. The court that imposes a mandatory term of local 1545
incarceration under this division shall specify whether the term 1546
is to be served in a jail, a community-based correctional 1547
facility, a halfway house, or an alternative residential 1548

facility, and the offender shall serve the term in the type of 1549
facility specified by the court. A mandatory term of local 1550
incarceration imposed under division (G)(1) of this section is 1551
not subject to any other Revised Code provision that pertains to 1552
a prison term except as provided in division (A)(1) of this 1553
section. 1554

(2) If the offender is being sentenced for a third degree 1555
felony OVI offense, or if the offender is being sentenced for a 1556
fourth degree felony OVI offense and the court does not impose a 1557
mandatory term of local incarceration under division (G)(1) of 1558
this section, the court shall impose upon the offender a 1559
mandatory prison term of one, two, three, four, or five years if 1560
the offender also is convicted of or also pleads guilty to a 1561
specification of the type described in section 2941.1413 of the 1562
Revised Code or shall impose upon the offender a mandatory 1563
prison term of sixty days or one hundred twenty days as 1564
specified in division (G)(1)(d) or (e) of section 4511.19 of the 1565
Revised Code if the offender has not been convicted of and has 1566
not pleaded guilty to a specification of that type. Subject to 1567
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1568
court shall not reduce the term pursuant to section 2929.20, 1569
2967.19, 2967.193, or any other provision of the Revised Code. 1570
The offender shall serve the one-, two-, three-, four-, or five- 1571
year mandatory prison term consecutively to and prior to the 1572
prison term imposed for the underlying offense and consecutively 1573
to any other mandatory prison term imposed in relation to the 1574
offense. In no case shall an offender who once has been 1575
sentenced to a mandatory term of local incarceration pursuant to 1576
division (G)(1) of this section for a fourth degree felony OVI 1577
offense be sentenced to another mandatory term of local 1578
incarceration under that division for any violation of division 1579

(A) of section 4511.19 of the Revised Code. In addition to the 1580
mandatory prison term described in division (G) (2) of this 1581
section, the court may sentence the offender to a community 1582
control sanction under section 2929.16 or 2929.17 of the Revised 1583
Code, but the offender shall serve the prison term prior to 1584
serving the community control sanction. The department of 1585
rehabilitation and correction may place an offender sentenced to 1586
a mandatory prison term under this division in an intensive 1587
program prison established pursuant to section 5120.033 of the 1588
Revised Code if the department gave the sentencing judge prior 1589
notice of its intent to place the offender in an intensive 1590
program prison established under that section and if the judge 1591
did not notify the department that the judge disapproved the 1592
placement. Upon the establishment of the initial intensive 1593
program prison pursuant to section 5120.033 of the Revised Code 1594
that is privately operated and managed by a contractor pursuant 1595
to a contract entered into under section 9.06 of the Revised 1596
Code, both of the following apply: 1597

(a) The department of rehabilitation and correction shall 1598
make a reasonable effort to ensure that a sufficient number of 1599
offenders sentenced to a mandatory prison term under this 1600
division are placed in the privately operated and managed prison 1601
so that the privately operated and managed prison has full 1602
occupancy. 1603

(b) Unless the privately operated and managed prison has 1604
full occupancy, the department of rehabilitation and correction 1605
shall not place any offender sentenced to a mandatory prison 1606
term under this division in any intensive program prison 1607
established pursuant to section 5120.033 of the Revised Code 1608
other than the privately operated and managed prison. 1609

(H) If an offender is being sentenced for a sexually 1610
oriented offense or child-victim oriented offense that is a 1611
felony committed on or after January 1, 1997, the judge shall 1612
require the offender to submit to a DNA specimen collection 1613
procedure pursuant to section 2901.07 of the Revised Code. 1614

(I) If an offender is being sentenced for a sexually 1615
oriented offense or a child-victim oriented offense committed on 1616
or after January 1, 1997, the judge shall include in the 1617
sentence a summary of the offender's duties imposed under 1618
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1619
Code and the duration of the duties. The judge shall inform the 1620
offender, at the time of sentencing, of those duties and of 1621
their duration. If required under division (A) (2) of section 1622
2950.03 of the Revised Code, the judge shall perform the duties 1623
specified in that section, or, if required under division (A) (6) 1624
of section 2950.03 of the Revised Code, the judge shall perform 1625
the duties specified in that division. 1626

(J) (1) Except as provided in division (J) (2) of this 1627
section, when considering sentencing factors under this section 1628
in relation to an offender who is convicted of or pleads guilty 1629
to an attempt to commit an offense in violation of section 1630
2923.02 of the Revised Code, the sentencing court shall consider 1631
the factors applicable to the felony category of the violation 1632
of section 2923.02 of the Revised Code instead of the factors 1633
applicable to the felony category of the offense attempted. 1634

(2) When considering sentencing factors under this section 1635
in relation to an offender who is convicted of or pleads guilty 1636
to an attempt to commit a drug abuse offense for which the 1637
penalty is determined by the amount or number of unit doses of 1638
the controlled substance involved in the drug abuse offense, the 1639

sentencing court shall consider the factors applicable to the 1640
felony category that the drug abuse offense attempted would be 1641
if that drug abuse offense had been committed and had involved 1642
an amount or number of unit doses of the controlled substance 1643
that is within the next lower range of controlled substance 1644
amounts than was involved in the attempt. 1645

(K) As used in this section: 1646

(1) "Community addiction services provider" has the same 1647
meaning as in section 5119.01 of the Revised Code. 1648

(2) "Drug abuse offense" has the same meaning as in 1649
section 2925.01 of the Revised Code. 1650

(3) "Minor drug possession offense" has the same meaning 1651
as in section 2925.11 of the Revised Code. 1652

(4) "Qualifying assault offense" means a violation of 1653
section 2903.13 of the Revised Code for which the penalty 1654
provision in division (C) (8) (b) or (C) (9) (b) of that section 1655
applies. 1656

(L) At the time of sentencing an offender for any sexually 1657
oriented offense, if the offender is a tier III sex 1658
offender/child-victim offender relative to that offense and the 1659
offender does not serve a prison term or jail term, the court 1660
may require that the offender be monitored by means of a global 1661
positioning device. If the court requires such monitoring, the 1662
cost of monitoring shall be borne by the offender. If the 1663
offender is indigent, the cost of compliance shall be paid by 1664
the crime victims reparations fund. 1665

Sec. 2929.14. (A) Except as provided in division (B) (1), 1666
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1667
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1668

in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code 1669
and except in relation to an offense for which a sentence of 1670
death or life imprisonment is to be imposed, if the court 1671
imposing a sentence upon an offender for a felony elects or is 1672
required to impose a prison term on the offender pursuant to 1673
this chapter, the court shall impose a prison term that shall be 1674
one of the following: 1675

(1) (a) For a felony of the first degree committed on or 1676
after the effective date of this amendment, the prison term 1677
shall be an indefinite prison term with a stated minimum term 1678
selected by the court of three, four, five, six, seven, eight, 1679
nine, ten, or eleven years and a maximum term that is determined 1680
pursuant to section 2929.144 of the Revised Code, except that if 1681
the section that criminalizes the conduct constituting the 1682
felony specifies a different minimum term or penalty for the 1683
offense, the specific language of that section shall control in 1684
determining the minimum term or otherwise sentencing the 1685
offender but the minimum term or sentence imposed under that 1686
specific language shall be considered for purposes of the 1687
Revised Code as if it had been imposed under this division. 1688

(b) For a felony of the first degree committed prior to 1689
the effective date of this amendment, the prison term shall be a 1690
definite prison term of three, four, five, six, seven, eight, 1691
nine, ten, or eleven years. 1692

(2) (a) For a felony of the second degree committed on or 1693
after the effective date of this amendment, the prison term 1694
shall be an indefinite prison term with a stated minimum term 1695
selected by the court of two, three, four, five, six, seven, or 1696
eight years and a maximum term that is determined pursuant to 1697
section 2929.144 of the Revised Code, except that if the section 1698

that criminalizes the conduct constituting the felony specifies 1699
a different minimum term or penalty for the offense, the 1700
specific language of that section shall control in determining 1701
the minimum term or otherwise sentencing the offender but the 1702
minimum term or sentence imposed under that specific language 1703
shall be considered for purposes of the Revised Code as if it 1704
had been imposed under this division. 1705

(b) For a felony of the second degree committed prior to 1706
the effective date of this amendment, the prison term shall be a 1707
definite term of two, three, four, five, six, seven, or eight 1708
years. 1709

(3) (a) For a felony of the third degree that is a 1710
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1711
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 1712
the Revised Code or that is a violation of section 2911.02 or 1713
2911.12 of the Revised Code if the offender previously has been 1714
convicted of or pleaded guilty in two or more separate 1715
proceedings to two or more violations of section 2911.01, 1716
2911.02, 2911.11, or 2911.12 of the Revised Code, the prison 1717
term shall be a definite term of twelve, eighteen, twenty-four, 1718
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1719
months. 1720

(b) For a felony of the third degree that is not an 1721
offense for which division (A) (3) (a) of this section applies, 1722
the prison term shall be a definite term of nine, twelve, 1723
eighteen, twenty-four, thirty, or thirty-six months. 1724

(4) For a felony of the fourth degree, the prison term 1725
shall be a definite term of six, seven, eight, nine, ten, 1726
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1727
or eighteen months. 1728

(5) For a felony of the fifth degree, the prison term 1729
shall be a definite term of six, seven, eight, nine, ten, 1730
eleven, or twelve months. 1731

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1732
section, if an offender who is convicted of or pleads guilty to 1733
a felony also is convicted of or pleads guilty to a 1734
specification of the type described in section 2941.141, 1735
2941.144, or 2941.145 of the Revised Code, the court shall 1736
impose on the offender one of the following prison terms: 1737

(i) A prison term of six years if the specification is of 1738
the type described in division (A) of section 2941.144 of the 1739
Revised Code that charges the offender with having a firearm 1740
that is an automatic firearm or that was equipped with a firearm 1741
muffler or suppressor on or about the offender's person or under 1742
the offender's control while committing the offense; 1743

(ii) A prison term of three years if the specification is 1744
of the type described in division (A) of section 2941.145 of the 1745
Revised Code that charges the offender with having a firearm on 1746
or about the offender's person or under the offender's control 1747
while committing the offense and displaying the firearm, 1748
brandishing the firearm, indicating that the offender possessed 1749
the firearm, or using it to facilitate the offense; 1750

(iii) A prison term of one year if the specification is of 1751
the type described in division (A) of section 2941.141 of the 1752
Revised Code that charges the offender with having a firearm on 1753
or about the offender's person or under the offender's control 1754
while committing the offense; 1755

(iv) A prison term of nine years if the specification is 1756
of the type described in division (D) of section 2941.144 of the 1757

Revised Code that charges the offender with having a firearm 1758
that is an automatic firearm or that was equipped with a firearm 1759
muffler or suppressor on or about the offender's person or under 1760
the offender's control while committing the offense and 1761
specifies that the offender previously has been convicted of or 1762
pleaded guilty to a specification of the type described in 1763
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1764
the Revised Code; 1765

(v) A prison term of fifty-four months if the 1766
specification is of the type described in division (D) of 1767
section 2941.145 of the Revised Code that charges the offender 1768
with having a firearm on or about the offender's person or under 1769
the offender's control while committing the offense and 1770
displaying the firearm, brandishing the firearm, indicating that 1771
the offender possessed the firearm, or using the firearm to 1772
facilitate the offense and that the offender previously has been 1773
convicted of or pleaded guilty to a specification of the type 1774
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1775
2941.1412 of the Revised Code; 1776

(vi) A prison term of eighteen months if the specification 1777
is of the type described in division (D) of section 2941.141 of 1778
the Revised Code that charges the offender with having a firearm 1779
on or about the offender's person or under the offender's 1780
control while committing the offense and that the offender 1781
previously has been convicted of or pleaded guilty to a 1782
specification of the type described in section 2941.141, 1783
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1784

(b) If a court imposes a prison term on an offender under 1785
division (B) (1) (a) of this section, the prison term shall not be 1786
reduced pursuant to section 2967.19, section 2929.20, section 1787

2967.193, or any other provision of Chapter 2967. or Chapter 1788
5120. of the Revised Code. Except as provided in division (B)(1) 1789
(g) of this section, a court shall not impose more than one 1790
prison term on an offender under division (B)(1)(a) of this 1791
section for felonies committed as part of the same act or 1792
transaction. 1793

(c)(i) Except as provided in division (B)(1)(e) of this 1794
section, if an offender who is convicted of or pleads guilty to 1795
a violation of section 2923.161 of the Revised Code or to a 1796
felony that includes, as an essential element, purposely or 1797
knowingly causing or attempting to cause the death of or 1798
physical harm to another, also is convicted of or pleads guilty 1799
to a specification of the type described in division (A) of 1800
section 2941.146 of the Revised Code that charges the offender 1801
with committing the offense by discharging a firearm from a 1802
motor vehicle other than a manufactured home, the court, after 1803
imposing a prison term on the offender for the violation of 1804
section 2923.161 of the Revised Code or for the other felony 1805
offense under division (A), (B)(2), or (B)(3) of this section, 1806
shall impose an additional prison term of five years upon the 1807
offender that shall not be reduced pursuant to section 2929.20, 1808
section 2967.19, section 2967.193, or any other provision of 1809
Chapter 2967. or Chapter 5120. of the Revised Code. 1810

(ii) Except as provided in division (B)(1)(e) of this 1811
section, if an offender who is convicted of or pleads guilty to 1812
a violation of section 2923.161 of the Revised Code or to a 1813
felony that includes, as an essential element, purposely or 1814
knowingly causing or attempting to cause the death of or 1815
physical harm to another, also is convicted of or pleads guilty 1816
to a specification of the type described in division (C) of 1817
section 2941.146 of the Revised Code that charges the offender 1818

with committing the offense by discharging a firearm from a 1819
motor vehicle other than a manufactured home and that the 1820
offender previously has been convicted of or pleaded guilty to a 1821
specification of the type described in section 2941.141, 1822
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1823
the court, after imposing a prison term on the offender for the 1824
violation of section 2923.161 of the Revised Code or for the 1825
other felony offense under division (A), (B) (2), or (3) of this 1826
section, shall impose an additional prison term of ninety months 1827
upon the offender that shall not be reduced pursuant to section 1828
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1829
2967. or Chapter 5120. of the Revised Code. 1830

(iii) A court shall not impose more than one additional 1831
prison term on an offender under division (B) (1) (c) of this 1832
section for felonies committed as part of the same act or 1833
transaction. If a court imposes an additional prison term on an 1834
offender under division (B) (1) (c) of this section relative to an 1835
offense, the court also shall impose a prison term under 1836
division (B) (1) (a) of this section relative to the same offense, 1837
provided the criteria specified in that division for imposing an 1838
additional prison term are satisfied relative to the offender 1839
and the offense. 1840

(d) If an offender who is convicted of or pleads guilty to 1841
an offense of violence that is a felony also is convicted of or 1842
pleads guilty to a specification of the type described in 1843
section 2941.1411 of the Revised Code that charges the offender 1844
with wearing or carrying body armor while committing the felony 1845
offense of violence, the court shall impose on the offender an 1846
additional prison term of two years. The prison term so imposed, 1847
subject to divisions (C) to (I) of section 2967.19 of the 1848
Revised Code, shall not be reduced pursuant to section 2929.20, 1849

section 2967.19, section 2967.193, or any other provision of 1850
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1851
shall not impose more than one prison term on an offender under 1852
division (B) (1) (d) of this section for felonies committed as 1853
part of the same act or transaction. If a court imposes an 1854
additional prison term under division (B) (1) (a) or (c) of this 1855
section, the court is not precluded from imposing an additional 1856
prison term under division (B) (1) (d) of this section. 1857

(e) The court shall not impose any of the prison terms 1858
described in division (B) (1) (a) of this section or any of the 1859
additional prison terms described in division (B) (1) (c) of this 1860
section upon an offender for a violation of section 2923.12 or 1861
2923.123 of the Revised Code. The court shall not impose any of 1862
the prison terms described in division (B) (1) (a) or (b) of this 1863
section upon an offender for a violation of section 2923.122 1864
that involves a deadly weapon that is a firearm other than a 1865
dangerous ordnance, section 2923.16, or section 2923.121 of the 1866
Revised Code. The court shall not impose any of the prison terms 1867
described in division (B) (1) (a) of this section or any of the 1868
additional prison terms described in division (B) (1) (c) of this 1869
section upon an offender for a violation of section 2923.13 of 1870
the Revised Code unless all of the following apply: 1871

(i) The offender previously has been convicted of 1872
aggravated murder, murder, or any felony of the first or second 1873
degree. 1874

(ii) Less than five years have passed since the offender 1875
was released from prison or post-release control, whichever is 1876
later, for the prior offense. 1877

(f) (i) If an offender is convicted of or pleads guilty to 1878
a felony that includes, as an essential element, causing or 1879

attempting to cause the death of or physical harm to another and 1880
also is convicted of or pleads guilty to a specification of the 1881
type described in division (A) of section 2941.1412 of the 1882
Revised Code that charges the offender with committing the 1883
offense by discharging a firearm at a peace officer as defined 1884
in section 2935.01 of the Revised Code or a corrections officer, 1885
as defined in section 2941.1412 of the Revised Code, the court, 1886
after imposing a prison term on the offender for the felony 1887
offense under division (A), (B) (2), or (B) (3) of this section, 1888
shall impose an additional prison term of seven years upon the 1889
offender that shall not be reduced pursuant to section 2929.20, 1890
section 2967.19, section 2967.193, or any other provision of 1891
Chapter 2967. or Chapter 5120. of the Revised Code. 1892

(ii) If an offender is convicted of or pleads guilty to a 1893
felony that includes, as an essential element, causing or 1894
attempting to cause the death of or physical harm to another and 1895
also is convicted of or pleads guilty to a specification of the 1896
type described in division (B) of section 2941.1412 of the 1897
Revised Code that charges the offender with committing the 1898
offense by discharging a firearm at a peace officer, as defined 1899
in section 2935.01 of the Revised Code, or a corrections 1900
officer, as defined in section 2941.1412 of the Revised Code, 1901
and that the offender previously has been convicted of or 1902
pleaded guilty to a specification of the type described in 1903
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1904
the Revised Code, the court, after imposing a prison term on the 1905
offender for the felony offense under division (A), (B) (2), or 1906
(3) of this section, shall impose an additional prison term of 1907
one hundred twenty-six months upon the offender that shall not 1908
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1909
any other provision of Chapter 2967. or 5120. of the Revised 1910

Code. 1911

(iii) If an offender is convicted of or pleads guilty to 1912
two or more felonies that include, as an essential element, 1913
causing or attempting to cause the death or physical harm to 1914
another and also is convicted of or pleads guilty to a 1915
specification of the type described under division (B)(1)(f) of 1916
this section in connection with two or more of the felonies of 1917
which the offender is convicted or to which the offender pleads 1918
guilty, the sentencing court shall impose on the offender the 1919
prison term specified under division (B)(1)(f) of this section 1920
for each of two of the specifications of which the offender is 1921
convicted or to which the offender pleads guilty and, in its 1922
discretion, also may impose on the offender the prison term 1923
specified under that division for any or all of the remaining 1924
specifications. If a court imposes an additional prison term on 1925
an offender under division (B)(1)(f) of this section relative to 1926
an offense, the court shall not impose a prison term under 1927
division (B)(1)(a) or (c) of this section relative to the same 1928
offense. 1929

(g) If an offender is convicted of or pleads guilty to two 1930
or more felonies, if one or more of those felonies are 1931
aggravated murder, murder, attempted aggravated murder, 1932
attempted murder, aggravated robbery, felonious assault, or 1933
rape, and if the offender is convicted of or pleads guilty to a 1934
specification of the type described under division (B)(1)(a) of 1935
this section in connection with two or more of the felonies, the 1936
sentencing court shall impose on the offender the prison term 1937
specified under division (B)(1)(a) of this section for each of 1938
the two most serious specifications of which the offender is 1939
convicted or to which the offender pleads guilty and, in its 1940
discretion, also may impose on the offender the prison term 1941

specified under that division for any or all of the remaining 1942
specifications. 1943

(2) (a) If division (B) (2) (b) of this section does not 1944
apply, the court may impose on an offender, in addition to the 1945
longest prison term authorized or required for the offense or, 1946
for offenses for which division (A) (1) (a) or (2) (a) of this 1947
section applies, in addition to the longest minimum prison term 1948
authorized or required for the offense, an additional definite 1949
prison term of one, two, three, four, five, six, seven, eight, 1950
nine, or ten years if all of the following criteria are met: 1951

(i) The offender is convicted of or pleads guilty to a 1952
specification of the type described in section 2941.149 of the 1953
Revised Code that the offender is a repeat violent offender. 1954

(ii) The offense of which the offender currently is 1955
convicted or to which the offender currently pleads guilty is 1956
aggravated murder and the court does not impose a sentence of 1957
death or life imprisonment without parole, murder, terrorism and 1958
the court does not impose a sentence of life imprisonment 1959
without parole, any felony of the first degree that is an 1960
offense of violence and the court does not impose a sentence of 1961
life imprisonment without parole, or any felony of the second 1962
degree that is an offense of violence and the trier of fact 1963
finds that the offense involved an attempt to cause or a threat 1964
to cause serious physical harm to a person or resulted in 1965
serious physical harm to a person. 1966

(iii) The court imposes the longest prison term for the 1967
offense or the longest minimum prison term for the offense, 1968
whichever is applicable, that is not life imprisonment without 1969
parole. 1970

(iv) The court finds that the prison terms imposed 1971
pursuant to division (B) (2) (a) (iii) of this section and, if 1972
applicable, division (B) (1) or (3) of this section are 1973
inadequate to punish the offender and protect the public from 1974
future crime, because the applicable factors under section 1975
2929.12 of the Revised Code indicating a greater likelihood of 1976
recidivism outweigh the applicable factors under that section 1977
indicating a lesser likelihood of recidivism. 1978

(v) The court finds that the prison terms imposed pursuant 1979
to division (B) (2) (a) (iii) of this section and, if applicable, 1980
division (B) (1) or (3) of this section are demeaning to the 1981
seriousness of the offense, because one or more of the factors 1982
under section 2929.12 of the Revised Code indicating that the 1983
offender's conduct is more serious than conduct normally 1984
constituting the offense are present, and they outweigh the 1985
applicable factors under that section indicating that the 1986
offender's conduct is less serious than conduct normally 1987
constituting the offense. 1988

(b) The court shall impose on an offender the longest 1989
prison term authorized or required for the offense or, for 1990
offenses for which division (A) (1) (a) or (2) (a) of this section 1991
applies, the longest minimum prison term authorized or required 1992
for the offense, and shall impose on the offender an additional 1993
definite prison term of one, two, three, four, five, six, seven, 1994
eight, nine, or ten years if all of the following criteria are 1995
met: 1996

(i) The offender is convicted of or pleads guilty to a 1997
specification of the type described in section 2941.149 of the 1998
Revised Code that the offender is a repeat violent offender. 1999

(ii) The offender within the preceding twenty years has 2000

been convicted of or pleaded guilty to three or more offenses 2001
described in division (CC) (1) of section 2929.01 of the Revised 2002
Code, including all offenses described in that division of which 2003
the offender is convicted or to which the offender pleads guilty 2004
in the current prosecution and all offenses described in that 2005
division of which the offender previously has been convicted or 2006
to which the offender previously pleaded guilty, whether 2007
prosecuted together or separately. 2008

(iii) The offense or offenses of which the offender 2009
currently is convicted or to which the offender currently pleads 2010
guilty is aggravated murder and the court does not impose a 2011
sentence of death or life imprisonment without parole, murder, 2012
terrorism and the court does not impose a sentence of life 2013
imprisonment without parole, any felony of the first degree that 2014
is an offense of violence and the court does not impose a 2015
sentence of life imprisonment without parole, or any felony of 2016
the second degree that is an offense of violence and the trier 2017
of fact finds that the offense involved an attempt to cause or a 2018
threat to cause serious physical harm to a person or resulted in 2019
serious physical harm to a person. 2020

(c) For purposes of division (B) (2) (b) of this section, 2021
two or more offenses committed at the same time or as part of 2022
the same act or event shall be considered one offense, and that 2023
one offense shall be the offense with the greatest penalty. 2024

(d) A sentence imposed under division (B) (2) (a) or (b) of 2025
this section shall not be reduced pursuant to section 2929.20, 2026
section 2967.19, or section 2967.193, or any other provision of 2027
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2028
shall serve an additional prison term imposed under division (B) 2029
(2) (a) or (b) of this section consecutively to and prior to the 2030

prison term imposed for the underlying offense. 2031

(e) When imposing a sentence pursuant to division (B)(2) 2032
(a) or (b) of this section, the court shall state its findings 2033
explaining the imposed sentence. 2034

(3) Except when an offender commits a violation of section 2035
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2036
for the violation is life imprisonment or commits a violation of 2037
section 2903.02 of the Revised Code, if the offender commits a 2038
violation of section 2925.03 or 2925.11 of the Revised Code and 2039
that section classifies the offender as a major drug offender, 2040
if the offender commits a violation of section 2925.05 of the 2041
Revised Code and division (E)(1) of that section classifies the 2042
offender as a major drug offender, if the offender commits a 2043
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2044
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2045
division (C) or (D) of section 3719.172, division (E) of section 2046
4729.51, or division (J) of section 4729.54 of the Revised Code 2047
that includes the sale, offer to sell, or possession of a 2048
schedule I or II controlled substance, with the exception of 2049
marihuana, and the court imposing sentence upon the offender 2050
finds that the offender is guilty of a specification of the type 2051
described in division (A) of section 2941.1410 of the Revised 2052
Code charging that the offender is a major drug offender, if the 2053
court imposing sentence upon an offender for a felony finds that 2054
the offender is guilty of corrupt activity with the most serious 2055
offense in the pattern of corrupt activity being a felony of the 2056
first degree, or if the offender is guilty of an attempted 2057
violation of section 2907.02 of the Revised Code and, had the 2058
offender completed the violation of section 2907.02 of the 2059
Revised Code that was attempted, the offender would have been 2060
subject to a sentence of life imprisonment or life imprisonment 2061

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

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

in the range of six months to thirty months for a fourth degree 2093
felony OVI offense and shall equal one of the authorized prison 2094
terms specified in division (A) (3) of this section for a third 2095
degree felony OVI offense. If the court imposes an additional 2096
prison term under division (B) (4) of this section, the offender 2097
shall serve the additional prison term after the offender has 2098
served the mandatory prison term required for the offense. In 2099
addition to the mandatory prison term or mandatory and 2100
additional prison term imposed as described in division (B) (4) 2101
of this section, the court also may sentence the offender to a 2102
community control sanction under section 2929.16 or 2929.17 of 2103
the Revised Code, but the offender shall serve all of the prison 2104
terms so imposed prior to serving the community control 2105
sanction. 2106

If the offender is being sentenced for a fourth degree 2107
felony OVI offense under division (G) (1) of section 2929.13 of 2108
the Revised Code and the court imposes a mandatory term of local 2109
incarceration, the court may impose a prison term as described 2110
in division (A) (1) of that section. 2111

(5) If an offender is convicted of or pleads guilty to a 2112
violation of division (A) (1) or (2) of section 2903.06 of the 2113
Revised Code and also is convicted of or pleads guilty to a 2114
specification of the type described in section 2941.1414 of the 2115
Revised Code that charges that the victim of the offense is a 2116
peace officer, as defined in section 2935.01 of the Revised 2117
Code, or an investigator of the bureau of criminal 2118
identification and investigation, as defined in section 2903.11 2119
of the Revised Code, the court shall impose on the offender a 2120
prison term of five years. If a court imposes a prison term on 2121
an offender under division (B) (5) of this section, the prison 2122
term, subject to divisions (C) to (I) of section 2967.19 of the 2123

Revised Code, shall not be reduced pursuant to section 2929.20, 2124
section 2967.19, section 2967.193, or any other provision of 2125
Chapter 2967. or Chapter 5120. of the Revised Code. A court 2126
shall not impose more than one prison term on an offender under 2127
division (B) (5) of this section for felonies committed as part 2128
of the same act. 2129

(6) If an offender is convicted of or pleads guilty to a 2130
violation of division (A) (1) or (2) of section 2903.06 of the 2131
Revised Code and also is convicted of or pleads guilty to a 2132
specification of the type described in section 2941.1415 of the 2133
Revised Code that charges that the offender previously has been 2134
convicted of or pleaded guilty to three or more violations of 2135
division (A) or (B) of section 4511.19 of the Revised Code or an 2136
equivalent offense, as defined in section 2941.1415 of the 2137
Revised Code, or three or more violations of any combination of 2138
those divisions and offenses, the court shall impose on the 2139
offender a prison term of three years. If a court imposes a 2140
prison term on an offender under division (B) (6) of this 2141
section, the prison term, subject to divisions (C) to (I) of 2142
section 2967.19 of the Revised Code, shall not be reduced 2143
pursuant to section 2929.20, section 2967.19, section 2967.193, 2144
or any other provision of Chapter 2967. or Chapter 5120. of the 2145
Revised Code. A court shall not impose more than one prison term 2146
on an offender under division (B) (6) of this section for 2147
felonies committed as part of the same act. 2148

(7) (a) If an offender is convicted of or pleads guilty to 2149
a felony violation of section 2905.01, 2905.02, 2907.21, 2150
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 2151
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 2152
section 2919.22 of the Revised Code and also is convicted of or 2153
pleads guilty to a specification of the type described in 2154

section 2941.1422 of the Revised Code that charges that the 2155
offender knowingly committed the offense in furtherance of human 2156
trafficking, the court shall impose on the offender a mandatory 2157
prison term that is one of the following: 2158

(i) If the offense is a felony of the first degree, a 2159
definite prison term of not less than five years and not greater 2160
than eleven years, except that if the offense is a felony of the 2161
first degree committed on or after the effective date of this 2162
amendment, the court shall impose as the minimum prison term a 2163
mandatory term of not less than five years and not greater than 2164
eleven years; 2165

(ii) If the offense is a felony of the second or third 2166
degree, a definite prison term of not less than three years and 2167
not greater than the maximum prison term allowed for the offense 2168
by division (A) (2) (b) or (3) of this section, except that if the 2169
offense is a felony of the second degree committed on or after 2170
the effective date of this amendment, the court shall impose as 2171
the minimum prison term a mandatory term of not less than three 2172
years and not greater than eight years; 2173

(iii) If the offense is a felony of the fourth or fifth 2174
degree, a definite prison term that is the maximum prison term 2175
allowed for the offense by division (A) of section 2929.14 of 2176
the Revised Code. 2177

(b) Subject to divisions (C) to (I) of section 2967.19 of 2178
the Revised Code, the prison term imposed under division (B) (7) 2179
(a) of this section shall not be reduced pursuant to section 2180
2929.20, section 2967.19, section 2967.193, or any other 2181
provision of Chapter 2967. of the Revised Code. A court shall 2182
not impose more than one prison term on an offender under 2183
division (B) (7) (a) of this section for felonies committed as 2184

part of the same act, scheme, or plan. 2185

(8) If an offender is convicted of or pleads guilty to a 2186
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2187
Revised Code and also is convicted of or pleads guilty to a 2188
specification of the type described in section 2941.1423 of the 2189
Revised Code that charges that the victim of the violation was a 2190
woman whom the offender knew was pregnant at the time of the 2191
violation, notwithstanding the range prescribed in division (A) 2192
of this section as the definite prison term or minimum prison 2193
term for felonies of the same degree as the violation, the court 2194
shall impose on the offender a mandatory prison term that is 2195
either a definite prison term of six months or one of the prison 2196
terms prescribed in division (A) of this section for felonies of 2197
the same degree as the violation, except that if the violation 2198
is a felony of the first or second degree committed on or after 2199
the effective date of this amendment, the court shall impose as 2200
the minimum prison term under division (A)(1)(a) or (2)(a) of 2201
this section a mandatory term that is one of the terms 2202
prescribed in that division, whichever is applicable, for the 2203
offense. 2204

(9)(a) If an offender is convicted of or pleads guilty to 2205
a violation of division (A)(1) or (2) of section 2903.11 of the 2206
Revised Code and also is convicted of or pleads guilty to a 2207
specification of the type described in section 2941.1425 of the 2208
Revised Code, the court shall impose on the offender a mandatory 2209
prison term of six years if either of the following applies: 2210

(i) The violation is a violation of division (A)(1) of 2211
section 2903.11 of the Revised Code and the specification 2212
charges that the offender used an accelerant in committing the 2213
violation and the serious physical harm to another or to 2214

another's unborn caused by the violation resulted in a 2215
permanent, serious disfigurement or permanent, substantial 2216
incapacity; 2217

(ii) The violation is a violation of division (A) (2) of 2218
section 2903.11 of the Revised Code and the specification 2219
charges that the offender used an accelerant in committing the 2220
violation, that the violation caused physical harm to another or 2221
to another's unborn, and that the physical harm resulted in a 2222
permanent, serious disfigurement or permanent, substantial 2223
incapacity. 2224

(b) If a court imposes a prison term on an offender under 2225
division (B) (9) (a) of this section, the prison term shall not be 2226
reduced pursuant to section 2929.20, section 2967.19, section 2227
2967.193, or any other provision of Chapter 2967. or Chapter 2228
5120. of the Revised Code. A court shall not impose more than 2229
one prison term on an offender under division (B) (9) of this 2230
section for felonies committed as part of the same act. 2231

(c) The provisions of divisions (B) (9) and (C) (6) of this 2232
section and of division (D) (2) of section 2903.11, division (F) 2233
(20) of section 2929.13, and section 2941.1425 of the Revised 2234
Code shall be known as "Judy's Law." 2235

(10) If an offender is convicted of or pleads guilty to a 2236
violation of division (A) of section 2903.11 of the Revised Code 2237
and also is convicted of or pleads guilty to a specification of 2238
the type described in section 2941.1426 of the Revised Code that 2239
charges that the victim of the offense suffered permanent 2240
disabling harm as a result of the offense and that the victim 2241
was under ten years of age at the time of the offense, 2242
regardless of whether the offender knew the age of the victim, 2243
the court shall impose upon the offender an additional definite 2244

prison term of six years. A prison term imposed on an offender 2245
under division (B)(10) of this section shall not be reduced 2246
pursuant to section 2929.20, section 2967.193, or any other 2247
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2248
If a court imposes an additional prison term on an offender 2249
under this division relative to a violation of division (A) of 2250
section 2903.11 of the Revised Code, the court shall not impose 2251
any other additional prison term on the offender relative to the 2252
same offense. 2253

(11) If an offender is convicted of or pleads guilty to a 2254
felony violation of section 2925.03 or 2925.05 of the Revised 2255
Code or a felony violation of section 2925.11 of the Revised 2256
Code for which division (C)(11) of that section applies in 2257
determining the sentence for the violation, if the drug involved 2258
in the violation is a fentanyl-related compound or a compound, 2259
mixture, preparation, or substance containing a fentanyl-related 2260
compound, and if the offender also is convicted of or pleads 2261
guilty to a specification of the type described in division (B) 2262
of section 2941.1410 of the Revised Code that charges that the 2263
offender is a major drug offender, in addition to any other 2264
penalty imposed for the violation, the court shall impose on the 2265
offender a mandatory prison term of three, four, five, six, 2266
seven, or eight years. If a court imposes a prison term on an 2267
offender under division (B)(11) of this section, the prison 2268
term, subject to divisions (C) to (I) of section 2967.19 of the 2269
Revised Code, shall not be reduced pursuant to section 2929.20, 2270
2967.19, or 2967.193, or any other provision of Chapter 2967. or 2271
5120. of the Revised Code. A court shall not impose more than 2272
one prison term on an offender under division (B)(11) of this 2273
section for felonies committed as part of the same act. 2274

(C)(1)(a) Subject to division (C)(1)(b) of this section, 2275

if a mandatory prison term is imposed upon an offender pursuant 2276
to division (B) (1) (a) of this section for having a firearm on or 2277
about the offender's person or under the offender's control 2278
while committing a felony, if a mandatory prison term is imposed 2279
upon an offender pursuant to division (B) (1) (c) of this section 2280
for committing a felony specified in that division by 2281
discharging a firearm from a motor vehicle, or if both types of 2282
mandatory prison terms are imposed, the offender shall serve any 2283
mandatory prison term imposed under either division 2284
consecutively to any other mandatory prison term imposed under 2285
either division or under division (B) (1) (d) of this section, 2286
consecutively to and prior to any prison term imposed for the 2287
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2288
this section or any other section of the Revised Code, and 2289
consecutively to any other prison term or mandatory prison term 2290
previously or subsequently imposed upon the offender. 2291

(b) If a mandatory prison term is imposed upon an offender 2292
pursuant to division (B) (1) (d) of this section for wearing or 2293
carrying body armor while committing an offense of violence that 2294
is a felony, the offender shall serve the mandatory term so 2295
imposed consecutively to any other mandatory prison term imposed 2296
under that division or under division (B) (1) (a) or (c) of this 2297
section, consecutively to and prior to any prison term imposed 2298
for the underlying felony under division (A), (B) (2), or (B) (3) 2299
of this section or any other section of the Revised Code, and 2300
consecutively to any other prison term or mandatory prison term 2301
previously or subsequently imposed upon the offender. 2302

(c) If a mandatory prison term is imposed upon an offender 2303
pursuant to division (B) (1) (f) of this section, the offender 2304
shall serve the mandatory prison term so imposed consecutively 2305
to and prior to any prison term imposed for the underlying 2306

felony under division (A), (B) (2), or (B) (3) of this section or 2307
any other section of the Revised Code, and consecutively to any 2308
other prison term or mandatory prison term previously or 2309
subsequently imposed upon the offender. 2310

(d) If a mandatory prison term is imposed upon an offender 2311
pursuant to division (B) (7) or (8) of this section, the offender 2312
shall serve the mandatory prison term so imposed consecutively 2313
to any other mandatory prison term imposed under that division 2314
or under any other provision of law and consecutively to any 2315
other prison term or mandatory prison term previously or 2316
subsequently imposed upon the offender. 2317

(e) If a mandatory prison term is imposed upon an offender 2318
pursuant to division (B) (10) of this section, the offender shall 2319
serve the mandatory prison term consecutively to any other 2320
mandatory prison term imposed under that division, consecutively 2321
to and prior to any prison term imposed for the underlying 2322
felony, and consecutively to any other prison term or mandatory 2323
prison term previously or subsequently imposed upon the 2324
offender. 2325

(2) If an offender who is an inmate in a jail, prison, or 2326
other residential detention facility violates section 2917.02, 2327
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2328
(2) of section 2921.34 of the Revised Code, if an offender who 2329
is under detention at a detention facility commits a felony 2330
violation of section 2923.131 of the Revised Code, or if an 2331
offender who is an inmate in a jail, prison, or other 2332
residential detention facility or is under detention at a 2333
detention facility commits another felony while the offender is 2334
an escapee in violation of division (A) (1) or (2) of section 2335
2921.34 of the Revised Code, any prison term imposed upon the 2336

offender for one of those violations shall be served by the 2337
offender consecutively to the prison term or term of 2338
imprisonment the offender was serving when the offender 2339
committed that offense and to any other prison term previously 2340
or subsequently imposed upon the offender. 2341

(3) If a prison term is imposed for a violation of 2342
division (B) of section 2911.01 of the Revised Code, a violation 2343
of division (A) of section 2913.02 of the Revised Code in which 2344
the stolen property is a firearm or dangerous ordnance, or a 2345
felony violation of division (B) of section 2921.331 of the 2346
Revised Code, the offender shall serve that prison term 2347
consecutively to any other prison term or mandatory prison term 2348
previously or subsequently imposed upon the offender. 2349

(4) If multiple prison terms are imposed on an offender 2350
for convictions of multiple offenses, the court may require the 2351
offender to serve the prison terms consecutively if the court 2352
finds that the consecutive service is necessary to protect the 2353
public from future crime or to punish the offender and that 2354
consecutive sentences are not disproportionate to the 2355
seriousness of the offender's conduct and to the danger the 2356
offender poses to the public, and if the court also finds any of 2357
the following: 2358

(a) The offender committed one or more of the multiple 2359
offenses while the offender was awaiting trial or sentencing, 2360
was under a sanction imposed pursuant to section 2929.16, 2361
2929.17, or 2929.18 of the Revised Code, or was under post- 2362
release control for a prior offense. 2363

(b) At least two of the multiple offenses were committed 2364
as part of one or more courses of conduct, and the harm caused 2365
by two or more of the multiple offenses so committed was so 2366

great or unusual that no single prison term for any of the 2367
offenses committed as part of any of the courses of conduct 2368
adequately reflects the seriousness of the offender's conduct. 2369

(c) The offender's history of criminal conduct 2370
demonstrates that consecutive sentences are necessary to protect 2371
the public from future crime by the offender. 2372

(5) If a mandatory prison term is imposed upon an offender 2373
pursuant to division (B) (5) or (6) of this section, the offender 2374
shall serve the mandatory prison term consecutively to and prior 2375
to any prison term imposed for the underlying violation of 2376
division (A) (1) or (2) of section 2903.06 of the Revised Code 2377
pursuant to division (A) of this section or section 2929.142 of 2378
the Revised Code. If a mandatory prison term is imposed upon an 2379
offender pursuant to division (B) (5) of this section, and if a 2380
mandatory prison term also is imposed upon the offender pursuant 2381
to division (B) (6) of this section in relation to the same 2382
violation, the offender shall serve the mandatory prison term 2383
imposed pursuant to division (B) (5) of this section 2384
consecutively to and prior to the mandatory prison term imposed 2385
pursuant to division (B) (6) of this section and consecutively to 2386
and prior to any prison term imposed for the underlying 2387
violation of division (A) (1) or (2) of section 2903.06 of the 2388
Revised Code pursuant to division (A) of this section or section 2389
2929.142 of the Revised Code. 2390

(6) If a mandatory prison term is imposed on an offender 2391
pursuant to division (B) (9) of this section, the offender shall 2392
serve the mandatory prison term consecutively to and prior to 2393
any prison term imposed for the underlying violation of division 2394
(A) (1) or (2) of section 2903.11 of the Revised Code and 2395
consecutively to and prior to any other prison term or mandatory 2396

prison term previously or subsequently imposed on the offender. 2397

(7) If a mandatory prison term is imposed on an offender 2398
pursuant to division (B)(10) of this section, the offender shall 2399
serve that mandatory prison term consecutively to and prior to 2400
any prison term imposed for the underlying felonious assault. 2401
Except as otherwise provided in division (C) of this section, 2402
any other prison term or mandatory prison term previously or 2403
subsequently imposed upon the offender may be served 2404
concurrently with, or consecutively to, the prison term imposed 2405
pursuant to division (B)(10) of this section. 2406

(8) Any prison term imposed for a violation of section 2407
2903.04 of the Revised Code that is based on a violation of 2408
section 2925.03 or 2925.11 of the Revised Code or on a violation 2409
of section 2925.05 of the Revised Code that is not funding of 2410
marihuana trafficking shall run consecutively to any prison term 2411
imposed for the violation of section 2925.03 or 2925.11 of the 2412
Revised Code or for the violation of section 2925.05 of the 2413
Revised Code that is not funding of marihuana trafficking. 2414

(9) When consecutive prison terms are imposed pursuant to 2415
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 2416
division (H)(1) or (2) of this section, subject to division (C) 2417
(8) of this section, the term to be served is the aggregate of 2418
all of the terms so imposed. 2419

(10) When a court sentences an offender to a non-life 2420
felony indefinite prison term, any definite prison term or 2421
mandatory definite prison term previously or subsequently 2422
imposed on the offender in addition to that indefinite sentence 2423
that is required to be served consecutively to that indefinite 2424
sentence shall be served prior to the indefinite sentence. 2425

(11) If a court is sentencing an offender for a felony of 2426
the first or second degree, if division (A) (1) (a) or (2) (a) of 2427
this section applies with respect to the sentencing for the 2428
offense, and if the court is required under the Revised Code 2429
section that sets forth the offense or any other Revised Code 2430
provision to impose a mandatory prison term for the offense, the 2431
court shall impose the required mandatory prison term as the 2432
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2433
section, whichever is applicable. 2434

(D) (1) If a court imposes a prison term, other than a term 2435
of life imprisonment, for a felony of the first degree, for a 2436
felony of the second degree, for a felony sex offense, or for a 2437
felony of the third degree that is an offense of violence and 2438
that is not a felony sex offense, it shall include in the 2439
sentence a requirement that the offender be subject to a period 2440
of post-release control after the offender's release from 2441
imprisonment, in accordance with section 2967.28 of the Revised 2442
Code. If a court imposes a sentence including a prison term of a 2443
type described in this division on or after July 11, 2006, the 2444
failure of a court to include a post-release control requirement 2445
in the sentence pursuant to this division does not negate, 2446
limit, or otherwise affect the mandatory period of post-release 2447
control that is required for the offender under division (B) of 2448
section 2967.28 of the Revised Code. Section 2929.191 of the 2449
Revised Code applies if, prior to July 11, 2006, a court imposed 2450
a sentence including a prison term of a type described in this 2451
division and failed to include in the sentence pursuant to this 2452
division a statement regarding post-release control. 2453

(2) If a court imposes a prison term for a felony of the 2454
third, fourth, or fifth degree that is not subject to division 2455
(D) (1) of this section, it shall include in the sentence a 2456

requirement that the offender be subject to a period of post- 2457
release control after the offender's release from imprisonment, 2458
in accordance with that division, if the parole board determines 2459
that a period of post-release control is necessary. Section 2460
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2461
a court imposed a sentence including a prison term of a type 2462
described in this division and failed to include in the sentence 2463
pursuant to this division a statement regarding post-release 2464
control. 2465

(E) The court shall impose sentence upon the offender in 2466
accordance with section 2971.03 of the Revised Code, and Chapter 2467
2971. of the Revised Code applies regarding the prison term or 2468
term of life imprisonment without parole imposed upon the 2469
offender and the service of that term of imprisonment if any of 2470
the following apply: 2471

(1) A person is convicted of or pleads guilty to a violent 2472
sex offense or a designated homicide, assault, or kidnapping 2473
offense, and, in relation to that offense, the offender is 2474
adjudicated a sexually violent predator. 2475

(2) A person is convicted of or pleads guilty to a 2476
violation of division (A) (1) (b) of section 2907.02 of the 2477
Revised Code committed on or after January 2, 2007, and either 2478
the court does not impose a sentence of life without parole when 2479
authorized pursuant to division (B) of section 2907.02 of the 2480
Revised Code, or division (B) of section 2907.02 of the Revised 2481
Code provides that the court shall not sentence the offender 2482
pursuant to section 2971.03 of the Revised Code. 2483

(3) A person is convicted of or pleads guilty to attempted 2484
rape committed on or after January 2, 2007, and a specification 2485
of the type described in section 2941.1418, 2941.1419, or 2486

2941.1420 of the Revised Code. 2487

(4) A person is convicted of or pleads guilty to a 2488
violation of section 2905.01 of the Revised Code committed on or 2489
after January 1, 2008, and that section requires the court to 2490
sentence the offender pursuant to section 2971.03 of the Revised 2491
Code. 2492

(5) A person is convicted of or pleads guilty to 2493
aggravated murder committed on or after January 1, 2008, and 2494
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2495
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2496
(d) of section 2929.03, or division (A) or (B) of section 2497
2929.06 of the Revised Code requires the court to sentence the 2498
offender pursuant to division (B) (3) of section 2971.03 of the 2499
Revised Code. 2500

(6) A person is convicted of or pleads guilty to murder 2501
committed on or after January 1, 2008, and division (B) (2) of 2502
section 2929.02 of the Revised Code requires the court to 2503
sentence the offender pursuant to section 2971.03 of the Revised 2504
Code. 2505

(F) If a person who has been convicted of or pleaded 2506
guilty to a felony is sentenced to a prison term or term of 2507
imprisonment under this section, sections 2929.02 to 2929.06 of 2508
the Revised Code, section 2929.142 of the Revised Code, section 2509
2971.03 of the Revised Code, or any other provision of law, 2510
section 5120.163 of the Revised Code applies regarding the 2511
person while the person is confined in a state correctional 2512
institution. 2513

(G) If an offender who is convicted of or pleads guilty to 2514
a felony that is an offense of violence also is convicted of or 2515

pleads guilty to a specification of the type described in 2516
section 2941.142 of the Revised Code that charges the offender 2517
with having committed the felony while participating in a 2518
criminal gang, the court shall impose upon the offender an 2519
additional prison term of one, two, or three years. 2520

(H) (1) If an offender who is convicted of or pleads guilty 2521
to aggravated murder, murder, or a felony of the first, second, 2522
or third degree that is an offense of violence also is convicted 2523
of or pleads guilty to a specification of the type described in 2524
section 2941.143 of the Revised Code that charges the offender 2525
with having committed the offense in a school safety zone or 2526
towards a person in a school safety zone, the court shall impose 2527
upon the offender an additional prison term of two years. The 2528
offender shall serve the additional two years consecutively to 2529
and prior to the prison term imposed for the underlying offense. 2530

(2) (a) If an offender is convicted of or pleads guilty to 2531
a felony violation of section 2907.22, 2907.24, 2907.241, or 2532
2907.25 of the Revised Code and to a specification of the type 2533
described in section 2941.1421 of the Revised Code and if the 2534
court imposes a prison term on the offender for the felony 2535
violation, the court may impose upon the offender an additional 2536
prison term as follows: 2537

(i) Subject to division (H) (2) (a) (ii) of this section, an 2538
additional prison term of one, two, three, four, five, or six 2539
months; 2540

(ii) If the offender previously has been convicted of or 2541
pleaded guilty to one or more felony or misdemeanor violations 2542
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2543
the Revised Code and also was convicted of or pleaded guilty to 2544
a specification of the type described in section 2941.1421 of 2545

the Revised Code regarding one or more of those violations, an 2546
additional prison term of one, two, three, four, five, six, 2547
seven, eight, nine, ten, eleven, or twelve months. 2548

(b) In lieu of imposing an additional prison term under 2549
division (H)(2)(a) of this section, the court may directly 2550
impose on the offender a sanction that requires the offender to 2551
wear a real-time processing, continual tracking electronic 2552
monitoring device during the period of time specified by the 2553
court. The period of time specified by the court shall equal the 2554
duration of an additional prison term that the court could have 2555
imposed upon the offender under division (H)(2)(a) of this 2556
section. A sanction imposed under this division shall commence 2557
on the date specified by the court, provided that the sanction 2558
shall not commence until after the offender has served the 2559
prison term imposed for the felony violation of section 2907.22, 2560
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2561
residential sanction imposed for the violation under section 2562
2929.16 of the Revised Code. A sanction imposed under this 2563
division shall be considered to be a community control sanction 2564
for purposes of section 2929.15 of the Revised Code, and all 2565
provisions of the Revised Code that pertain to community control 2566
sanctions shall apply to a sanction imposed under this division, 2567
except to the extent that they would by their nature be clearly 2568
inapplicable. The offender shall pay all costs associated with a 2569
sanction imposed under this division, including the cost of the 2570
use of the monitoring device. 2571

(I) At the time of sentencing, the court may recommend the 2572
offender for placement in a program of shock incarceration under 2573
section 5120.031 of the Revised Code or for placement in an 2574
intensive program prison under section 5120.032 of the Revised 2575
Code, disapprove placement of the offender in a program of shock 2576

incarceration or an intensive program prison of that nature, or 2577
make no recommendation on placement of the offender. In no case 2578
shall the department of rehabilitation and correction place the 2579
offender in a program or prison of that nature unless the 2580
department determines as specified in section 5120.031 or 2581
5120.032 of the Revised Code, whichever is applicable, that the 2582
offender is eligible for the placement. 2583

If the court disapproves placement of the offender in a 2584
program or prison of that nature, the department of 2585
rehabilitation and correction shall not place the offender in 2586
any program of shock incarceration or intensive program prison. 2587

If the court recommends placement of the offender in a 2588
program of shock incarceration or in an intensive program 2589
prison, and if the offender is subsequently placed in the 2590
recommended program or prison, the department shall notify the 2591
court of the placement and shall include with the notice a brief 2592
description of the placement. 2593

If the court recommends placement of the offender in a 2594
program of shock incarceration or in an intensive program prison 2595
and the department does not subsequently place the offender in 2596
the recommended program or prison, the department shall send a 2597
notice to the court indicating why the offender was not placed 2598
in the recommended program or prison. 2599

If the court does not make a recommendation under this 2600
division with respect to an offender and if the department 2601
determines as specified in section 5120.031 or 5120.032 of the 2602
Revised Code, whichever is applicable, that the offender is 2603
eligible for placement in a program or prison of that nature, 2604
the department shall screen the offender and determine if there 2605
is an available program of shock incarceration or an intensive 2606

program prison for which the offender is suited. If there is an 2607
available program of shock incarceration or an intensive program 2608
prison for which the offender is suited, the department shall 2609
notify the court of the proposed placement of the offender as 2610
specified in section 5120.031 or 5120.032 of the Revised Code 2611
and shall include with the notice a brief description of the 2612
placement. The court shall have ten days from receipt of the 2613
notice to disapprove the placement. 2614

(J) If a person is convicted of or pleads guilty to 2615
aggravated vehicular homicide in violation of division (A) (1) of 2616
section 2903.06 of the Revised Code and division (B) (2) (c) of 2617
that section applies, the person shall be sentenced pursuant to 2618
section 2929.142 of the Revised Code. 2619

(K) (1) The court shall impose an additional mandatory 2620
prison term of two, three, four, five, six, seven, eight, nine, 2621
ten, or eleven years on an offender who is convicted of or 2622
pleads guilty to a violent felony offense if the offender also 2623
is convicted of or pleads guilty to a specification of the type 2624
described in section 2941.1424 of the Revised Code that charges 2625
that the offender is a violent career criminal and had a firearm 2626
on or about the offender's person or under the offender's 2627
control while committing the presently charged violent felony 2628
offense and displayed or brandished the firearm, indicated that 2629
the offender possessed a firearm, or used the firearm to 2630
facilitate the offense. The offender shall serve the prison term 2631
imposed under this division consecutively to and prior to the 2632
prison term imposed for the underlying offense. The prison term 2633
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2634
any other provision of Chapter 2967. or 5120. of the Revised 2635
Code. A court may not impose more than one sentence under 2636
division (B) (2) (a) of this section and this division for acts 2637

committed as part of the same act or transaction. 2638

(2) As used in division (K) (1) of this section, "violent 2639
career criminal" and "violent felony offense" have the same 2640
meanings as in section 2923.132 of the Revised Code. 2641

Sec. 2935.082. (A) Any law enforcement agency in 2642
possession of an outstanding arrest warrant or summons that 2643
charges domestic violence, as described in section 2919.25 of 2644
the Revised Code, shall enter the information described in 2645
division (B) of this section into the law enforcement automated 2646
data system, also known as LEADS. If any other law enforcement 2647
agency with knowledge of the arrest warrant or summons finds 2648
that the required information has not been entered into the law 2649
enforcement automated data system, that law enforcement agency 2650
shall enter the information into the system. 2651

(B) The following information regarding an arrest warrant 2652
or summons described in division (A) of this section shall be 2653
entered into the law enforcement automated data system: 2654

(1) The details of the warrant or summons, including the 2655
name of the defendant or, if that is unknown, any name or 2656
description by which the defendant can be identified with 2657
reasonable certainty; 2658

(2) Any known address of the defendant; 2659

(3) The name of the court that issued the warrant or 2660
summons and the date of its issuance. 2661

Sec. 3113.31. (A) As used in this section: 2662

(1) "Domestic violence" means any of the following: 2663

(a) The occurrence of one or more of the following acts 2664
against a family or household member: 2665

(i) Attempting to cause or recklessly causing bodily injury; 2666
2667

(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code; 2668
2669
2670

(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code; 2671
2672
2673

(iv) Committing a sexually oriented offense. 2674

(b) The occurrence of one or more of the acts identified in divisions (A)(1)(a)(i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship. 2675
2676
2677
2678

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age. 2679
2680
2681
2682
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2684
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2686

(3) "Family or household member" means any of the following: 2687
2688

(a) Any of the following who is residing with or has resided with the respondent: 2689
2690

(i) A spouse, a person living as a spouse, or a former spouse of the respondent; 2691
2692

(ii) A parent, a foster parent, or a child of the 2693

respondent, or another person related by consanguinity or 2694
affinity to the respondent; 2695

(iii) A parent or a child of a spouse, person living as a 2696
spouse, or former spouse of the respondent, or another person 2697
related by consanguinity or affinity to a spouse, person living 2698
as a spouse, or former spouse of the respondent. 2699

(b) The natural parent of any child of whom the respondent 2700
is the other natural parent or is the putative other natural 2701
parent. 2702

(4) "Person living as a spouse" means a person who is 2703
living or has lived with the respondent in a common law marital 2704
relationship, who otherwise is cohabiting with the respondent, 2705
or who otherwise has cohabited with the respondent within five 2706
years prior to the date of the alleged occurrence of the act in 2707
question. 2708

(5) "Victim advocate" means a person who provides support 2709
and assistance for a person who files a petition under this 2710
section. 2711

(6) "Sexually oriented offense" has the same meaning as in 2712
section 2950.01 of the Revised Code. 2713

(7) "Companion animal" has the same meaning as in section 2714
959.131 of the Revised Code. 2715

(8) "Dating relationship" means a relationship between 2716
individuals who have, or have had, a relationship of a romantic 2717
or intimate nature. "Dating relationship" does not include a 2718
casual acquaintanceship or ordinary fraternization in a business 2719
or social context. 2720

(9) "Person with whom the respondent is or was in a dating 2721

relationship" means an adult who, at the time of the conduct in 2722
question, is in a dating relationship with the respondent who 2723
also is an adult or who, within the twelve months preceding the 2724
conduct in question, has had a dating relationship with the 2725
respondent who also is an adult. 2726

(B) The court has jurisdiction over all proceedings under 2727
this section. The petitioner's right to relief under this 2728
section is not affected by the petitioner's leaving the 2729
residence or household to avoid further domestic violence. 2730

(C) (1) A person may seek relief under this section on the 2731
person's own behalf, or any parent or adult household member may 2732
seek relief under this section on behalf of any other family or 2733
household member, by filing a petition with the court. The 2734
petition shall contain or state: 2735

~~(1)~~ (a) An allegation that the respondent engaged in 2736
domestic violence against a family or household member of the 2737
respondent or against a person with whom the respondent is or 2738
was in a dating relationship, including a description of the 2739
nature and extent of the domestic violence; 2740

~~(2)~~ (b) The relationship of the respondent to the 2741
petitioner, and to the victim if other than the petitioner; 2742

~~(3)~~ (c) If the petition is for protection of a person with 2743
whom the respondent is or was in a dating relationship, the 2744
facts upon which the court may conclude that a dating 2745
relationship existed between the person to be protected and the 2746
respondent; 2747

~~(4)~~ (d) A request for relief under this section. 2748

(2) The petitioner may include a statement in the petition 2749
that describes the number, types, and locations of any firearms 2750

that the petitioner knows to be in the possession or control of 2751
the respondent. 2752

(D) (1) If a person who files a petition pursuant to this 2753
section requests an ex parte order, the court shall hold an ex 2754
parte hearing on the same day that the petition is filed. The 2755
court, for good cause shown at the ex parte hearing, may enter 2756
any temporary orders, with or without bond, including, but not 2757
limited to, an order described in division (E) (1) (a), (b), or 2758
(c) of this section, that the court finds necessary to protect 2759
the family or household member or the person with whom the 2760
respondent is or was in a dating relationship from domestic 2761
violence. Immediate and present danger of domestic violence to 2762
the family or household member or to the person with whom the 2763
respondent is or was in a dating relationship constitutes good 2764
cause for purposes of this section. Immediate and present danger 2765
includes, but is not limited to, situations in which the 2766
respondent has threatened the family or household member or 2767
person with whom the respondent is or was in a dating 2768
relationship with bodily harm, in which the respondent has 2769
threatened the family or household member or person with whom 2770
the respondent is or was in a dating relationship with a 2771
sexually oriented offense, or in which the respondent previously 2772
has been convicted of, pleaded guilty to, or been adjudicated a 2773
delinquent child for an offense that constitutes domestic 2774
violence against the family or household member or person with 2775
whom the respondent is or was in a dating relationship. 2776

(2) (a) If the court, after an ex parte hearing, issues an 2777
order described in division (E) (1) (b) or (c) of this section, 2778
the court shall schedule a full hearing for a date that is 2779
within seven court days after the ex parte hearing. If any other 2780
type of protection order that is authorized under division (E) 2781

of this section is issued by the court after an ex parte 2782
hearing, the court shall schedule a full hearing for a date that 2783
is within ten court days after the ex parte hearing. The court 2784
shall give the respondent notice of, and an opportunity to be 2785
heard at, the full hearing. The court shall hold the full 2786
hearing on the date scheduled under this division unless the 2787
court grants a continuance of the hearing in accordance with 2788
this division. Under any of the following circumstances or for 2789
any of the following reasons, the court may grant a continuance 2790
of the full hearing to a reasonable time determined by the 2791
court: 2792

(i) Prior to the date scheduled for the full hearing under 2793
this division, the respondent has not been served with the 2794
petition filed pursuant to this section and notice of the full 2795
hearing. 2796

(ii) The parties consent to the continuance. 2797

(iii) The continuance is needed to allow a party to obtain 2798
counsel. 2799

(iv) The continuance is needed for other good cause. 2800

(b) An ex parte order issued under this section does not 2801
expire because of a failure to serve notice of the full hearing 2802
upon the respondent before the date set for the full hearing 2803
under division (D) (2) (a) of this section or because the court 2804
grants a continuance under that division. 2805

(3) If a person who files a petition pursuant to this 2806
section does not request an ex parte order, or if a person 2807
requests an ex parte order but the court does not issue an ex 2808
parte order after an ex parte hearing, the court shall proceed 2809
as in a normal civil action and grant a full hearing on the 2810

matter. 2811

(E) (1) After an ex parte or full hearing, the court may 2812
grant any protection order, with or without bond, or approve any 2813
consent agreement to bring about a cessation of domestic 2814
violence against the family or household members or persons with 2815
whom the respondent is or was in a dating relationship. The 2816
order or agreement may: 2817

(a) Direct the respondent to refrain from abusing or from 2818
committing sexually oriented offenses against the family or 2819
household members or persons with whom the respondent is or was 2820
in a dating relationship; 2821

(b) With respect to a petition involving family or 2822
household members, grant possession of the residence or 2823
household to the petitioner or other family or household member, 2824
to the exclusion of the respondent, by evicting the respondent, 2825
when the residence or household is owned or leased solely by the 2826
petitioner or other family or household member, or by ordering 2827
the respondent to vacate the premises, when the residence or 2828
household is jointly owned or leased by the respondent, and the 2829
petitioner or other family or household member; 2830

(c) With respect to a petition involving family or 2831
household members, when the respondent has a duty to support the 2832
petitioner or other family or household member living in the 2833
residence or household and the respondent is the sole owner or 2834
lessee of the residence or household, grant possession of the 2835
residence or household to the petitioner or other family or 2836
household member, to the exclusion of the respondent, by 2837
ordering the respondent to vacate the premises, or, in the case 2838
of a consent agreement, allow the respondent to provide 2839
suitable, alternative housing; 2840

(d) With respect to a petition involving family or 2841
household members, temporarily allocate parental rights and 2842
responsibilities for the care of, or establish temporary 2843
parenting time rights with regard to, minor children, if no 2844
other court has determined, or is determining, the allocation of 2845
parental rights and responsibilities for the minor children or 2846
parenting time rights; 2847

(e) With respect to a petition involving family or 2848
household members, require the respondent to maintain support, 2849
if the respondent customarily provides for or contributes to the 2850
support of the family or household member, or if the respondent 2851
has a duty to support the petitioner or family or household 2852
member; 2853

(f) Require the respondent, petitioner, victim of domestic 2854
violence, or any combination of those persons, to seek 2855
counseling; 2856

(g) Require the respondent to refrain from entering the 2857
residence, school, business, or place of employment of the 2858
petitioner or, with respect to a petition involving family or 2859
household members, a family or household member; 2860

(h) Grant other relief that the court considers equitable 2861
and fair, including, but not limited to, ordering the respondent 2862
to permit the use of a motor vehicle by the petitioner or, with 2863
respect to a petition involving family or household members, 2864
other family or household members and the apportionment of 2865
household and family personal property; 2866

(i) Require that the respondent not remove, damage, hide, 2867
harm, or dispose of any companion animal owned or possessed by 2868
the petitioner; 2869

(j) Authorize the petitioner to remove a companion animal 2870
owned by the petitioner from the possession of the respondent; 2871

(k) Require a wireless service transfer in accordance with 2872
sections 3113.45 to 3113.459 of the Revised Code. 2873

(2) If a protection order has been issued pursuant to this 2874
section in a prior action involving the respondent and the 2875
petitioner or, with respect to a petition involving family or 2876
household members, one or more of the family or household 2877
members or victims, the court may include in a protection order 2878
that it issues a prohibition against the respondent returning to 2879
the residence or household. If it includes a prohibition against 2880
the respondent returning to the residence or household in the 2881
order, it also shall include in the order provisions of the type 2882
described in division (E)(7) of this section. This division does 2883
not preclude the court from including in a protection order or 2884
consent agreement, in circumstances other than those described 2885
in this division, a requirement that the respondent be evicted 2886
from or vacate the residence or household or refrain from 2887
entering the residence, school, business, or place of employment 2888
of the petitioner or, with respect to a petition involving 2889
family or household members, a family or household member, and, 2890
if the court includes any requirement of that type in an order 2891
or agreement, the court also shall include in the order 2892
provisions of the type described in division (E)(7) of this 2893
section. 2894

(3)(a) Any protection order issued or consent agreement 2895
approved under this section shall be valid until a date certain, 2896
but not later than five years from the date of its issuance or 2897
approval, or not later than the date a respondent who is less 2898
than eighteen years of age attains nineteen years of age, unless 2899

modified or terminated as provided in division (E) (8) of this 2900
section. 2901

(b) With respect to an order involving family or household 2902
members, subject to the limitation on the duration of an order 2903
or agreement set forth in division (E) (3) (a) of this section, 2904
any order under division (E) (1) (d) of this section shall 2905
terminate on the date that a court in an action for divorce, 2906
dissolution of marriage, or legal separation brought by the 2907
petitioner or respondent issues an order allocating parental 2908
rights and responsibilities for the care of children or on the 2909
date that a juvenile court in an action brought by the 2910
petitioner or respondent issues an order awarding legal custody 2911
of minor children. Subject to the limitation on the duration of 2912
an order or agreement set forth in division (E) (3) (a) of this 2913
section, any order under division (E) (1) (e) of this section 2914
shall terminate on the date that a court in an action for 2915
divorce, dissolution of marriage, or legal separation brought by 2916
the petitioner or respondent issues a support order or on the 2917
date that a juvenile court in an action brought by the 2918
petitioner or respondent issues a support order. 2919

(c) Any protection order issued or consent agreement 2920
approved pursuant to this section may be renewed in the same 2921
manner as the original order or agreement was issued or 2922
approved. 2923

(4) A court may not issue a protection order that requires 2924
a petitioner to do or to refrain from doing an act that the 2925
court may require a respondent to do or to refrain from doing 2926
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 2927
this section unless all of the following apply: 2928

(a) The respondent files a separate petition for a 2929

protection order in accordance with this section. 2930

(b) The petitioner is served notice of the respondent's 2931
petition at least forty-eight hours before the court holds a 2932
hearing with respect to the respondent's petition, or the 2933
petitioner waives the right to receive this notice. 2934

(c) If the petitioner has requested an ex parte order 2935
pursuant to division (D) of this section, the court does not 2936
delay any hearing required by that division beyond the time 2937
specified in that division in order to consolidate the hearing 2938
with a hearing on the petition filed by the respondent. 2939

(d) After a full hearing at which the respondent presents 2940
evidence in support of the request for a protection order and 2941
the petitioner is afforded an opportunity to defend against that 2942
evidence, the court determines that the petitioner has committed 2943
an act of domestic violence or has violated a temporary 2944
protection order issued pursuant to section 2919.26 of the 2945
Revised Code, that both the petitioner and the respondent acted 2946
primarily as aggressors, and that neither the petitioner nor the 2947
respondent acted primarily in self-defense. 2948

(5) No protection order issued or consent agreement 2949
approved under this section shall in any manner affect title to 2950
any real property. 2951

(6) (a) With respect to an order involving family or 2952
household members, if a petitioner, or the child of a 2953
petitioner, who obtains a protection order or consent agreement 2954
pursuant to division (E) (1) of this section or a temporary 2955
protection order pursuant to section 2919.26 of the Revised Code 2956
and is the subject of a parenting time order issued pursuant to 2957
section 3109.051 or 3109.12 of the Revised Code or a visitation 2958

or companionship order issued pursuant to section 3109.051, 2959
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2960
this section granting parenting time rights to the respondent, 2961
the court may require the public children services agency of the 2962
county in which the court is located to provide supervision of 2963
the respondent's exercise of parenting time or visitation or 2964
companionship rights with respect to the child for a period not 2965
to exceed nine months, if the court makes the following findings 2966
of fact: 2967

(i) The child is in danger from the respondent; 2968

(ii) No other person or agency is available to provide the 2969
supervision. 2970

(b) A court that requires an agency to provide supervision 2971
pursuant to division (E) (6) (a) of this section shall order the 2972
respondent to reimburse the agency for the cost of providing the 2973
supervision, if it determines that the respondent has sufficient 2974
income or resources to pay that cost. 2975

(7) (a) If a protection order issued or consent agreement 2976
approved under this section includes a requirement that the 2977
respondent be evicted from or vacate the residence or household 2978
or refrain from entering the residence, school, business, or 2979
place of employment of the petitioner or, with respect to a 2980
petition involving family or household members, a family or 2981
household member, the order or agreement shall state clearly 2982
that the order or agreement cannot be waived or nullified by an 2983
invitation to the respondent from the petitioner or other family 2984
or household member to enter the residence, school, business, or 2985
place of employment or by the respondent's entry into one of 2986
those places otherwise upon the consent of the petitioner or 2987
other family or household member. 2988

(b) Division (E) (7) (a) of this section does not limit any 2989
discretion of a court to determine that a respondent charged 2990
with a violation of section 2919.27 of the Revised Code, with a 2991
violation of a municipal ordinance substantially equivalent to 2992
that section, or with contempt of court, which charge is based 2993
on an alleged violation of a protection order issued or consent 2994
agreement approved under this section, did not commit the 2995
violation or was not in contempt of court. 2996

(8) (a) The court may modify or terminate as provided in 2997
division (E) (8) of this section a protection order or consent 2998
agreement that was issued after a full hearing under this 2999
section. The court that issued the protection order or approved 3000
the consent agreement shall hear a motion for modification or 3001
termination of the protection order or consent agreement 3002
pursuant to division (E) (8) of this section. 3003

(b) Either the petitioner or the respondent of the 3004
original protection order or consent agreement may bring a 3005
motion for modification or termination of a protection order or 3006
consent agreement that was issued or approved after a full 3007
hearing. The court shall require notice of the motion to be made 3008
as provided by the Rules of Civil Procedure. If the petitioner 3009
for the original protection order or consent agreement has 3010
requested that the petitioner's address be kept confidential, 3011
the court shall not disclose the address to the respondent of 3012
the original protection order or consent agreement or any other 3013
person, except as otherwise required by law. The moving party 3014
has the burden of proof to show, by a preponderance of the 3015
evidence, that modification or termination of the protection 3016
order or consent agreement is appropriate because either the 3017
protection order or consent agreement is no longer needed or 3018
because the terms of the original protection order or consent 3019

agreement are no longer appropriate. 3020

(c) In considering whether to modify or terminate a 3021
protection order or consent agreement issued or approved under 3022
this section, the court shall consider all relevant factors, 3023
including, but not limited to, the following: 3024

(i) Whether the petitioner consents to modification or 3025
termination of the protection order or consent agreement; 3026

(ii) Whether the petitioner fears the respondent; 3027

(iii) The current nature of the relationship between the 3028
petitioner and the respondent; 3029

(iv) The circumstances of the petitioner and respondent, 3030
including the relative proximity of the petitioner's and 3031
respondent's workplaces and residences and whether the 3032
petitioner and respondent have minor children together; 3033

(v) Whether the respondent has complied with the terms and 3034
conditions of the original protection order or consent 3035
agreement; 3036

(vi) Whether the respondent has a continuing involvement 3037
with illegal drugs or alcohol; 3038

(vii) Whether the respondent has been convicted of, 3039
pleaded guilty to, or been adjudicated a delinquent child for an 3040
offense of violence since the issuance of the protection order 3041
or approval of the consent agreement; 3042

(viii) Whether any other protection orders, consent 3043
agreements, restraining orders, or no contact orders have been 3044
issued against the respondent pursuant to this section, section 3045
2919.26 of the Revised Code, any other provision of state law, 3046
or the law of any other state; 3047

(ix) Whether the respondent has participated in any 3048
domestic violence treatment, intervention program, or other 3049
counseling addressing domestic violence and whether the 3050
respondent has completed the treatment, program, or counseling; 3051

(x) The time that has elapsed since the protection order 3052
was issued or since the consent agreement was approved; 3053

(xi) The age and health of the respondent; 3054

(xii) When the last incident of abuse, threat of harm, or 3055
commission of a sexually oriented offense occurred or other 3056
relevant information concerning the safety and protection of the 3057
petitioner or other protected parties. 3058

(d) If a protection order or consent agreement is modified 3059
or terminated as provided in division (E) (8) of this section, 3060
the court shall issue copies of the modified or terminated order 3061
or agreement as provided in division (F) of this section. A 3062
petitioner may also provide notice of the modification or 3063
termination to the judicial and law enforcement officials in any 3064
county other than the county in which the order or agreement is 3065
modified or terminated as provided in division (N) of this 3066
section. 3067

(e) If the respondent moves for modification or 3068
termination of a protection order or consent agreement pursuant 3069
to this section and the court denies the motion, the court may 3070
assess costs against the respondent for the filing of the 3071
motion. 3072

(9) Any protection order issued or any consent agreement 3073
approved pursuant to this section shall include a provision that 3074
the court will automatically seal all of the records of the 3075
proceeding in which the order is issued or agreement approved on 3076

the date the respondent attains the age of nineteen years unless 3077
the petitioner provides the court with evidence that the 3078
respondent has not complied with all of the terms of the 3079
protection order or consent agreement. The protection order or 3080
consent agreement shall specify the date when the respondent 3081
attains the age of nineteen years. 3082

(F) (1) A copy of any protection order, or consent 3083
agreement, that is issued, approved, modified, or terminated 3084
under this section shall be issued by the court to the 3085
petitioner, to the respondent, and to all law enforcement 3086
agencies that have jurisdiction to enforce the order or 3087
agreement. The court shall direct that a copy of an order be 3088
delivered to the respondent on the same day that the order is 3089
entered. 3090

(2) Upon the issuance of a protection order or the 3091
approval of a consent agreement under this section, the court 3092
shall determine whether, as a result of the order, it is 3093
unlawful for the respondent to possess or purchase a firearm 3094
under division (A) (7) of section 2923.13 of the Revised Code or 3095
18 U.S.C. 922(g) (8). If the court determines that the respondent 3096
is prohibited from possessing or purchasing a firearm, the court 3097
shall order the respondent to transfer all firearms in the 3098
respondent's possession or control, and shall ensure that the 3099
transfer is made, in accordance with section 2923.134 of the 3100
Revised Code. If the respondent is so prohibited, the court 3101
shall provide the parties to the order or agreement with the 3102
following notice ~~orally or by~~ form: 3103

"NOTICE 3104

As a result of this order or consent agreement, it ~~may be~~ 3105
is unlawful for you, the respondent, to possess or purchase a 3106

firearm, including a rifle, pistol, or revolver, or ammunition 3107
pursuant to ~~federal law under section 2923.13 of the Revised~~ 3108
~~Code or~~ 18 U.S.C. 922(g) (8) for the duration of this order or 3109
consent agreement. ~~If you have any questions whether this law~~ 3110
~~makes it illegal for you to possess or purchase a firearm or~~ 3111
~~ammunition, you should consult an attorney. You are required to~~ 3112
~~transfer all firearms in your possession or control within~~ 3113
~~twenty-four hours after service of this order in accordance with~~ 3114
~~section 2923.134 of the Revised Code. You are required to file~~ 3115
~~with this court a proof of transfer and an affidavit that you~~ 3116
~~possess no firearms within forty-eight hours after service of~~ 3117
~~this order."~~ 3118

(3) All law enforcement agencies shall establish and 3119
maintain an index for the protection orders and the approved 3120
consent agreements delivered to the agencies pursuant to 3121
division (F) (1) of this section. With respect to each order and 3122
consent agreement delivered, each agency shall note on the index 3123
the date and time that it received the order or consent 3124
agreement. 3125

(4) Regardless of whether the petitioner has registered 3126
the order or agreement in the county in which the officer's 3127
agency has jurisdiction pursuant to division (N) of this 3128
section, any officer of a law enforcement agency shall enforce a 3129
protection order issued or consent agreement approved by any 3130
court in this state in accordance with the provisions of the 3131
order or agreement, including removing the respondent from the 3132
premises, if appropriate. 3133

(G) (1) Any proceeding under this section shall be 3134
conducted in accordance with the Rules of Civil Procedure, 3135
except that an order under this section may be obtained with or 3136

without bond. An order issued under this section, other than an 3137
ex parte order, that grants a protection order or approves a 3138
consent agreement, that refuses to grant a protection order or 3139
approve a consent agreement that modifies or terminates a 3140
protection order or consent agreement, or that refuses to modify 3141
or terminate a protection order or consent agreement, is a 3142
final, appealable order. The remedies and procedures provided in 3143
this section are in addition to, and not in lieu of, any other 3144
available civil or criminal remedies. 3145

(2) If as provided in division (G)(1) of this section an 3146
order issued under this section, other than an ex parte order, 3147
refuses to grant a protection order, the court, on its own 3148
motion, shall order that the ex parte order issued under this 3149
section and all of the records pertaining to that ex parte order 3150
be sealed after either of the following occurs: 3151

(a) No party has exercised the right to appeal pursuant to 3152
Rule 4 of the Rules of Appellate Procedure. 3153

(b) All appellate rights have been exhausted. 3154

(H) The filing of proceedings under this section does not 3155
excuse a person from filing any report or giving any notice 3156
required by section 2151.421 of the Revised Code or by any other 3157
law. When a petition under this section alleges domestic 3158
violence against minor children, the court shall report the 3159
fact, or cause reports to be made, to a county, township, or 3160
municipal peace officer under section 2151.421 of the Revised 3161
Code. 3162

(I) Any law enforcement agency that investigates a 3163
domestic dispute shall provide information to the family or 3164
household members involved, or the persons in the dating 3165

relationship who are involved, whichever is applicable regarding 3166
the relief available under this section and, for family or 3167
household members, section 2919.26 of the Revised Code. 3168

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 3169
section and regardless of whether a protection order is issued 3170
or a consent agreement is approved by a court of another county 3171
or a court of another state, no court or unit of state or local 3172
government shall charge the petitioner any fee, cost, deposit, 3173
or money in connection with the filing of a petition pursuant to 3174
this section or in connection with the filing, issuance, 3175
registration, modification, enforcement, dismissal, withdrawal, 3176
or service of a protection order, consent agreement, or witness 3177
subpoena or for obtaining a certified copy of a protection order 3178
or consent agreement. 3179

(2) Regardless of whether a protection order is issued or 3180
a consent agreement is approved pursuant to this section, the 3181
court may assess costs against the respondent in connection with 3182
the filing, issuance, registration, modification, enforcement, 3183
dismissal, withdrawal, or service of a protection order, consent 3184
agreement, or witness subpoena or for obtaining a certified copy 3185
of a protection order or consent agreement. 3186

(K)(1) The court shall comply with Chapters 3119., 3121., 3187
3123., and 3125. of the Revised Code when it makes or modifies 3188
an order for child support under this section. 3189

(2) If any person required to pay child support under an 3190
order made under this section on or after April 15, 1985, or 3191
modified under this section on or after December 31, 1986, is 3192
found in contempt of court for failure to make support payments 3193
under the order, the court that makes the finding, in addition 3194
to any other penalty or remedy imposed, shall assess all court 3195

costs arising out of the contempt proceeding against the person 3196
and require the person to pay any reasonable attorney's fees of 3197
any adverse party, as determined by the court, that arose in 3198
relation to the act of contempt. 3199

(L) (1) A person who violates a protection order issued or 3200
a consent agreement approved under this section is subject to 3201
the following sanctions: 3202

(a) Criminal prosecution or a delinquent child proceeding 3203
for a violation of section 2919.27 of the Revised Code, if the 3204
violation of the protection order or consent agreement 3205
constitutes a violation of that section; 3206

(b) Punishment for contempt of court. 3207

(2) The punishment of a person for contempt of court for 3208
violation of a protection order issued or a consent agreement 3209
approved under this section does not bar criminal prosecution of 3210
the person or a delinquent child proceeding concerning the 3211
person for a violation of section 2919.27 of the Revised Code. 3212
However, a person punished for contempt of court is entitled to 3213
credit for the punishment imposed upon conviction of or 3214
adjudication as a delinquent child for a violation of that 3215
section, and a person convicted of or adjudicated a delinquent 3216
child for a violation of that section shall not subsequently be 3217
punished for contempt of court arising out of the same activity. 3218

(M) In all stages of a proceeding under this section, a 3219
petitioner may be accompanied by a victim advocate. 3220

(N) (1) A petitioner who obtains a protection order or 3221
consent agreement under this section or a temporary protection 3222
order under section 2919.26 of the Revised Code may provide 3223
notice of the issuance or approval of the order or agreement to 3224

the judicial and law enforcement officials in any county other 3225
than the county in which the order is issued or the agreement is 3226
approved by registering that order or agreement in the other 3227
county pursuant to division (N) (2) of this section and filing a 3228
copy of the registered order or registered agreement with a law 3229
enforcement agency in the other county in accordance with that 3230
division. A person who obtains a protection order issued by a 3231
court of another state may provide notice of the issuance of the 3232
order to the judicial and law enforcement officials in any 3233
county of this state by registering the order in that county 3234
pursuant to section 2919.272 of the Revised Code and filing a 3235
copy of the registered order with a law enforcement agency in 3236
that county. 3237

(2) A petitioner may register a temporary protection 3238
order, protection order, or consent agreement in a county other 3239
than the county in which the court that issued the order or 3240
approved the agreement is located in the following manner: 3241

(a) The petitioner shall obtain a certified copy of the 3242
order or agreement from the clerk of the court that issued the 3243
order or approved the agreement and present that certified copy 3244
to the clerk of the court of common pleas or the clerk of a 3245
municipal court or county court in the county in which the order 3246
or agreement is to be registered. 3247

(b) Upon accepting the certified copy of the order or 3248
agreement for registration, the clerk of the court of common 3249
pleas, municipal court, or county court shall place an 3250
endorsement of registration on the order or agreement and give 3251
the petitioner a copy of the order or agreement that bears that 3252
proof of registration. 3253

(3) The clerk of each court of common pleas, the clerk of 3254

each municipal court, and the clerk of each county court shall 3255
maintain a registry of certified copies of temporary protection 3256
orders, protection orders, or consent agreements that have been 3257
issued or approved by courts in other counties and that have 3258
been registered with the clerk. 3259

(O) Nothing in this section prohibits the domestic 3260
relations division of a court of common pleas in counties that 3261
have a domestic relations division or a court of common pleas in 3262
counties that do not have a domestic relations division from 3263
designating a minor child as a protected party on a protection 3264
order or consent agreement. 3265

Section 2. That existing sections 2903.13, 2919.25, 3266
2919.26, 2923.13, 2923.14, 2929.13, 2929.14, and 3113.31 of the 3267
Revised Code are hereby repealed. 3268

Section 3. All items in this section are hereby 3269
appropriated as designated out of any moneys in the state 3270
treasury to the credit of the designated fund. For all 3271
appropriations made in this act, those in the first column are 3272
for fiscal year 2018 and those in the second column are for 3273
fiscal year 2019. The appropriations made in this act are in 3274
addition to any other appropriations made for the FY 2018-FY 3275
2019 biennium. 3276

AGO ATTORNEY GENERAL 3277

Dedicated Purpose Fund Group 3278

5TW0 055602 Domestic Violence Program	\$0	\$500,000	3279
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TOTAL DPF Dedicated Purpose Fund Group	\$0	\$500,000	3280
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TOTAL ALL BUDGET FUND GROUPS	\$0	\$500,000	3281
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DOMESTIC VIOLENCE PROGRAM			3282
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On the effective date of this act, or as soon as possible 3283
thereafter, the Director of Budget and Management shall transfer 3284
\$500,000 cash from the General Revenue Fund to the Domestic 3285
Violence Program Fund (Fund 5TW0). 3286

The foregoing appropriation item 055602, Domestic Violence 3287
Program, shall be used for the purpose of providing funding to 3288
domestic violence programs pursuant to section 109.46 of the 3289
Revised Code. 3290

Section 4. Within the limits set forth in this act, the 3291
Director of Budget and Management shall establish accounts 3292
indicating the source and amount of funds for each appropriation 3293
made in this act, and shall determine the form and manner in 3294
which appropriation accounts shall be maintained. Expenditures 3295
from appropriations contained in this act shall be accounted for 3296
as though made in Am. Sub. H.B. 49 of the 132nd General 3297
Assembly. 3298

The appropriations made in this act are subject to all 3299
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly 3300
that are generally applicable to such appropriations. 3301

Section 5. The General Assembly, applying the principle 3302
stated in division (B) of section 1.52 of the Revised Code that 3303
amendments are to be harmonized if reasonably capable of 3304
simultaneous operation, finds that the following sections, 3305
presented in this act as composites of the sections as amended 3306
by the acts indicated, are the resulting versions of the 3307
sections in effect prior to the effective date of the sections 3308
as presented in this act: 3309

Section 2923.13 of the Revised Code as amended by both Am. 3310
Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 3311

Assembly.	3312
Section 2929.13 of the Revised Code as amended by Sub.	3313
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and	3314
Am. Sub. S.B. 201, all of the 132nd General Assembly.	3315
Section 2929.14 of the Revised Code as amended by Sub.	3316
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201,	3317
all of the 132nd General Assembly.	3318