

As Introduced

**125th General Assembly
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H. B. No. 52

**Representatives Hughes, Latta, Gilb, Grendell, DePiero, Seaver, Redfern,
Young**

A B I L L

To amend sections 2152.17, 2903.06, 2903.08, 2929.01, 1
2929.13, 2929.14, 4511.98, and 5501.27 and to 2
enact sections 2941.1413 and 2941.1414 of the 3
Revised Code to expand the offenses of aggravated 4
vehicular homicide and vehicular assault to also 5
prohibit causing death or physical harm as a 6
proximate result of committing a reckless 7
operation or speeding violation in a construction 8
zone, to impose a five-year mandatory prison term 9
for a conviction of aggravated vehicular homicide 10
and a peace officer victim specification, to 11
impose a three-year mandatory prison term for a 12
conviction of aggravated vehicular homicide and a 13
specification of three OMVI-related violations, 14
and to amend the versions of sections 2903.06, 15
2903.08, 2929.01, 2929.13, and 2929.14 of the 16
Revised Code that are scheduled to take effect on 17
January 1, 2004, to continue the provisions of 18
this act on and after that effective date. 19

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

Section 1. That sections 2152.17, 2903.06, 2903.08, 2929.01, 20

2929.13, 2929.14, 4511.98, and 5501.27 be amended and sections 21
2941.1413 and 2941.1414 of the Revised Code be enacted to read as 22
follows: 23

Sec. 2152.17. (A) Subject to division (D) of this section, if 24
a child is adjudicated a delinquent child for committing an act, 25
other than a violation of section 2923.12 of the Revised Code, 26
that would be a felony if committed by an adult and if the court 27
determines that, if the child was an adult, the child would be 28
guilty of a specification of the type set forth in section 29
2941.141, 2941.144, 2941.145, ~~or~~ 2941.146, 2941.1413, or 2941.1414 30
of the Revised Code, in addition to any commitment or other 31
disposition the court imposes for the underlying delinquent act, 32
all of the following apply: 33

(1) If the court determines that the child would be guilty of 34
a specification of the type set forth in section 2941.141 of the 35
Revised Code, the court may commit the child to the department of 36
youth services for the specification for a definite period of up 37
to one year. 38

(2) If the court determines that the child would be guilty of 39
a specification of the type set forth in section 2941.145 or 40
2941.1414 of the Revised Code, the court shall commit the child to 41
the department of youth services for the specification for a 42
definite period of not less than one and not more than three 43
years, and the court also shall commit the child to the department 44
for the underlying delinquent act under sections 2152.11 to 45
2152.16 of the Revised Code. 46

(3) If the court determines that the child would be guilty of 47
a specification of the type set forth in section 2941.144 ~~or~~, 48
2941.146, or 2941.1413 of the Revised Code, the court shall commit 49
the child to the department of youth services for the 50

specification for a definite period of not less than one and not 51
more than five years, and the court also shall commit the child to 52
the department for the underlying delinquent act under sections 53
2152.11 to 2152.16 of the Revised Code. 54

(B) Division (A) of this section also applies to a child who 55
is an accomplice to the same extent the firearm specifications 56
would apply to an adult accomplice in a criminal proceeding. 57

(C) If a child is adjudicated a delinquent child for 58
committing an act that would be aggravated murder, murder, or a 59
first, second, or third degree felony offense of violence if 60
committed by an adult and if the court determines that, if the 61
child was an adult, the child would be guilty of a specification 62
of the type set forth in section 2941.142 of the Revised Code in 63
relation to the act for which the child was adjudicated a 64
delinquent child, the court shall commit the child for the 65
specification to the legal custody of the department of youth 66
services for institutionalization in a secure facility for a 67
definite period of not less than one and not more than three 68
years, subject to division (D)(2) of this section, and the court 69
also shall commit the child to the department for the underlying 70
delinquent act. 71

(D)(1) If the child is adjudicated a delinquent child for 72
committing an act that would be an offense of violence that is a 73
felony if committed by an adult and is committed to the legal 74
custody of the department of youth services pursuant to division 75
(A)(1) of section 2152.16 of the Revised Code and if the court 76
determines that the child, if the child was an adult, would be 77
guilty of a specification of the type set forth in section 78
2941.1411 of the Revised Code in relation to the act for which the 79
child was adjudicated a delinquent child, the court may commit the 80
child to the custody of the department of youth services for 81
institutionalization in a secure facility for up to two years, 82

subject to division (D)(2) of this section. 83

(2) A court that imposes a period of commitment under 84
division (A) of this section is not precluded from imposing an 85
additional period of commitment under division (C) or (D)(1) of 86
this section, a court that imposes a period of commitment under 87
division (C) of this section is not precluded from imposing an 88
additional period of commitment under division (A) or (D)(1) of 89
this section, and a court that imposes a period of commitment 90
under division (D)(1) of this section is not precluded from 91
imposing an additional period of commitment under division (A) or 92
(C) of this section. 93

(E) The court shall not commit a child to the legal custody 94
of the department of youth services for a specification pursuant 95
to this section for a period that exceeds five years for any one 96
delinquent act. Any commitment imposed pursuant to division (A), 97
(B), (C), or (D)(1) of this section shall be in addition to, and 98
shall be served consecutively with and prior to, a period of 99
commitment ordered under this chapter for the underlying 100
delinquent act, and each commitment imposed pursuant to division 101
(A), (B), (C), or (D)(1) of this section shall be in addition to, 102
and shall be served consecutively with, any other period of 103
commitment imposed under those divisions. If a commitment is 104
imposed under division (A) or (B) of this section and a commitment 105
also is imposed under division (C) of this section, the period 106
imposed under division (A) or (B) of this section shall be served 107
prior to the period imposed under division (C) of this section. 108

In each case in which a court makes a disposition under this 109
section, the court retains control over the commitment for the 110
entire period of the commitment. 111

The total of all the periods of commitment imposed for any 112
specification under this section and for the underlying offense 113
shall not exceed the child's attainment of twenty-one years of 114

age. 115

(F) If a child is adjudicated a delinquent child for 116
committing two or more acts that would be felonies if committed by 117
an adult and if the court entering the delinquent child 118
adjudication orders the commitment of the child for two or more of 119
those acts to the legal custody of the department of youth 120
services for institutionalization in a secure facility pursuant to 121
section 2152.13 or 2152.16 of the Revised Code, the court may 122
order that all of the periods of commitment imposed under those 123
sections for those acts be served consecutively in the legal 124
custody of the department of youth services, provided that those 125
periods of commitment shall be in addition to and commence 126
immediately following the expiration of a period of commitment 127
that the court imposes pursuant to division (A), (B), (C), or 128
(D)(1) of this section. A court shall not commit a delinquent 129
child to the legal custody of the department of youth services 130
under this division for a period that exceeds the child's 131
attainment of twenty-one years of age. 132

(G) If a child is adjudicated a delinquent child for 133
committing an act that if committed by an adult would be 134
aggravated murder, murder, rape, felonious sexual penetration in 135
violation of former section 2907.12 of the Revised Code, 136
involuntary manslaughter, a felony of the first or second degree 137
resulting in the death of or physical harm to a person, complicity 138
in or an attempt to commit any of those offenses, or an offense 139
under an existing or former law of this state that is or was 140
substantially equivalent to any of those offenses and if the court 141
in its order of disposition for that act commits the child to the 142
custody of the department of youth services, the adjudication 143
shall be considered a conviction for purposes of a future 144
determination pursuant to Chapter 2929. of the Revised Code as to 145
whether the child, as an adult, is a repeat violent offender. 146

Sec. 2903.06. (A) No person, while operating or participating 147
in the operation of a motor vehicle, motorcycle, snowmobile, 148
locomotive, watercraft, or aircraft, shall cause the death of 149
another or the unlawful termination of another's pregnancy in any 150
of the following ways: 151

(1) As the proximate result of committing a violation of 152
division (A) of section 4511.19 of the Revised Code or of a 153
substantially equivalent municipal ordinance; 154

(2) In either of the following ways: 155

(a) As the proximate result of committing, while operating or 156
participating in the operation of a motor vehicle or motorcycle in 157
a construction zone, a reckless operation or speeding offense, 158
provided that this division applies only if the person whose death 159
is caused or whose pregnancy is unlawfully terminated is working 160
in the construction zone at the time of the offender's commission 161
of the reckless operation or speeding offense in the construction 162
zone; 163

(b) Recklessly; 164

(3) Negligently; 165

(4) As the proximate result of committing a violation of any 166
provision of any section contained in Title XLV of the Revised 167
Code that is a minor misdemeanor or of a municipal ordinance that, 168
regardless of the penalty set by ordinance for the violation, is 169
substantially equivalent to any provision of any section contained 170
in Title XLV of the Revised Code that is a minor misdemeanor. 171

(B)(1) Whoever violates division (A)(1) or (2) of this 172
section is guilty of aggravated vehicular homicide and shall be 173
punished as provided in divisions (B)(1)(a) and (b) of this 174
section. 175

(a) Except as otherwise provided in this division, aggravated 176

vehicular homicide committed in violation of division (A)(1) or 177
(2)(a) of this section is a felony of the second degree. 178
Aggravated vehicular homicide committed in violation of division 179
(A)(1) or (2)(a) of this section is a felony of the first degree 180
if, at the time of the offense, the offender was driving under a 181
suspension imposed under Chapter 4507. or any other provision of 182
the Revised Code or if the offender previously has been convicted 183
of or pleaded guilty to a violation of this section; any 184
traffic-related homicide, manslaughter, or assault offense; three 185
prior violations of section 4511.19 of the Revised Code or of a 186
substantially equivalent municipal ordinance within the previous 187
six years; or a second or subsequent felony violation of division 188
(A) of section 4511.19 of the Revised Code. 189

In addition to any other sanctions imposed, the court shall 190
permanently revoke the offender's driver's license, commercial 191
driver's license, temporary instruction permit, probationary 192
license, or nonresident operating privilege pursuant to section 193
4507.16 of the Revised Code. 194

(b) Except as otherwise provided in this division, aggravated 195
vehicular homicide committed in violation of division (A)(2)(b) of 196
this section is a felony of the third degree. Aggravated vehicular 197
homicide committed in violation of division (A)(2)(b) of this 198
section is a felony of the second degree if, at the time of the 199
offense, the offender was driving under a suspension imposed under 200
Chapter 4507. of the Revised Code or any other provision of the 201
Revised Code or if the offender previously has been convicted of 202
or pleaded guilty to a violation of this section or any 203
traffic-related homicide, manslaughter, or assault offense. 204

In addition to any other sanctions imposed, the court shall 205
suspend the offender's driver's license, commercial driver's 206
license, temporary instruction permit, probationary license, or 207
nonresident operating privilege for a definite period of three 208

years to life pursuant to section 4507.16 of the Revised Code. 209

(2) Whoever violates division (A)(3) of this section is 210
guilty of vehicular homicide. Except as otherwise provided in this 211
division, vehicular homicide is a misdemeanor of the first degree. 212
Vehicular homicide is a felony of the fourth degree if, at the 213
time of the offense, the offender was driving under a suspension 214
or revocation imposed under Chapter 4507. or any other provision 215
of the Revised Code or if the offender previously has been 216
convicted of or pleaded guilty to a violation of this section or 217
any traffic-related homicide, manslaughter, or assault offense. 218

In addition to any other sanctions imposed, the court shall 219
suspend the offender's driver's license, commercial driver's 220
license, temporary instruction permit, probationary license, or 221
nonresident operating privilege for a definite period of one to 222
five years pursuant to section 4507.16 of the Revised Code or, if 223
the offender previously has been convicted of or pleaded guilty to 224
a violation of this section or any traffic-related homicide, 225
manslaughter, or assault offense, for a definite period of two to 226
ten years pursuant to that section. 227

(3) Whoever violates division (A)(4) of this section is 228
guilty of vehicular manslaughter. Except as otherwise provided in 229
this division, vehicular manslaughter is a misdemeanor of the 230
second degree. Vehicular manslaughter is a misdemeanor of the 231
first degree if, at the time of the offense, the offender was 232
driving under a suspension imposed under Chapter 4507. of the 233
Revised Code or if the offender previously has been convicted of 234
or pleaded guilty to a violation of this section or any 235
traffic-related homicide, manslaughter, or assault offense. 236

In addition to any other sanctions imposed, the court shall 237
suspend the offender's driver's license, commercial driver's 238
license, temporary instruction permit, probationary license, or 239
nonresident operating privilege for a definite period of three 240

months to two years pursuant to section 4507.16 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, for a definite period of one to five years pursuant to that section.

(C) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(1) of this section. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(2)(a) of this section if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A)(2)(b) or (3) of this section if either of the following applies:

(1) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code.

(2) At the time of the offense, the offender was driving under suspension under Chapter 4507. of the Revised Code.

(D)(1) As used in this section:

(a) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to ~~the effective date of this amendment~~ March 23, 2000.

(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 272
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(d) "Reckless operation or speeding offense" means a violation of section 4511.20 or 4511.21 of the Revised Code, a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code, or a municipal ordinance pertaining to speed. 274
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(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States. 278
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Sec. 2903.08. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall ~~cause serious physical harm to another person or another's unborn in either~~ do any of the following ~~ways~~: 285
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(1) ~~As~~ Cause serious physical harm to another person or another's unborn as the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance; 290
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(2) Either of the following: 294

(a) Cause physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation or speeding offense, provided that this division applies only if the person who is physically harmed or whose unborn is physically harmed is working in the construction zone at the time of the offender's commission 295
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of the reckless operation or speeding offense in the construction zone; 302
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(b) Recklessly cause serious physical harm to another person or another's unborn. 304
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(B)(1) Whoever violates division (A)(1) of this section is 306
guilty of aggravated vehicular assault. Except as otherwise 307
provided in this division, aggravated vehicular assault is a 308
felony of the third degree. Aggravated vehicular assault is a 309
felony of the second degree if, at the time of the offense, the 310
offender was driving under a suspension imposed under Chapter 311
4507. or any other provision of the Revised Code or if the 312
offender previously has been convicted of or pleaded guilty to a 313
violation of this section; any traffic-related homicide, 314
manslaughter, or assault offense; three prior violations of 315
section 4511.19 of the Revised Code or a substantially equivalent 316
municipal ordinance within the previous six years; or a second or 317
subsequent felony violation of division (A) of section 4511.19 of 318
the Revised Code. 319

In addition to any other sanctions imposed, the court shall 320
suspend the offender's driver's license, commercial driver's 321
license, temporary instruction permit, probationary license, or 322
nonresident operating privilege for a definite period of two to 323
ten years pursuant to section 4507.16 of the Revised Code or, if 324
the offender previously has been convicted of or pleaded guilty to 325
a violation of this section or any traffic-related homicide, 326
manslaughter, or assault offense, for a definite period of three 327
years to life pursuant to that section. 328

(2) Whoever violates division (A)(2)(a) or (b) of this 329
section is guilty of vehicular assault. Except as otherwise 330
provided in this division, vehicular assault is a felony of the 331
fourth degree. Vehicular assault is a felony of the third degree 332

if, at the time of the offense, the offender was driving under a 333
suspension imposed under Chapter 4507. of the Revised Code or if 334
the offender previously has been convicted of or pleaded guilty to 335
a violation of this section or any traffic-related homicide, 336
manslaughter, or assault offense. 337

In addition to any other sanctions imposed, the court shall 338
suspend the offender's driver's license, commercial driver's 339
license, temporary instruction permit, probationary license, or 340
nonresident operating privilege for a definite period of one to 341
five years pursuant to section 4507.16 of the Revised Code or, if 342
the offender previously has been convicted of or pleaded guilty to 343
a violation of this section or any traffic-related homicide, 344
manslaughter, or assault offense, for a definite period of two to 345
ten years pursuant to that section. 346

(C) The court shall impose a mandatory prison term on an 347
offender who is convicted of or pleads guilty to a violation of 348
division (A)(1) of this section. The court shall impose a 349
mandatory prison term on an offender who is convicted of or pleads 350
guilty to a violation of division (A)(2)(a) of this section if the 351
offender previously has been convicted of or pleaded guilty to a 352
violation of this section or section 2903.06 of the Revised Code. 353
The court shall impose a mandatory prison term on an offender who 354
is convicted of or pleads guilty to a violation of division 355
(A)(2)(b) of this section if either of the following applies: 356

(1) The offender previously has been convicted of or pleaded 357
guilty to a violation of this section or section 2903.06 of the 358
Revised Code. 359

(2) At the time of the offense, the offender was driving 360
under suspension under Chapter 4507. or any other provision of the 361
Revised Code. 362

(D) As used in this section: 363

(1) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Traffic-related homicide, manslaughter, or assault offense" has the same meaning as in section 2903.06 of the Revised Code.

(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.

(4) "Reckless operation or speeding offense" has the same meaning as in section 2903.06 of the Revised Code.

(E) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

Sec. 2929.01. As used in this chapter:

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

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

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

(2) "Alternative residential facility" does not include a 393
community-based correctional facility, jail, halfway house, or 394
prison. 395

(B) "Bad time" means the time by which the parole board 396
administratively extends an offender's stated prison term or terms 397
pursuant to section 2967.11 of the Revised Code because the parole 398
board finds by clear and convincing evidence that the offender, 399
while serving the prison term or terms, committed an act that is a 400
criminal offense under the law of this state or the United States, 401
whether or not the offender is prosecuted for the commission of 402
that act. 403

(C) "Basic probation supervision" means a requirement that 404
the offender maintain contact with a person appointed to supervise 405
the offender in accordance with sanctions imposed by the court or 406
imposed by the parole board pursuant to section 2967.28 of the 407
Revised Code. "Basic probation supervision" includes basic parole 408
supervision and basic post-release control supervision. 409

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 410
"unit dose" have the same meanings as in section 2925.01 of the 411
Revised Code. 412

(E) "Community-based correctional facility" means a 413
community-based correctional facility and program or district 414
community-based correctional facility and program developed 415
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 416

(F) "Community control sanction" means a sanction that is not 417
a prison term and that is described in section 2929.15, 2929.16, 418
2929.17, or 2929.18 of the Revised Code. 419

(G) "Controlled substance," "marihuana," "schedule I," and 420
"schedule II" have the same meanings as in section 3719.01 of the 421
Revised Code. 422

(H) "Curfew" means a requirement that an offender during a 423
specified period of time be at a designated place. 424

(I) "Day reporting" means a sanction pursuant to which an 425
offender is required each day to report to and leave a center or 426
other approved reporting location at specified times in order to 427
participate in work, education or training, treatment, and other 428
approved programs at the center or outside the center. 429

(J) "Deadly weapon" has the same meaning as in section 430
2923.11 of the Revised Code. 431

(K) "Drug and alcohol use monitoring" means a program under 432
which an offender agrees to submit to random chemical analysis of 433
the offender's blood, breath, or urine to determine whether the 434
offender has ingested any alcohol or other drugs. 435

(L) "Drug treatment program" means any program under which a 436
person undergoes assessment and treatment designed to reduce or 437
completely eliminate the person's physical or emotional reliance 438
upon alcohol, another drug, or alcohol and another drug and under 439
which the person may be required to receive assessment and 440
treatment on an outpatient basis or may be required to reside at a 441
facility other than the person's home or residence while 442
undergoing assessment and treatment. 443

(M) "Economic loss" means any economic detriment suffered by 444
a victim as a result of the commission of a felony and includes 445
any loss of income due to lost time at work because of any injury 446
caused to the victim, and any property loss, medical cost, or 447
funeral expense incurred as a result of the commission of the 448
felony. 449

(N) "Education or training" includes study at, or in 450
conjunction with a program offered by, a university, college, or 451
technical college or vocational study and also includes the 452
completion of primary school, secondary school, and literacy 453

curricula or their equivalent. 454

(O) "Electronically monitored house arrest" has the same 455
meaning as in section 2929.23 of the Revised Code. 456

(P) "Eligible offender" has the same meaning as in section 457
2929.23 of the Revised Code except as otherwise specified in 458
section 2929.20 of the Revised Code. 459

(Q) "Firearm" has the same meaning as in section 2923.11 of 460
the Revised Code. 461

(R) "Halfway house" means a facility licensed by the division 462
of parole and community services of the department of 463
rehabilitation and correction pursuant to section 2967.14 of the 464
Revised Code as a suitable facility for the care and treatment of 465
adult offenders. 466

(S) "House arrest" means a period of confinement of an 467
eligible offender that is in the eligible offender's home or in 468
other premises specified by the sentencing court or by the parole 469
board pursuant to section 2967.28 of the Revised Code, that may be 470
electronically monitored house arrest, and during which all of the 471
following apply: 472

(1) The eligible offender is required to remain in the 473
eligible offender's home or other specified premises for the 474
specified period of confinement, except for periods of time during 475
which the eligible offender is at the eligible offender's place of 476
employment or at other premises as authorized by the sentencing 477
court or by the parole board. 478

(2) The eligible offender is required to report periodically 479
to a person designated by the court or parole board. 480

(3) The eligible offender is subject to any other 481
restrictions and requirements that may be imposed by the 482
sentencing court or by the parole board. 483

(T) "Intensive probation supervision" means a requirement 484
that an offender maintain frequent contact with a person appointed 485
by the court, or by the parole board pursuant to section 2967.28 486
of the Revised Code, to supervise the offender while the offender 487
is seeking or maintaining necessary employment and participating 488
in training, education, and treatment programs as required in the 489
court's or parole board's order. "Intensive probation supervision" 490
includes intensive parole supervision and intensive post-release 491
control supervision. 492

(U) "Jail" means a jail, workhouse, minimum security jail, or 493
other residential facility used for the confinement of alleged or 494
convicted offenders that is operated by a political subdivision or 495
a combination of political subdivisions of this state. 496

(V) "Delinquent child" has the same meaning as in section 497
2152.02 of the Revised Code. 498

(W) "License violation report" means a report that is made by 499
a sentencing court, or by the parole board pursuant to section 500
2967.28 of the Revised Code, to the regulatory or licensing board 501
or agency that issued an offender a professional license or a 502
license or permit to do business in this state and that specifies 503
that the offender has been convicted of or pleaded guilty to an 504
offense that may violate the conditions under which the offender's 505
professional license or license or permit to do business in this 506
state was granted or an offense for which the offender's 507
professional license or license or permit to do business in this 508
state may be revoked or suspended. 509

(X) "Major drug offender" means an offender who is convicted 510
of or pleads guilty to the possession of, sale of, or offer to 511
sell any drug, compound, mixture, preparation, or substance that 512
consists of or contains at least one thousand grams of hashish; at 513
least one hundred grams of crack cocaine; at least one thousand 514

grams of cocaine that is not crack cocaine; at least two thousand 515
five hundred unit doses or two hundred fifty grams of heroin; at 516
least five thousand unit doses of L.S.D. or five hundred grams of 517
L.S.D. in a liquid concentrate, liquid extract, or liquid 518
distillate form; or at least one hundred times the amount of any 519
other schedule I or II controlled substance other than marihuana 520
that is necessary to commit a felony of the third degree pursuant 521
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 522
Code that is based on the possession of, sale of, or offer to sell 523
the controlled substance. 524

(Y) "Mandatory prison term" means any of the following: 525

(1) Subject to division (Y)(2) of this section, the term in 526
prison that must be imposed for the offenses or circumstances set 527
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 528
2929.13 and division (D) of section 2929.14 of the Revised Code. 529
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 530
and 2925.11 of the Revised Code, unless the maximum or another 531
specific term is required under section 2929.14 of the Revised 532
Code, a mandatory prison term described in this division may be 533
any prison term authorized for the level of offense. 534

(2) The term of sixty or one hundred twenty days in prison 535
that a sentencing court is required to impose for a third or 536
fourth degree felony OMVI offense pursuant to division (G)(2) of 537
section 2929.13 and division (A)(4) or (8) of section 4511.99 of 538
the Revised Code. 539

(3) The term in prison imposed pursuant to section 2971.03 of 540
the Revised Code for the offenses and in the circumstances 541
described in division (F)(11) of section 2929.13 of the Revised 542
Code and that term as modified or terminated pursuant to section 543
2971.05 of the Revised Code. 544

(Z) "Monitored time" means a period of time during which an 545

offender continues to be under the control of the sentencing court 546
or parole board, subject to no conditions other than leading a 547
law-abiding life. 548

(AA) "Offender" means a person who, in this state, is 549
convicted of or pleads guilty to a felony or a misdemeanor. 550

(BB) "Prison" means a residential facility used for the 551
confinement of convicted felony offenders that is under the 552
control of the department of rehabilitation and correction but 553
does not include a violation sanction center operated under 554
authority of section 2967.141 of the Revised Code. 555

(CC) "Prison term" includes any of the following sanctions 556
for an offender: 557

(1) A stated prison term; 558

(2) A term in a prison shortened by, or with the approval of, 559
the sentencing court pursuant to section 2929.20, 2967.26, 560
5120.031, 5120.032, or 5120.073 of the Revised Code; 561

(3) A term in prison extended by bad time imposed pursuant to 562
section 2967.11 of the Revised Code or imposed for a violation of 563
post-release control pursuant to section 2967.28 of the Revised 564
Code. 565

(DD) "Repeat violent offender" means a person about whom both 566
of the following apply: 567

(1) The person has been convicted of or has pleaded guilty 568
to, and is being sentenced for committing, for complicity in 569
committing, or for an attempt to commit, aggravated murder, 570
murder, involuntary manslaughter, a felony of the first degree 571
other than one set forth in Chapter 2925. of the Revised Code, a 572
felony of the first degree set forth in Chapter 2925. of the 573
Revised Code that involved an attempt to cause serious physical 574
harm to a person or that resulted in serious physical harm to a 575

person, or a felony of the second degree that involved an attempt 576
to cause serious physical harm to a person or that resulted in 577
serious physical harm to a person. 578

(2) Either of the following applies: 579

(a) The person previously was convicted of or pleaded guilty 580
to, and previously served or, at the time of the offense was 581
serving, a prison term for, any of the following: 582

(i) Aggravated murder, murder, involuntary manslaughter, 583
rape, felonious sexual penetration as it existed under section 584
2907.12 of the Revised Code prior to September 3, 1996, a felony 585
of the first or second degree that resulted in the death of a 586
person or in physical harm to a person, or complicity in or an 587
attempt to commit any of those offenses; 588

(ii) An offense under an existing or former law of this 589
state, another state, or the United States that is or was 590
substantially equivalent to an offense listed under division 591
(DD)(2)(a)(i) of this section and that resulted in the death of a 592
person or in physical harm to a person. 593

(b) The person previously was adjudicated a delinquent child 594
for committing an act that if committed by an adult would have 595
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 596
section, the person was committed to the department of youth 597
services for that delinquent act. 598

(EE) "Sanction" means any penalty imposed upon an offender 599
who is convicted of or pleads guilty to an offense, as punishment 600
for the offense. "Sanction" includes any sanction imposed pursuant 601
to any provision of sections 2929.14 to 2929.18 of the Revised 602
Code. 603

(FF) "Sentence" means the sanction or combination of 604
sanctions imposed by the sentencing court on an offender who is 605
convicted of or pleads guilty to a felony. 606

(GG) "Stated prison term" means the prison term, mandatory
prison term, or combination of all prison terms and mandatory
prison terms imposed by the sentencing court pursuant to section
2929.14 or 2971.03 of the Revised Code. "Stated prison term"
includes any credit received by the offender for time spent in
jail awaiting trial, sentencing, or transfer to prison for the
offense and any time spent under house arrest or electronically
monitored house arrest imposed after earning credits pursuant to
section 2967.193 of the Revised Code.

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

(II) "Fourth degree felony OMVI offense" means a violation of
division (A) of section 4511.19 of the Revised Code that, under
section 4511.99 of the Revised Code, is a felony of the fourth
degree.

(JJ) "Mandatory term of local incarceration" means the term
of sixty or one hundred twenty days in a jail, a community-based
correctional facility, a halfway house, or an alternative
residential facility that a sentencing court may impose upon a
person who is convicted of or pleads guilty to a fourth degree
felony OMVI offense pursuant to division (G)(1) of section 2929.13
of the Revised Code and division (A)(4) or (8) of section 4511.99
of the Revised Code.

(KK) "Designated homicide, assault, or kidnapping offense,"
"sexual motivation specification," "sexually violent offense,"
"sexually violent predator," and "sexually violent predator
specification" have the same meanings as in section 2971.01 of the
Revised Code.

(LL) "Habitual sex offender," "sexually oriented offense," 638
and "sexual predator" have the same meanings as in section 2950.01 639
of the Revised Code. 640

(MM) An offense is "committed in the vicinity of a child" if 641
the offender commits the offense within thirty feet of or within 642
the same residential unit as a child who is under eighteen years 643
of age, regardless of whether the offender knows the age of the 644
child or whether the offender knows the offense is being committed 645
within thirty feet of or within the same residential unit as the 646
child and regardless of whether the child actually views the 647
commission of the offense. 648

(NN) "Family or household member" has the same meaning as in 649
section 2919.25 of the Revised Code. 650

(OO) "Motor vehicle" and "manufactured home" have the same 651
meanings as in section 4501.01 of the Revised Code. 652

(PP) "Detention" and "detention facility" have the same 653
meanings as in section 2921.01 of the Revised Code. 654

(QQ) "Third degree felony OMVI offense" means a violation of 655
division (A) of section 4511.19 of the Revised Code that, under 656
section 4511.99 of the Revised Code, is a felony of the third 657
degree. 658

(RR) "Random drug testing" has the same meaning as in section 659
5120.63 of the Revised Code. 660

(SS) "Felony sex offense" has the same meaning as in section 661
2957.28 of the Revised Code. 662

(TT) "Body armor" has the same meaning as in section 663
2941.1411 of the Revised Code. 664

Sec. 2929.13. (A) Except as provided in division (E), (F), or 665
(G) of this section and unless a specific sanction is required to 666

be imposed or is precluded from being imposed pursuant to law, a 667
court that imposes a sentence upon an offender for a felony may 668
impose any sanction or combination of sanctions on the offender 669
that are provided in sections 2929.14 to 2929.18 of the Revised 670
Code. The sentence shall not impose an unnecessary burden on state 671
or local government resources. 672

If the offender is eligible to be sentenced to community 673
control sanctions, the court shall consider the appropriateness of 674
imposing a financial sanction pursuant to section 2929.18 of the 675
Revised Code or a sanction of community service pursuant to 676
section 2929.17 of the Revised Code as the sole sanction for the 677
offense. Except as otherwise provided in this division, if the 678
court is required to impose a mandatory prison term for the 679
offense for which sentence is being imposed, the court also may 680
impose a financial sanction pursuant to section 2929.18 of the 681
Revised Code but may not impose any additional sanction or 682
combination of sanctions under section 2929.16 or 2929.17 of the 683
Revised Code. 684

If the offender is being sentenced for a fourth degree felony 685
OMVI offense or for a third degree felony OMVI offense, in 686
addition to the mandatory term of local incarceration or the 687
mandatory prison term required for the offense by division (G)(1) 688
or (2) of this section, the court shall impose upon the offender a 689
mandatory fine in accordance with division (B)(3) of section 690
2929.18 of the Revised Code and may impose whichever of the 691
following is applicable: 692

(1) For a fourth degree felony OMVI offense for which 693
sentence is imposed under division (G)(1) of this section, an 694
additional community control sanction or combination of community 695
control sanctions under section 2929.16 or 2929.17 of the Revised 696
Code; 697

(2) For a third or fourth degree felony OMVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (D)(4) of section 2929.14 of the Revised Code.

(B)(1) Except as provided in division (B)(2), (E), (F), or (G) of this section, in sentencing an offender for a felony of the fourth or fifth degree, the sentencing court shall determine whether any of the following apply:

(a) In committing the offense, the offender caused physical harm to a person.

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

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

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

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

(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.

(g) The offender at the time of the offense was serving, or

the offender previously had served, a prison term. 728

(h) The offender committed the offense while under a 729
community control sanction, while on probation, or while released 730
from custody on a bond or personal recognizance. 731

(i) The offender committed the offense while in possession of 732
a firearm. 733

(2)(a) If the court makes a finding described in division 734
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 735
section and if the court, after considering the factors set forth 736
in section 2929.12 of the Revised Code, finds that a prison term 737
is consistent with the purposes and principles of sentencing set 738
forth in section 2929.11 of the Revised Code and finds that the 739
offender is not amenable to an available community control 740
sanction, the court shall impose a prison term upon the offender. 741

(b) Except as provided in division (E), (F), or (G) of this 742
section, if the court does not make a finding described in 743
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 744
this section and if the court, after considering the factors set 745
forth in section 2929.12 of the Revised Code, finds that a 746
community control sanction or combination of community control 747
sanctions is consistent with the purposes and principles of 748
sentencing set forth in section 2929.11 of the Revised Code, the 749
court shall impose a community control sanction or combination of 750
community control sanctions upon the offender. 751

(C) Except as provided in division (E), (F), or (G) of this 752
section, in determining whether to impose a prison term as a 753
sanction for a felony of the third degree or a felony drug offense 754
that is a violation of a provision of Chapter 2925. of the Revised 755
Code and that is specified as being subject to this division for 756
purposes of sentencing, the sentencing court shall comply with the 757
purposes and principles of sentencing under section 2929.11 of the 758

Revised Code and with section 2929.12 of the Revised Code. 759

(D) Except as provided in division (E) or (F) of this 760
section, for a felony of the first or second degree and for a 761
felony drug offense that is a violation of any provision of 762
Chapter 2925., 3719., or 4729. of the Revised Code for which a 763
presumption in favor of a prison term is specified as being 764
applicable, it is presumed that a prison term is necessary in 765
order to comply with the purposes and principles of sentencing 766
under section 2929.11 of the Revised Code. Notwithstanding the 767
presumption established under this division, the sentencing court 768
may impose a community control sanction or a combination of 769
community control sanctions instead of a prison term on an 770
offender for a felony of the first or second degree or for a 771
felony drug offense that is a violation of any provision of 772
Chapter 2925., 3719., or 4729. of the Revised Code for which a 773
presumption in favor of a prison term is specified as being 774
applicable if it makes both of the following findings: 775

(1) A community control sanction or a combination of 776
community control sanctions would adequately punish the offender 777
and protect the public from future crime, because the applicable 778
factors under section 2929.12 of the Revised Code indicating a 779
lesser likelihood of recidivism outweigh the applicable factors 780
under that section indicating a greater likelihood of recidivism. 781

(2) A community control sanction or a combination of 782
community control sanctions would not demean the seriousness of 783
the offense, because one or more factors under section 2929.12 of 784
the Revised Code that indicate that the offender's conduct was 785
less serious than conduct normally constituting the offense are 786
applicable, and they outweigh the applicable factors under that 787
section that indicate that the offender's conduct was more serious 788
than conduct normally constituting the offense. 789

(E)(1) Except as provided in division (F) of this section, 790

r any drug offense that is a violation of any provision of Chapter 791
2925. of the Revised Code and that is a felony of the third, 792
fourth, or fifth degree, the applicability of a presumption under 793
division (D) of this section in favor of a prison term or of 794
division (B) or (C) of this section in determining whether to 795
impose a prison term for the offense shall be determined as 796
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 797
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 798
Revised Code, whichever is applicable regarding the violation. 799

(2) If an offender who was convicted of or pleaded guilty to 800
a felony violates the conditions of a community control sanction 801
imposed for the offense solely by reason of producing positive 802
results on a drug test, the court, as punishment for the violation 803
of the sanction, shall not order that the offender be imprisoned 804
unless the court determines on the record either of the following: 805

(a) The offender had been ordered as a sanction for the 806
felony to participate in a drug treatment program, in a drug 807
education program, or in narcotics anonymous or a similar program, 808
and the offender continued to use illegal drugs after a reasonable 809
period of participation in the program. 810

(b) The imprisonment of the offender for the violation is 811
consistent with the purposes and principles of sentencing set 812
forth in section 2929.11 of the Revised Code. 813

(F) Notwithstanding divisions (A) to (E) of this section, the 814
court shall impose a prison term or terms under sections 2929.02 815
to 2929.06, section 2929.14, or section 2971.03 of the Revised 816
Code and except as specifically provided in section 2929.20 or 817
2967.191 of the Revised Code or when parole is authorized for the 818
offense under section 2967.13 of the Revised Code shall not reduce 819
the terms pursuant to section 2929.20, section 2967.193, or any 820
other provision of Chapter 2967. or Chapter 5120. of the Revised 821
Code for any of the following offenses: 822

- (1) Aggravated murder when death is not imposed or murder; 823
- (2) Any rape, regardless of whether force was involved and 824
regardless of the age of the victim, or an attempt to commit rape 825
if, had the offender completed the rape that was attempted, the 826
offender would have been subject to a sentence of life 827
imprisonment or life imprisonment without parole for the rape; 828
- (3) Gross sexual imposition or sexual battery, if the victim 829
is under thirteen years of age, if the offender previously was 830
convicted of or pleaded guilty to rape, the former offense of 831
felonious sexual penetration, gross sexual imposition, or sexual 832
battery, and if the victim of the previous offense was under 833
thirteen years of age; 834
- (4) A felony violation of section 2903.04, 2903.06, 2903.08, 835
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 836
requires the imposition of a prison term; 837
- (5) A first, second, or third degree felony drug offense for 838
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 839
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 840
4729.99 of the Revised Code, whichever is applicable regarding the 841
violation, requires the imposition of a mandatory prison term; 842
- (6) Any offense that is a first or second degree felony and 843
that is not set forth in division (F)(1), (2), (3), or (4) of this 844
section, if the offender previously was convicted of or pleaded 845
guilty to aggravated murder, murder, any first or second degree 846
felony, or an offense under an existing or former law of this 847
state, another state, or the United States that is or was 848
substantially equivalent to one of those offenses; 849
- (7) Any offense that is a third degree felony and that is 850
listed in division (DD)(1) of section 2929.01 of the Revised Code 851
if the offender previously was convicted of or pleaded guilty to 852
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 853

section 2929.01 of the Revised Code; 854

(8) Any offense, other than a violation of section 2923.12 of 855
the Revised Code, that is a felony, if the offender had a firearm 856
on or about the offender's person or under the offender's control 857
while committing the felony, with respect to a portion of the 858
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 859
of the Revised Code for having the firearm; 860

(9) Any offense of violence that is a felony, if the offender 861
wore or carried body armor while committing the felony offense of 862
violence, with respect to the portion of the sentence imposed 863
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 864
Code for wearing or carrying the body armor; 865

(10) Corrupt activity in violation of section 2923.32 of the 866
Revised Code when the most serious offense in the pattern of 867
corrupt activity that is the basis of the offense is a felony of 868
the first degree; 869

(11) Any sexually violent offense for which the offender also 870
is convicted of or pleads guilty to a sexually violent predator 871
specification that was included in the indictment, count in the 872
indictment, or information charging the sexually violent offense; 873

(12) A violation of division (A)(1) or (2) of section 2921.36 874
of the Revised Code, or a violation of division (C) of that 875
section involving an item listed in division (A)(1) or (2) of that 876
section, if the offender is an officer or employee of the 877
department of rehabilitation and correction; 878

(13) A violation of division (A)(1) or (2) of section 2903.06 879
of the Revised Code if the victim of the offense is a peace 880
officer, as defined in section 2935.01 of the Revised Code, with 881
respect to the portion of the sentence imposed pursuant to 882
division (D)(5) of section 2929.14 of the Revised Code; 883

(14) A violation of division (A)(1) or (2) of section 2903.06 884
of the Revised Code if the offender has been convicted of or 885
pleaded guilty to three violations of division (A) or (B) of 886
section 4511.19 of the Revised Code or an equivalent offense, as 887
defined in section 2941.1414 of the Revised Code, with respect to 888
the portion of the sentence imposed pursuant to division (D)(5) of 889
section 2929.14 of the Revised Code. 890

(G) Notwithstanding divisions (A) to (E) of this section, if 891
an offender is being sentenced for a fourth degree felony OMVI 892
offense or for a third degree felony OMVI offense, the court shall 893
impose upon the offender a mandatory term of local incarceration 894
or a mandatory prison term in accordance with the following: 895

(1) If the offender is being sentenced for a fourth degree 896
felony OMVI offense, the court may impose upon the offender a 897
mandatory term of local incarceration of sixty days as specified 898
in division (A)(4) of section 4511.99 of the Revised Code or a 899
mandatory term of local incarceration of one hundred twenty days 900
as specified in division (A)(8) of that section. The court shall 901
not reduce the term pursuant to section 2929.20, 2967.193, or any 902
other provision of the Revised Code. The court that imposes a 903
mandatory term of local incarceration under this division shall 904
specify whether the term is to be served in a jail, a 905
community-based correctional facility, a halfway house, or an 906
alternative residential facility, and the offender shall serve the 907
term in the type of facility specified by the court. A mandatory 908
term of local incarceration imposed under division (G)(1) of this 909
section is not subject to extension under section 2967.11 of the 910
Revised Code, to a period of post-release control under section 911
2967.28 of the Revised Code, or to any other Revised Code 912
provision that pertains to a prison term. 913

(2) If the offender is being sentenced for a third degree 914
felony OMVI offense, or if the offender is being sentenced for a 915

fourth degree felony OMVI offense and the court does not impose a 916
mandatory term of local incarceration under division (G)(1) of 917
this section, the court shall impose upon the offender a mandatory 918
prison term of sixty days as specified in division (A)(4) of 919
section 4511.99 of the Revised Code or a mandatory prison term of 920
one hundred twenty days as specified in division (A)(8) of that 921
section. The court shall not reduce the term pursuant to section 922
2929.20, 2967.193, or any other provision of the Revised Code. In 923
no case shall an offender who once has been sentenced to a 924
mandatory term of local incarceration pursuant to division (G)(1) 925
of this section for a fourth degree felony OMVI offense be 926
sentenced to another mandatory term of local incarceration under 927
that division for any violation of division (A) of section 4511.19 928
of the Revised Code. The court shall not sentence the offender to 929
a community control sanction under section 2929.16 or 2929.17 of 930
the Revised Code. The department of rehabilitation and correction 931
may place an offender sentenced to a mandatory prison term under 932
this division in an intensive program prison established pursuant 933
to section 5120.033 of the Revised Code if the department gave the 934
sentencing judge prior notice of its intent to place the offender 935
in an intensive program prison established under that section and 936
if the judge did not notify the department that the judge 937
disapproved the placement. Upon the establishment of the initial 938
intensive program prison pursuant to section 5120.033 of the 939
Revised Code that is privately operated and managed by a 940
contractor pursuant to a contract entered into under section 9.06 941
of the Revised Code, both of the following apply: 942

(a) The department of rehabilitation and correction shall 943
make a reasonable effort to ensure that a sufficient number of 944
offenders sentenced to a mandatory prison term under this division 945
are placed in the privately operated and managed prison so that 946
the privately operated and managed prison has full occupancy. 947

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

(H) If an offender is being sentenced for a sexually oriented offense committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code if either of the following applies:

(1) The offense was a sexually violent offense, and the offender also was convicted of or pleaded guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense.

(2) The judge imposing sentence for the sexually oriented offense determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator.

(I) If an offender is being sentenced for a sexually oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duty to register pursuant to section 2950.04 of the Revised Code, the offender's duty to provide notice of a change in residence address and register the new residence address pursuant to section 2950.05 of the Revised Code, the offender's duty to periodically verify the offender's current residence address pursuant to section 2950.06 of the Revised Code, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration and, if required under division (A)(2) of section 2950.03 of the Revised Code, shall perform the

duties specified in that section. 979

(J)(1) Except as provided in division (J)(2) of this section, 980
when considering sentencing factors under this section in relation 981
to an offender who is convicted of or pleads guilty to an attempt 982
to commit an offense in violation of section 2923.02 of the 983
Revised Code, the sentencing court shall consider the factors 984
applicable to the felony category of the violation of section 985
2923.02 of the Revised Code instead of the factors applicable to 986
the felony category of the offense attempted. 987

(2) When considering sentencing factors under this section in 988
relation to an offender who is convicted of or pleads guilty to an 989
attempt to commit a drug abuse offense for which the penalty is 990
determined by the amount or number of unit doses of the controlled 991
substance involved in the drug abuse offense, the sentencing court 992
shall consider the factors applicable to the felony category that 993
the drug abuse offense attempted would be if that drug abuse 994
offense had been committed and had involved an amount or number of 995
unit doses of the controlled substance that is within the next 996
lower range of controlled substance amounts than was involved in 997
the attempt. 998

(K) As used in this section, "drug abuse offense" has the 999
same meaning as in section 2925.01 of the Revised Code. 1000

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 1001
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 1002
except in relation to an offense for which a sentence of death or 1003
life imprisonment is to be imposed, if the court imposing a 1004
sentence upon an offender for a felony elects or is required to 1005
impose a prison term on the offender pursuant to this chapter and 1006
is not prohibited by division (G)(1) of section 2929.13 of the 1007
Revised Code from imposing a prison term on the offender, the 1008
court shall impose a definite prison term that shall be one of the 1009

following: 1010

(1) For a felony of the first degree, the prison term shall 1011
be three, four, five, six, seven, eight, nine, or ten years. 1012

(2) For a felony of the second degree, the prison term shall 1013
be two, three, four, five, six, seven, or eight years. 1014

(3) For a felony of the third degree, the prison term shall 1015
be one, two, three, four, or five years. 1016

(4) For a felony of the fourth degree, the prison term shall 1017
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1018
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1019

(5) For a felony of the fifth degree, the prison term shall 1020
be six, seven, eight, nine, ten, eleven, or twelve months. 1021

(B) Except as provided in division (C), (D)(1), (D)(2), 1022
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 1023
of the Revised Code, or in Chapter 2925. of the Revised Code, if 1024
the court imposing a sentence upon an offender for a felony elects 1025
or is required to impose a prison term on the offender, the court 1026
shall impose the shortest prison term authorized for the offense 1027
pursuant to division (A) of this section, unless one or more of 1028
the following applies: 1029

(1) The offender was serving a prison term at the time of the 1030
offense, or the offender previously had served a prison term. 1031

(2) The court finds on the record that the shortest prison 1032
term will demean the seriousness of the offender's conduct or will 1033
not adequately protect the public from future crime by the 1034
offender or others. 1035

(C) Except as provided in division (G) of this section or in 1036
Chapter 2925. of the Revised Code, the court imposing a sentence 1037
upon an offender for a felony may impose the longest prison term 1038
authorized for the offense pursuant to division (A) of this 1039

ection only upon offenders who committed the worst forms of the 1040
offense, upon offenders who pose the greatest likelihood of 1041
committing future crimes, upon certain major drug offenders under 1042
division (D)(3) of this section, and upon certain repeat violent 1043
offenders in accordance with division (D)(2) of this section. 1044

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1045
section, if an offender who is convicted of or pleads guilty to a 1046
felony also is convicted of or pleads guilty to a specification of 1047
the type described in section 2941.141, 2941.144, or 2941.145 of 1048
the Revised Code, the court shall impose on the offender one of 1049
the following prison terms: 1050

(i) A prison term of six years if the specification is of the 1051
type described in section 2941.144 of the Revised Code that 1052
charges the offender with having a firearm that is an automatic 1053
firearm or that was equipped with a firearm muffler or silencer on 1054
or about the offender's person or under the offender's control 1055
while committing the felony; 1056

(ii) A prison term of three years if the specification is of 1057
the type described in section 2941.145 of the Revised Code that 1058
charges the offender with having a firearm on or about the 1059
offender's person or under the offender's control while committing 1060
the offense and displaying the firearm, brandishing the firearm, 1061
indicating that the offender possessed the firearm, or using it to 1062
facilitate the offense; 1063

(iii) A prison term of one year if the specification is of 1064
the type described in section 2941.141 of the Revised Code that 1065
charges the offender with having a firearm on or about the 1066
offender's person or under the offender's control while committing 1067
the felony. 1068

(b) If a court imposes a prison term on an offender under 1069
division (D)(1)(a) of this section, the prison term shall not be 1070

reduced pursuant to section 2929.20, section 2967.193, or any 1071
other provision of Chapter 2967. or Chapter 5120. of the Revised 1072
Code. A court shall not impose more than one prison term on an 1073
offender under division (D)(1)(a) of this section for felonies 1074
committed as part of the same act or transaction. 1075

(c) Except as provided in division (D)(1)(e) of this section, 1076
if an offender who is convicted of or pleads guilty to a violation 1077
of section 2923.161 of the Revised Code or to a felony that 1078
includes, as an essential element, purposely or knowingly causing 1079
or attempting to cause the death of or physical harm to another, 1080
also is convicted of or pleads guilty to a specification of the 1081
type described in section 2941.146 of the Revised Code that 1082
charges the offender with committing the offense by discharging a 1083
firearm from a motor vehicle other than a manufactured home, the 1084
court, after imposing a prison term on the offender for the 1085
violation of section 2923.161 of the Revised Code or for the other 1086
felony offense under division (A), (D)(2), or (D)(3) of this 1087
section, shall impose an additional prison term of five years upon 1088
the offender that shall not be reduced pursuant to section 1089
2929.20, section 2967.193, or any other provision of Chapter 2967. 1090
or Chapter 5120. of the Revised Code. A court shall not impose 1091
more than one additional prison term on an offender under division 1092
(D)(1)(c) of this section for felonies committed as part of the 1093
same act or transaction. If a court imposes an additional prison 1094
term on an offender under division (D)(1)(c) of this section 1095
relative to an offense, the court also shall impose a prison term 1096
under division (D)(1)(a) of this section relative to the same 1097
offense, provided the criteria specified in that division for 1098
imposing an additional prison term are satisfied relative to the 1099
offender and the offense. 1100

(d) If an offender who is convicted of or pleads guilty to an 1101
offense of violence that is a felony also is convicted of or 1102

pleads guilty to a specification of the type described in section 1103
2941.1411 of the Revised Code that charges the offender with 1104
wearing or carrying body armor while committing the felony offense 1105
of violence, the court shall impose on the offender a prison term 1106
of two years. The prison term so imposed shall not be reduced 1107
pursuant to section 2929.20, section 2967.193, or any other 1108
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1109
court shall not impose more than one prison term on an offender 1110
under division (D)(1)(d) of this section for felonies committed as 1111
part of the same act or transaction. If a court imposes an 1112
additional prison term under division (D)(1)(a) or (c) of this 1113
section, the court is not precluded from imposing an additional 1114
prison term under division (D)(1)(d) of this section. 1115

(e) The court shall not impose any of the prison terms 1116
described in division (D)(1)(a) of this section or any of the 1117
additional prison terms described in division (D)(1)(c) of this 1118
section upon an offender for a violation of section 2923.12 or 1119
2923.123 of the Revised Code. The court shall not impose any of 1120
the prison terms described in division (D)(1)(a) of this section 1121
or any of the additional prison terms described in division 1122
(D)(1)(c) of this section upon an offender for a violation of 1123
section 2923.13 of the Revised Code unless all of the following 1124
apply: 1125

(i) The offender previously has been convicted of aggravated 1126
murder, murder, or any felony of the first or second degree. 1127

(ii) Less than five years have passed since the offender was 1128
released from prison or post-release control, whichever is later, 1129
for the prior offense. 1130

(2)(a) If an offender who is convicted of or pleads guilty to 1131
a felony also is convicted of or pleads guilty to a specification 1132
of the type described in section 2941.149 of the Revised Code that 1133
the offender is a repeat violent offender, the court shall impose 1134

a prison term from the range of terms authorized for the offense 1135
under division (A) of this section that may be the longest term in 1136
the range and that shall not be reduced pursuant to section 1137
2929.20, section 2967.193, or any other provision of Chapter 2967. 1138
or Chapter 5120. of the Revised Code. If the court finds that the 1139
repeat violent offender, in committing the offense, caused any 1140
physical harm that carried a substantial risk of death to a person 1141
or that involved substantial permanent incapacity or substantial 1142
permanent disfigurement of a person, the court shall impose the 1143
longest prison term from the range of terms authorized for the 1144
offense under division (A) of this section. 1145

(b) If the court imposing a prison term on a repeat violent 1146
offender imposes the longest prison term from the range of terms 1147
authorized for the offense under division (A) of this section, the 1148
court may impose on the offender an additional definite prison 1149
term of one, two, three, four, five, six, seven, eight, nine, or 1150
ten years if the court finds that both of the following apply with 1151
respect to the prison terms imposed on the offender pursuant to 1152
division (D)(2)(a) of this section and, if applicable, divisions 1153
(D)(1) and (3) of this section: 1154

(i) The terms so imposed are inadequate to punish the 1155
offender and protect the public from future crime, because the 1156
applicable factors under section 2929.12 of the Revised Code 1157
indicating a greater likelihood of recidivism outweigh the 1158
applicable factors under that section indicating a lesser 1159
likelihood of recidivism. 1160

(ii) The terms so imposed are demeaning to the seriousness of 1161
the offense, because one or more of the factors under section 1162
2929.12 of the Revised Code indicating that the offender's conduct 1163
is more serious than conduct normally constituting the offense are 1164
present, and they outweigh the applicable factors under that 1165
section indicating that the offender's conduct is less serious 1166

than conduct normally constituting the offense. 1167

(3)(a) Except when an offender commits a violation of section 1168
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1169
the violation is life imprisonment or commits a violation of 1170
section 2903.02 of the Revised Code, if the offender commits a 1171
violation of section 2925.03 or 2925.11 of the Revised Code and 1172
that section classifies the offender as a major drug offender and 1173
requires the imposition of a ten-year prison term on the offender, 1174
if the offender commits a felony violation of section 2925.02, 1175
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1176
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1177
division (C) of section 4729.51, or division (J) of section 1178
4729.54 of the Revised Code that includes the sale, offer to sell, 1179
or possession of a schedule I or II controlled substance, with the 1180
exception of marihuana, and the court imposing sentence upon the 1181
offender finds that the offender is guilty of a specification of 1182
the type described in section 2941.1410 of the Revised Code 1183
charging that the offender is a major drug offender, if the court 1184
imposing sentence upon an offender for a felony finds that the 1185
offender is guilty of corrupt activity with the most serious 1186
offense in the pattern of corrupt activity being a felony of the 1187
first degree, or if the offender is guilty of an attempted 1188
violation of section 2907.02 of the Revised Code and, had the 1189
offender completed the violation of section 2907.02 of the Revised 1190
Code that was attempted, the offender would have been subject to a 1191
sentence of life imprisonment or life imprisonment without parole 1192
for the violation of section 2907.02 of the Revised Code, the 1193
court shall impose upon the offender for the felony violation a 1194
ten-year prison term that cannot be reduced pursuant to section 1195
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1196

(b) The court imposing a prison term on an offender under 1197
division (D)(3)(a) of this section may impose an additional prison 1198

term of one, two, three, four, five, six, seven, eight, nine, or 1199
ten years, if the court, with respect to the term imposed under 1200
division (D)(3)(a) of this section and, if applicable, divisions 1201
(D)(1) and (2) of this section, makes both of the findings set 1202
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1203

(4) If the offender is being sentenced for a third or fourth 1204
degree felony OMVI offense under division (G)(2) of section 1205
2929.13 of the Revised Code, the sentencing court shall impose 1206
upon the offender a mandatory prison term in accordance with that 1207
division. In addition to the mandatory prison term, the sentencing 1208
court may sentence the offender to an additional prison term of 1209
any duration specified in division (A)(3) of this section minus 1210
the sixty or one hundred twenty days imposed upon the offender as 1211
the mandatory prison term. The total of the additional prison term 1212
imposed under division (D)(4) of this section plus the sixty or 1213
one hundred twenty days imposed as the mandatory prison term shall 1214
equal one of the authorized prison terms specified in division 1215
(A)(3) of this section. If the court imposes an additional prison 1216
term under division (D)(4) of this section, the offender shall 1217
serve the additional prison term after the offender has served the 1218
mandatory prison term required for the offense. The court shall 1219
not sentence the offender to a community control sanction under 1220
section 2929.16 or 2929.17 of the Revised Code. 1221

(5) If an offender is convicted of or pleads guilty to a 1222
violation of division (A)(1) or (2) of section 2903.06 of the 1223
Revised Code and also is convicted of or pleads guilty to a 1224
specification of the type described in section 2941.1413 of the 1225
Revised Code that charges that the victim of the offense is a 1226
peace officer, as defined in section 2935.01 of the Revised Code, 1227
the court shall impose on the offender a prison term of five 1228
years. If a court imposes a prison term on an offender under 1229
division (D)(5) of this section, the prison term shall not be 1230

reduced pursuant to section 2929.20, section 2967.193, or any 1231
other provision of Chapter 2967. or Chapter 5120. of the Revised 1232
Code. A court shall not impose more than one prison term on an 1233
offender under division (D)(5) of this section for felonies 1234
committed as part of the same act. 1235

(6) If an offender is convicted of or pleads guilty to a 1236
violation of division (A)(1) or (2) of section 2903.06 of the 1237
Revised Code and also is convicted of or pleads guilty to a 1238
specification of the type described in section 2941.1414 of the 1239
Revised Code that charges that the offender previously has been 1240
convicted of or pleaded guilty to three violations of division (A) 1241
or (B) of section 4511.19 of the Revised Code or an equivalent 1242
offense, as defined in section 2941.1414 of the Revised Code, the 1243
court shall impose on the offender a prison term of three years. 1244
If a court imposes a prison term on an offender under division 1245
(D)(6) of this section, the prison term shall not be reduced 1246
pursuant to section 2929.20, section 2967.193, or any other 1247
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1248
court shall not impose more than one prison term on an offender 1249
under division (D)(6) of this section for felonies committed as 1250
part of the same act. 1251

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1252
mandatory prison term is imposed upon an offender pursuant to 1253
division (D)(1)(a) of this section for having a firearm on or 1254
about the offender's person or under the offender's control while 1255
committing a felony, if a mandatory prison term is imposed upon an 1256
offender pursuant to division (D)(1)(c) of this section for 1257
committing a felony specified in that division by discharging a 1258
firearm from a motor vehicle, or if both types of mandatory prison 1259
terms are imposed, the offender shall serve any mandatory prison 1260
term imposed under either division consecutively to any other 1261
mandatory prison term imposed under either division or under 1262

division (D)(1)(d) of this section, consecutively to and prior to 1263
any prison term imposed for the underlying felony pursuant to 1264
division (A), (D)(2), or (D)(3) of this section or any other 1265
section of the Revised Code, and consecutively to any other prison 1266
term or mandatory prison term previously or subsequently imposed 1267
upon the offender. 1268

(b) If a mandatory prison term is imposed upon an offender 1269
pursuant to division (D)(1)(d) of this section for wearing or 1270
carrying body armor while committing an offense of violence that 1271
is a felony, the offender shall serve the mandatory term so 1272
imposed consecutively to any other mandatory prison term imposed 1273
under that division or under division (D)(1)(a) or (c) of this 1274
section, consecutively to and prior to any prison term imposed for 1275
the underlying felony under division (A), (D)(2), or (D)(3) of 1276
this section or any other section of the Revised Code, and 1277
consecutively to any other prison term or mandatory prison term 1278
previously or subsequently imposed upon the offender. 1279

(2) If an offender who is an inmate in a jail, prison, or 1280
other residential detention facility violates section 2917.02, 1281
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1282
who is under detention at a detention facility commits a felony 1283
violation of section 2923.131 of the Revised Code, or if an 1284
offender who is an inmate in a jail, prison, or other residential 1285
detention facility or is under detention at a detention facility 1286
commits another felony while the offender is an escapee in 1287
violation of section 2921.34 of the Revised Code, any prison term 1288
imposed upon the offender for one of those violations shall be 1289
served by the offender consecutively to the prison term or term of 1290
imprisonment the offender was serving when the offender committed 1291
that offense and to any other prison term previously or 1292
subsequently imposed upon the offender. 1293

(3) If a prison term is imposed for a violation of division 1294

B) of section 2911.01 of the Revised Code or if a prison term is 1295
imposed for a felony violation of division (B) of section 2921.331 1296
of the Revised Code, the offender shall serve that prison term 1297
consecutively to any other prison term or mandatory prison term 1298
previously or subsequently imposed upon the offender. 1299

(4) If multiple prison terms are imposed on an offender for 1300
convictions of multiple offenses, the court may require the 1301
offender to serve the prison terms consecutively if the court 1302
finds that the consecutive service is necessary to protect the 1303
public from future crime or to punish the offender and that 1304
consecutive sentences are not disproportionate to the seriousness 1305
of the offender's conduct and to the danger the offender poses to 1306
the public, and if the court also finds any of the following: 1307

(a) The offender committed one or more of the multiple 1308
offenses while the offender was awaiting trial or sentencing, was 1309
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1310
2929.18 of the Revised Code, or was under post-release control for 1311
a prior offense. 1312

(b) At least two of the multiple offenses were committed as 1313
part of one or more courses of conduct, and the harm caused by two 1314
or more of the multiple offenses so committed was so great or 1315
unusual that no single prison term for any of the offenses 1316
committed as part of any of the courses of conduct adequately 1317
reflects the seriousness of the offender's conduct. 1318

(c) The offender's history of criminal conduct demonstrates 1319
that consecutive sentences are necessary to protect the public 1320
from future crime by the offender. 1321

(5) If a mandatory prison term is imposed upon an offender 1322
pursuant to division (D)(5) or (6) of this section, the offender 1323
shall serve the mandatory prison term consecutively to and prior 1324
to any prison term imposed for the underlying violation of 1325

sion (A)(1) or (2) of section 2903.06 of the Revised Code pursuant 1326
to division (A) of this section. If a mandatory prison term is 1327
imposed upon an offender pursuant to division (D)(5) of this 1328
section, and if a mandatory prison term also is imposed upon the 1329
offender pursuant to division (D)(6) of this section in relation 1330
to the same violation, the offender shall serve the mandatory 1331
prison term imposed pursuant to division (D)(5) of this section 1332
consecutively to and prior to the mandatory prison term imposed 1333
pursuant to division (D)(6) of this section and consecutively to 1334
and prior to any prison term imposed for the underlying violation 1335
of division (A)(1) or (2) of section 2903.06 of the Revised Code 1336
pursuant to division (A) of this section. 1337

(6) When consecutive prison terms are imposed pursuant to 1338
division (E)(1), (2), (3), ~~or~~ (4), or (5) of this section, the 1339
term to be served is the aggregate of all of the terms so imposed. 1340

(F) If a court imposes a prison term of a type described in 1341
division (B) of section 2967.28 of the Revised Code, it shall 1342
include in the sentence a requirement that the offender be subject 1343
to a period of post-release control after the offender's release 1344
from imprisonment, in accordance with that division. If a court 1345
imposes a prison term of a type described in division (C) of that 1346
section, it shall include in the sentence a requirement that the 1347
offender be subject to a period of post-release control after the 1348
offender's release from imprisonment, in accordance with that 1349
division, if the parole board determines that a period of 1350
post-release control is necessary. 1351

(G) If a person is convicted of or pleads guilty to a 1352
sexually violent offense and also is convicted of or pleads guilty 1353
to a sexually violent predator specification that was included in 1354
the indictment, count in the indictment, or information charging 1355
that offense, the court shall impose sentence upon the offender in 1356
accordance with section 2971.03 of the Revised Code, and Chapter 1357

2971. of the Revised Code applies regarding the prison term or 1358
term of life imprisonment without parole imposed upon the offender 1359
and the service of that term of imprisonment. 1360

(H) If a person who has been convicted of or pleaded guilty 1361
to a felony is sentenced to a prison term or term of imprisonment 1362
under this section, sections 2929.02 to 2929.06 of the Revised 1363
Code, section 2971.03 of the Revised Code, or any other provision 1364
of law, section 5120.163 of the Revised Code applies regarding the 1365
person while the person is confined in a state correctional 1366
institution. 1367

(I) If an offender who is convicted of or pleads guilty to a 1368
felony that is an offense of violence also is convicted of or 1369
pleads guilty to a specification of the type described in section 1370
2941.142 of the Revised Code that charges the offender with having 1371
committed the felony while participating in a criminal gang, the 1372
court shall impose upon the offender an additional prison term of 1373
one, two, or three years. 1374

(J) If an offender who is convicted of or pleads guilty to 1375
aggravated murder, murder, or a felony of the first, second, or 1376
third degree that is an offense of violence also is convicted of 1377
or pleads guilty to a specification of the type described in 1378
section 2941.143 of the Revised Code that charges the offender 1379
with having committed the offense in a school safety zone or 1380
towards a person in a school safety zone, the court shall impose 1381
upon the offender an additional prison term of two years. The 1382
offender shall serve the additional two years consecutively to and 1383
prior to the prison term imposed for the underlying offense. 1384

(K) At the time of sentencing, the court may recommend the 1385
offender for placement in a program of shock incarceration under 1386
section 5120.031 of the Revised Code or for placement in an 1387
intensive program prison under section 5120.032 of the Revised 1388
Code, disapprove placement of the offender in a program of shock 1389

incarceration or an intensive program prison of that nature, or 1390
make no recommendation on placement of the offender. In no case 1391
shall the department of rehabilitation and correction place the 1392
offender in a program or prison of that nature unless the 1393
department determines as specified in section 5120.031 or 5120.032 1394
of the Revised Code, whichever is applicable, that the offender is 1395
eligible for the placement. 1396

If the court disapproves placement of the offender in a 1397
program or prison of that nature, the department of rehabilitation 1398
and correction shall not place the offender in any program of 1399
shock incarceration or intensive program prison. 1400

If the court recommends placement of the offender in a 1401
program of shock incarceration or in an intensive program prison, 1402
and if the offender is subsequently placed in the recommended 1403
program or prison, the department shall notify the court of the 1404
placement and shall include with the notice a brief description of 1405
the placement. 1406

If the court recommends placement of the offender in a 1407
program of shock incarceration or in an intensive program prison 1408
and the department does not subsequently place the offender in the 1409
recommended program or prison, the department shall send a notice 1410
to the court indicating why the offender was not placed in the 1411
recommended program or prison. 1412

If the court does not make a recommendation under this 1413
division with respect to an offender and if the department 1414
determines as specified in section 5120.031 or 5120.032 of the 1415
Revised Code, whichever is applicable, that the offender is 1416
eligible for placement in a program or prison of that nature, the 1417
department shall screen the offender and determine if there is an 1418
available program of shock incarceration or an intensive program 1419
prison for which the offender is suited. If there is an available 1420
program of shock incarceration or an intensive program prison for 1421

which the offender is suited, the department shall notify the 1422
court of the proposed placement of the offender as specified in 1423
section 5120.031 or 5120.032 of the Revised Code and shall include 1424
with the notice a brief description of the placement. The court 1425
shall have ten days from receipt of the notice to disapprove the 1426
placement. 1427

Sec. 2941.1413. (A) Imposition of a five-year mandatory 1428
prison term upon an offender under division (D)(5) of section 1429
2929.14 of the Revised Code is precluded unless the offender is 1430
convicted of or pleads guilty to violating division (A)(1) or (2) 1431
of section 2903.06 of the Revised Code and unless the indictment, 1432
count in the indictment, or information charging the offense 1433
specifies that the victim of the offense is a peace officer. The 1434
specification shall be stated at the end of the body of the 1435
indictment, count, or information and shall be stated in 1436
substantially the following form: 1437

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1438
Grand Jurors (or insert the person's or the prosecuting attorney's 1439
name when appropriate) further find and specify that (set forth 1440
that the victim of the offense is a peace officer)." 1441

(B) The specification described in division (A) of this 1442
section may be used in a delinquent child proceeding in the manner 1443
and for the purpose described in section 2152.17 of the Revised 1444
Code. 1445

(C) As used in this section, "peace officer" has the same 1446
meaning as in section 2935.01 of the Revised Code. 1447

Sec. 2941.1414. (A) Imposition of a three-year mandatory 1448
prison term upon an offender under division (D)(6) of section 1449
2929.14 of the Revised Code is precluded unless the offender is 1450
convicted of or pleads guilty to violating division (A)(1) or (2) 1451

of section 2903.06 of the Revised Code and unless the indictment, 1452
count in the indictment, or information charging the offense 1453
specifies that the offender previously has been convicted of or 1454
pleaded guilty to three violations of division (A) or (B) of 1455
section 4511.19 of the Revised Code or an equivalent offense. The 1456
specification shall be stated at the end of the body of the 1457
indictment, count, or information and shall be stated in 1458
substantially the following form: 1459

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1460
Grand Jurors (or insert the person's or the prosecuting attorney's 1461
name when appropriate) further find and specify that (set forth 1462
that the offender previously has been convicted of or pleaded 1463
guilty to three violations of division (A) or (B) of section 1464
4511.19 of the Revised Code or an equivalent offense)." 1465

(B) The specification described in division (A) of this 1466
section may be used in a delinquent child proceeding in the manner 1467
and for the purpose described in section 2152.17 of the Revised 1468
Code. 1469

(C) As used in this section: 1470

(1) Until January 1, 2004, "equivalent offense" means: 1471

(a) A municipal ordinance relating to operating a vehicle 1472
while under the influence of alcohol, a drug of abuse, or alcohol 1473
and a drug of abuse; 1474

(b) A municipal ordinance relating to operating a vehicle 1475
with a prohibited concentration of alcohol in the blood, breath, 1476
or urine; 1477

(c) Section 2903.04 of the Revised Code in a case in which 1478
the offender was subject to the sanctions described in division 1479

(D) of that section; 1480

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 1481

section 2903.08 of the Revised Code or a municipal ordinance that 1482
is substantially similar to either of those divisions; 1483

(e) Division (A)(2), (3), or (4) of section 2903.06, division 1484
(A)(2) of section 2903.08, or former section 2903.07 of the 1485
Revised Code, or a municipal ordinance that is substantially 1486
similar to any of those divisions or that former section, in a 1487
case in which the jury or judge found that the offender was under 1488
the influence of alcohol, a drug of abuse, or alcohol and a drug 1489
of abuse; 1490

(f) A statute of the United States or of any other state or a 1491
municipal ordinance of a municipal corporation located in any 1492
other state that is substantially similar to division (A) or (B) 1493
of section 4511.19 of the Revised Code. 1494

(2) On and after January 1, 2004, "equivalent offense" has 1495
the same meaning as in section 4511.181 of the Revised Code. 1496

Sec. 4511.98. (A) The director of transportation, board of 1497
county commissioners, or board of township trustees may cause 1498
signs to be erected advising motorists that increased penalties 1499
apply for certain traffic violations occurring on streets or 1500
highways in a construction zone. The increased penalties shall be 1501
effective only when signs are erected in accordance with the 1502
guidelines and design specifications established by the director 1503
under section 5501.27 of the Revised Code, and when a violation 1504
occurs during hours of actual work within the construction zone. 1505

(B) The director of transportation, board of county commissioners, or board of township trustees may cause signs to be erected in construction zones advising motorists of the stringent penalties for a violation of division (A)(2)(a) of section 2903.06 or division (A)(2)(a) of section 2903.08 of the Revised Code for causing death or injury in a construction zone as a result of a reckless operation or speeding offense. If the director or a board fails to cause any sign to be erected as authorized by this division, the failure does not limit or restrict the application of division (A)(2)(a) of section 2903.06 and division (A)(2)(a) of section 2903.08 of the Revised Code to a person operating a motor vehicle or motorcycle within the construction zone, the enforcement of those divisions, or the prosecution of a person who violates either of those divisions. If the director adopts rules under section 5501.27 of the Revised Code that specify the advice to be set forth on the signs described in this division and that govern the posting of the signs, all signs posted as authorized by this division shall comply with the rules so adopted.

Sec. 5501.27. (A)(1) The director of transportation shall adopt rules governing the posting of signs advising motorists that increased penalties apply for certain traffic violations occurring on streets or highways in a construction zone. The rules shall include guidelines to determine which areas are appropriate to the posting of such signs. The guidelines may include consideration of the following: the duration of the work on the street or highway, the proximity of workers to moving traffic, the existence of any unusual or hazardous conditions, the volume of traffic on the street or highway, and any other appropriate factors. ~~The~~

(2) The director of transportation may adopt rules specifying the advice to be set forth on signs of the type described in division (B) of section 4511.98 of the Revised Code and may adopt rules governing the posting of signs of that type. 1534
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(3) The director of transportation shall formulate design specifications for the signs described in division (A)(1) of this section advising motorists of the increased penalties and the signs described in division (A)(2) of this section advising motorists of the illegal conduct identified in division (B) of section 4511.98 of the Revised Code. For purposes of traffic violation penalties, nothing in this section is intended to conflict with any standard set forth in the federal manual of uniform traffic control devices for streets and highways. 1538
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(B) As used in this section and in section 4511.98 of the Revised Code, "construction zone" means that lane or portion of street or highway open to vehicular traffic and adjacent to a lane, berm, or shoulder of a street or highway within which lane, berm, or shoulder construction, reconstruction, resurfacing, or any other work of a repair or maintenance nature, including public utility work, is being conducted, commencing with the point where the first worker or piece of equipment is located and ending where the last worker or piece of equipment is located. 1547
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Section 2. That existing sections 2152.17, 2903.06, 2903.08, 2929.01, 2929.13, 2929.14, 4511.98, and 5501.27 of the Revised Code are hereby repealed. 1556
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Section 3. That the versions of sections 2903.06, 2903.08, 2929.01, 2929.13, and 2929.14 of the Revised Code that are scheduled to take effect January 1, 2004, be amended to read as follows: 1559
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Sec. 2903.06. (A) No person, while operating or participating 1563
in the operation of a motor vehicle, motorcycle, snowmobile, 1564
locomotive, watercraft, or aircraft, shall cause the death of 1565
another or the unlawful termination of another's pregnancy in any 1566
of the following ways: 1567

(1) As the proximate result of committing a violation of 1568
division (A) of section 4511.19 of the Revised Code or of a 1569
substantially equivalent municipal ordinance; 1570

(2) In either of the following ways: 1571

(a) As the proximate result of committing, while operating or 1572
participating in the operation of a motor vehicle or motorcycle in 1573
a construction zone, a reckless operation or speeding offense, 1574
provided that this division applies only if the person whose death 1575
is caused or whose pregnancy is unlawfully terminated is working 1576
in the construction zone at the time of the offender's commission 1577
of the reckless operation or speeding offense in the construction 1578
zone; 1579

(b) Recklessly; 1580

(3) Negligently; 1581

(4) As the proximate result of committing a violation of any 1582
provision of any section contained in Title XLV of the Revised 1583
Code that is a minor misdemeanor or of a municipal ordinance that, 1584
regardless of the penalty set by ordinance for the violation, is 1585
substantially equivalent to any provision of any section contained 1586
in Title XLV of the Revised Code that is a minor misdemeanor. 1587

(B)(1) Whoever violates division (A)(1) or (2) of this 1588
section is guilty of aggravated vehicular homicide and shall be 1589
punished as provided in divisions (B)(1)(a) and (b) of this 1590
section. 1591

(a) Except as otherwise provided in this division, aggravated 1592

vehicular homicide committed in violation of division (A)(1) or 1593
(2)(a) of this section is a felony of the second degree. 1594
Aggravated vehicular homicide committed in violation of division 1595
(A)(1) or (2)(a) of this section is a felony of the first degree 1596
if, at the time of the offense, the offender was driving under a 1597
suspension imposed under Chapter 4510. or any other provision of 1598
the Revised Code or if the offender previously has been convicted 1599
of or pleaded guilty to a violation of this section; any 1600
traffic-related homicide, manslaughter, or assault offense; three 1601
prior violations of section 4511.19 of the Revised Code or of a 1602
substantially equivalent municipal ordinance within the previous 1603
six years; or a second or subsequent felony violation of division 1604
(A) of section 4511.19 of the Revised Code. 1605

In addition to any other sanctions imposed, the court shall 1606
impose upon the offender a class one suspension of the offender's 1607
driver's license, commercial driver's license, temporary 1608
instruction permit, probationary license, or nonresident operating 1609
privilege as specified in division (A)(1) of section 4510.02 of 1610
the Revised Code. 1611

(b) Except as otherwise provided in this division, aggravated 1612
vehicular homicide committed in violation of division (A)(2)(b) of 1613
this section is a felony of the third degree. Aggravated vehicular 1614
homicide committed in violation of division (A)(2)(b) of this 1615
section is a felony of the second degree if, at the time of the 1616
offense, the offender was driving under a suspension imposed under 1617
Chapter 4510. or any other provision of the Revised Code or if the 1618
offender previously has been convicted of or pleaded guilty to a 1619
violation of this section or any traffic-related homicide, 1620
manslaughter, or assault offense. 1621

In addition to any other sanctions imposed, the court shall 1622
impose upon the offender a class two suspension of the offender's 1623
driver's license, commercial driver's license, temporary 1624

on permit, probationary license, or nonresident operating 1625
privilege from the range specified in division (A)(2) of section 1626
4510.02 of the Revised Code. 1627

(2) Whoever violates division (A)(3) of this section is 1628
guilty of vehicular homicide. Except as otherwise provided in this 1629
division, vehicular homicide is a misdemeanor of the first degree. 1630
Vehicular homicide is a felony of the fourth degree if, at the 1631
time of the offense, the offender was driving under a suspension 1632
or revocation imposed under Chapter 4507. or any other provision 1633
of the Revised Code or if the offender previously has been 1634
convicted of or pleaded guilty to a violation of this section or 1635
any traffic-related homicide, manslaughter, or assault offense. 1636

In addition to any other sanctions imposed, the court shall 1637
impose upon the offender a class four suspension of the offender's 1638
driver's license, commercial driver's license, temporary 1639
instruction permit, probationary license, or nonresident operating 1640
privilege from the range specified in division (A)(4) of section 1641
4510.02 of the Revised Code or, if the offender previously has 1642
been convicted of or pleaded guilty to a violation of this section 1643
or any traffic-related homicide, manslaughter, or assault offense, 1644
a class three suspension of the offender's driver's license, 1645
commercial driver's license, temporary instruction permit, 1646
probationary license, or nonresident operating privilege from the 1647
range specified in division (A)(3) of that section. 1648

(3) Whoever violates division (A)(4) of this section is 1649
guilty of vehicular manslaughter. Except as otherwise provided in 1650
this division, vehicular manslaughter is a misdemeanor of the 1651
second degree. Vehicular manslaughter is a misdemeanor of the 1652
first degree if, at the time of the offense, the offender was 1653
driving under a suspension imposed under Chapter 4510. or any 1654
other provision of the Revised Code or if the offender previously 1655
has been convicted of or pleaded guilty to a violation of this 1656

section or any traffic-related homicide, manslaughter, or assault 1657
offense. 1658

In addition to any other sanctions imposed, the court shall 1659
impose upon the offender a class six suspension of the offender's 1660
driver's license, commercial driver's license, temporary 1661
instruction permit, probationary license, or nonresident operating 1662
privilege from the range specified in division (A)(6) of section 1663
4510.02 of the Revised Code or, if the offender previously has 1664
been convicted of or pleaded guilty to a violation of this section 1665
or any traffic-related homicide, manslaughter, or assault offense, 1666
a class four suspension of the offender's driver's license, 1667
commercial driver's license, temporary instruction permit, 1668
probationary license, or nonresident operating privilege from the 1669
range specified in division (A)(4) of that section. 1670

(C) The court shall impose a mandatory prison term on an 1671
offender who is convicted of or pleads guilty to a violation of 1672
division (A)(1) of this section. The court shall impose a 1673
mandatory prison term on an offender who is convicted of or pleads 1674
guilty to a violation of division (A)(2)(a) of this section if the 1675
offender previously has been convicted of or pleaded guilty to a 1676
violation of this section or section 2903.08 of the Revised Code. 1677
The court shall impose a mandatory prison term on an offender who 1678
is convicted of or pleads guilty to a violation of division 1679
(A)(2)(b) or (3) of this section if either of the following 1680
applies: 1681

(1) The offender previously has been convicted of or pleaded 1682
guilty to a violation of this section or section 2903.08 of the 1683
Revised Code. 1684

(2) At the time of the offense, the offender was driving 1685
under suspension under Chapter 4510. or any other provision of the 1686
Revised Code. 1687

(D)(1) As used in this section:	1688
(a) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	1689 1690
(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to March 23, 2000.	1691 1692 1693 1694 1695 1696
<u>(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.</u>	1697 1698
<u>(d) "Reckless operation or speeding offense" means a violation of section 4511.20 or 4511.21 of the Revised Code, a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code, or a municipal ordinance pertaining to speed.</u>	1699 1700 1701 1702
(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	1703 1704 1705 1706 1707 1708 1709
Sec. 2903.08. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn in either <u>do any</u> of the following ways:	1710 1711 1712 1713 1714
(1) As <u>Cause serious physical harm to another person or another's unborn as the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a</u>	1715 1716 1717

substantially equivalent municipal ordinance; 1718

(2) Either of the following: 1719

(a) Cause physical harm to another person or another's unborn 1720
as the proximate result of committing, while operating or 1721
participating in the operation of a motor vehicle or motorcycle in 1722
a construction zone, a reckless operation or speeding offense, 1723
provided that this division applies only if the person who is 1724
physically harmed or whose unborn is physically harmed is working 1725
in the construction zone at the time of the offender's commission 1726
of the reckless operation or speeding offense in the construction 1727
zone; 1728

(b) Recklessly cause serious physical harm to another person 1729
or another's unborn. 1730

(B)(1) Whoever violates division (A)(1) of this section is 1731
guilty of aggravated vehicular assault. Except as otherwise 1732
provided in this division, aggravated vehicular assault is a 1733
felony of the third degree. Aggravated vehicular assault is a 1734
felony of the second degree if, at the time of the offense, the 1735
offender was driving under a suspension imposed under Chapter 1736
4510. or any other provision of the Revised Code or if the 1737
offender previously has been convicted of or pleaded guilty to a 1738
violation of this section; any traffic-related homicide, 1739
manslaughter, or assault offense; three prior violations of 1740
section 4511.19 of the Revised Code or a substantially equivalent 1741
municipal ordinance within the previous six years; or a second or 1742
subsequent felony violation of division (A) of section 4511.19 of 1743
the Revised Code. 1744

In addition to any other sanctions imposed, the court shall 1745
impose upon the offender a class three suspension of the 1746
offender's driver's license, commercial driver's license, 1747
temporary instruction permit, probationary license, or nonresident 1748

operating privilege from the range specified in division (A)(3) of 1749
section 4510.02 of the Revised Code or, if the offender previously 1750
has been convicted of or pleaded guilty to a violation of this 1751
section or any traffic-related homicide, manslaughter, or assault 1752
offense, a class two suspension of the offender's driver's 1753
license, commercial driver's license, temporary instruction 1754
permit, probationary license, or nonresident operating privilege 1755
from the range specified in division (A)(2) of that section. 1756

(2) Whoever violates division (A)(2)(a) or (b) of this 1757
section is guilty of vehicular assault. Except as otherwise 1758
provided in this division, vehicular assault is a felony of the 1759
fourth degree. Vehicular assault is a felony of the third degree 1760
if, at the time of the offense, the offender was driving under a 1761
suspension imposed under Chapter 4510. or any other provision of 1762
the Revised Code or if the offender previously has been convicted 1763
of or pleaded guilty to a violation of this section or any 1764
traffic-related homicide, manslaughter, or assault offense. 1765

In addition to any other sanctions imposed, the court shall 1766
impose upon the offender a class four suspension of the offender's 1767
driver's license, commercial driver's license, temporary 1768
instruction permit, probationary license, or nonresident operating 1769
privilege from the range specified in division (A)(4) of section 1770
4510.02 of the Revised Code or, if the offender previously has 1771
been convicted of or pleaded guilty to a violation of this section 1772
or any traffic-related homicide, manslaughter, or assault offense, 1773
a class three suspension of the offender's driver's license, 1774
commercial driver's license, temporary instruction permit, 1775
probationary license, or nonresident operating privilege from the 1776
range specified in division (A)(3) of that section. 1777

(C) The court shall impose a mandatory prison term on an 1778
offender who is convicted of or pleads guilty to a violation of 1779
division (A)(1) of this section. The court shall impose a 1780

ory prison term on an offender who is convicted of or pleads 1781
guilty to a violation of division (A)(2)(a) of this section if the 1782
offender previously has been convicted of or pleaded guilty to a 1783
violation of this section or section 2903.06 of the Revised Code. 1784
The court shall impose a mandatory prison term on an offender who 1785
is convicted of or pleads guilty to a violation of division 1786
(A)(2)(b) of this section if either of the following applies: 1787

(1) The offender previously has been convicted of or pleaded 1788
guilty to a violation of this section or section 2903.06 of the 1789
Revised Code. 1790

(2) At the time of the offense, the offender was driving 1791
under suspension under Chapter 4510. or any other provision of the 1792
Revised Code. 1793

(D) As used in this section: 1794

(1) "Mandatory prison term" has the same meaning as in 1795
section 2929.01 of the Revised Code. 1796

(2) "Traffic-related homicide, manslaughter, or assault 1797
offense" has the same meaning as in section 2903.06 of the Revised 1798
Code. 1799

(3) "Construction zone" has the same meaning as in section 1800
5501.27 of the Revised Code. 1801

(4) "Reckless operation or speeding offense" has the same 1802
meaning as in section 2903.06 of the Revised Code. 1803

(E) For the purposes of this section, when a penalty or 1804
suspension is enhanced because of a prior or current violation of 1805
a specified law or a prior or current specified offense, the 1806
reference to the violation of the specified law or the specified 1807
offense includes any violation of any substantially equivalent 1808
municipal ordinance, former law of this state, or current or 1809
former law of another state or the United States. 1810

Sec. 2929.01. As used in this chapter:	1811
(A)(1) "Alternative residential facility" means, subject to	1812
division (A)(2) of this section, any facility other than an	1813
offender's home or residence in which an offender is assigned to	1814
live and that satisfies all of the following criteria:	1815
(a) It provides programs through which the offender may seek	1816
or maintain employment or may receive education, training,	1817
treatment, or habilitation.	1818
(b) It has received the appropriate license or certificate	1819
for any specialized education, training, treatment, habilitation,	1820
or other service that it provides from the government agency that	1821
is responsible for licensing or certifying that type of education,	1822
training, treatment, habilitation, or service.	1823
(2) "Alternative residential facility" does not include a	1824
community-based correctional facility, jail, halfway house, or	1825
prison.	1826
(B) "Bad time" means the time by which the parole board	1827
administratively extends an offender's stated prison term or terms	1828
pursuant to section 2967.11 of the Revised Code because the parole	1829
board finds by clear and convincing evidence that the offender,	1830
while serving the prison term or terms, committed an act that is a	1831
criminal offense under the law of this state or the United States,	1832
whether or not the offender is prosecuted for the commission of	1833
that act.	1834
(C) "Basic probation supervision" means a requirement that	1835
the offender maintain contact with a person appointed to supervise	1836
the offender in accordance with sanctions imposed by the court or	1837
imposed by the parole board pursuant to section 2967.28 of the	1838
Revised Code. "Basic probation supervision" includes basic parole	1839
supervision and basic post-release control supervision.	1840

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1841
"unit dose" have the same meanings as in section 2925.01 of the 1842
Revised Code. 1843

(E) "Community-based correctional facility" means a 1844
community-based correctional facility and program or district 1845
community-based correctional facility and program developed 1846
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 1847

(F) "Community control sanction" means a sanction that is not 1848
a prison term and that is described in section 2929.15, 2929.16, 1849
2929.17, or 2929.18 of the Revised Code. 1850

(G) "Controlled substance," "marihuana," "schedule I," and 1851
"schedule II" have the same meanings as in section 3719.01 of the 1852
Revised Code. 1853

(H) "Curfew" means a requirement that an offender during a 1854
specified period of time be at a designated place. 1855

(I) "Day reporting" means a sanction pursuant to which an 1856
offender is required each day to report to and leave a center or 1857
other approved reporting location at specified times in order to 1858
participate in work, education or training, treatment, and other 1859
approved programs at the center or outside the center. 1860

(J) "Deadly weapon" has the same meaning as in section 1861
2923.11 of the Revised Code. 1862

(K) "Drug and alcohol use monitoring" means a program under 1863
which an offender agrees to submit to random chemical analysis of 1864
the offender's blood, breath, or urine to determine whether the 1865
offender has ingested any alcohol or other drugs. 1866

(L) "Drug treatment program" means any program under which a 1867
person undergoes assessment and treatment designed to reduce or 1868
completely eliminate the person's physical or emotional reliance 1869
upon alcohol, another drug, or alcohol and another drug and under 1870

which the person may be required to receive assessment and 1871
treatment on an outpatient basis or may be required to reside at a 1872
facility other than the person's home or residence while 1873
undergoing assessment and treatment. 1874

(M) "Economic loss" means any economic detriment suffered by 1875
a victim as a result of the commission of a felony and includes 1876
any loss of income due to lost time at work because of any injury 1877
caused to the victim, and any property loss, medical cost, or 1878
funeral expense incurred as a result of the commission of the 1879
felony. 1880

(N) "Education or training" includes study at, or in 1881
conjunction with a program offered by, a university, college, or 1882
technical college or vocational study and also includes the 1883
completion of primary school, secondary school, and literacy 1884
curricula or their equivalent. 1885

(O) "Electronically monitored house arrest" has the same 1886
meaning as in section 2929.23 of the Revised Code. 1887

(P) "Eligible offender" has the same meaning as in section 1888
2929.23 of the Revised Code except as otherwise specified in 1889
section 2929.20 of the Revised Code. 1890

(Q) "Firearm" has the same meaning as in section 2923.11 of 1891
the Revised Code. 1892

(R) "Halfway house" means a facility licensed by the division 1893
of parole and community services of the department of 1894
rehabilitation and correction pursuant to section 2967.14 of the 1895
Revised Code as a suitable facility for the care and treatment of 1896
adult offenders. 1897

(S) "House arrest" means a period of confinement of an 1898
eligible offender that is in the eligible offender's home or in 1899
other premises specified by the sentencing court or by the parole 1900
board pursuant to section 2967.28 of the Revised Code, that may be 1901

electronically monitored house arrest, and during which all of the following apply:

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

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

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

(T) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

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

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

(W) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board

or agency that issued an offender a professional license or a 1933
license or permit to do business in this state and that specifies 1934
that the offender has been convicted of or pleaded guilty to an 1935
offense that may violate the conditions under which the offender's 1936
professional license or license or permit to do business in this 1937
state was granted or an offense for which the offender's 1938
professional license or license or permit to do business in this 1939
state may be revoked or suspended. 1940

(X) "Major drug offender" means an offender who is convicted 1941
of or pleads guilty to the possession of, sale of, or offer to 1942
sell any drug, compound, mixture, preparation, or substance that 1943
consists of or contains at least one thousand grams of hashish; at 1944
least one hundred grams of crack cocaine; at least one thousand 1945
grams of cocaine that is not crack cocaine; at least two thousand 1946
five hundred unit doses or two hundred fifty grams of heroin; at 1947
least five thousand unit doses of L.S.D. or five hundred grams of 1948
L.S.D. in a liquid concentrate, liquid extract, or liquid 1949
distillate form; or at least one hundred times the amount of any 1950
other schedule I or II controlled substance other than marihuana 1951
that is necessary to commit a felony of the third degree pursuant 1952
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1953
Code that is based on the possession of, sale of, or offer to sell 1954
the controlled substance. 1955

(Y) "Mandatory prison term" means any of the following: 1956

(1) Subject to division (Y)(2) of this section, the term in 1957
prison that must be imposed for the offenses or circumstances set 1958
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1959
2929.13 and division (D) of section 2929.14 of the Revised Code. 1960
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1961
and 2925.11 of the Revised Code, unless the maximum or another 1962
specific term is required under section 2929.14 of the Revised 1963
Code, a mandatory prison term described in this division may be 1964

ny prison term authorized for the level of offense.	1965
(2) The term of sixty or one hundred twenty days in prison that a sentencing court is required to impose for a third or fourth degree felony OVI offense pursuant to division (G)(2) of section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code.	1966 1967 1968 1969 1970
(3) The term in prison imposed pursuant to section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(11) of section 2929.13 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.	1971 1972 1973 1974 1975
(Z) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law-abiding life.	1976 1977 1978 1979
(AA) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.	1980 1981
(BB) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.	1982 1983 1984 1985 1986
(CC) "Prison term" includes any of the following sanctions for an offender:	1987 1988
(1) A stated prison term;	1989
(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code;	1990 1991 1992
(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of	1993 1994

post-release control pursuant to section 2967.28 of the Revised Code. 1995
1996

(DD) "Repeat violent offender" means a person about whom both of the following apply: 1997
1998

(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person. 1999
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(2) Either of the following applies: 2010

(a) The person previously was convicted of or pleaded guilty to, and previously served or, at the time of the offense was serving, a prison term for, any of the following: 2011
2012
2013

(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses; 2014
2015
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2019

(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed under division (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person. 2020
2021
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2023
2024

(b) The person previously was adjudicated a delinquent child 2025

for committing an act that if committed by an adult would have 2026
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 2027
section, the person was committed to the department of youth 2028
services for that delinquent act. 2029

(EE) "Sanction" means any penalty imposed upon an offender 2030
who is convicted of or pleads guilty to an offense, as punishment 2031
for the offense. "Sanction" includes any sanction imposed pursuant 2032
to any provision of sections 2929.14 to 2929.18 of the Revised 2033
Code. 2034

(FF) "Sentence" means the sanction or combination of 2035
sanctions imposed by the sentencing court on an offender who is 2036
convicted of or pleads guilty to a felony. 2037

(GG) "Stated prison term" means the prison term, mandatory 2038
prison term, or combination of all prison terms and mandatory 2039
prison terms imposed by the sentencing court pursuant to section 2040
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 2041
includes any credit received by the offender for time spent in 2042
jail awaiting trial, sentencing, or transfer to prison for the 2043
offense and any time spent under house arrest or electronically 2044
monitored house arrest imposed after earning credits pursuant to 2045
section 2967.193 of the Revised Code. 2046

(HH) "Victim-offender mediation" means a reconciliation or 2047
mediation program that involves an offender and the victim of the 2048
offense committed by the offender and that includes a meeting in 2049
which the offender and the victim may discuss the offense, discuss 2050
restitution, and consider other sanctions for the offense. 2051

(II) "Fourth degree felony OVI offense" means a violation of 2052
division (A) of section 4511.19 of the Revised Code that, under 2053
division (G) of that section, is a felony of the fourth degree. 2054

(JJ) "Mandatory term of local incarceration" means the term 2055
of sixty or one hundred twenty days in a jail, a community-based 2056

correctional facility, a halfway house, or an alternative 2057
residential facility that a sentencing court may impose upon a 2058
person who is convicted of or pleads guilty to a fourth degree 2059
felony OVI offense pursuant to division (G)(1) of section 2929.13 2060
of the Revised Code and division (G)(1)(d) or (e) of section 2061
4511.19 of the Revised Code. 2062

(KK) "Designated homicide, assault, or kidnapping offense," 2063
"sexual motivation specification," "sexually violent offense," 2064
"sexually violent predator," and "sexually violent predator 2065
specification" have the same meanings as in section 2971.01 of the 2066
Revised Code. 2067

(LL) "Habitual sex offender," "sexually oriented offense," 2068
and "sexual predator" have the same meanings as in section 2950.01 2069
of the Revised Code. 2070

(MM) An offense is "committed in the vicinity of a child" if 2071
the offender commits the offense within thirty feet of or within 2072
the same residential unit as a child who is under eighteen years 2073
of age, regardless of whether the offender knows the age of the 2074
child or whether the offender knows the offense is being committed 2075
within thirty feet of or within the same residential unit as the 2076
child and regardless of whether the child actually views the 2077
commission of the offense. 2078

(NN) "Family or household member" has the same meaning as in 2079
section 2919.25 of the Revised Code. 2080

(OO) "Motor vehicle" and "manufactured home" have the same 2081
meanings as in section 4501.01 of the Revised Code. 2082

(PP) "Detention" and "detention facility" have the same 2083
meanings as in section 2921.01 of the Revised Code. 2084

(QQ) "Third degree felony OVI offense" means a violation of 2085
division (A) of section 4511.19 of the Revised Code that, under 2086
division (G) of that section, is a felony of the third degree. 2087

(RR) "Random drug testing" has the same meaning as in section 2088
5120.63 of the Revised Code. 2089

(SS) "Felony sex offense" has the same meaning as in section 2090
2957.28 of the Revised Code. 2091

(TT) "Body armor" has the same meaning as in section 2092
2941.1411 of the Revised Code. 2093

Sec. 2929.13. (A) Except as provided in division (E), (F), or 2094
(G) of this section and unless a specific sanction is required to 2095
be imposed or is precluded from being imposed pursuant to law, a 2096
court that imposes a sentence upon an offender for a felony may 2097
impose any sanction or combination of sanctions on the offender 2098
that are provided in sections 2929.14 to 2929.18 of the Revised 2099
Code. The sentence shall not impose an unnecessary burden on state 2100
or local government resources. 2101

If the offender is eligible to be sentenced to community 2102
control sanctions, the court shall consider the appropriateness of 2103
imposing a financial sanction pursuant to section 2929.18 of the 2104
Revised Code or a sanction of community service pursuant to 2105
section 2929.17 of the Revised Code as the sole sanction for the 2106
offense. Except as otherwise provided in this division, if the 2107
court is required to impose a mandatory prison term for the 2108
offense for which sentence is being imposed, the court also may 2109
impose a financial sanction pursuant to section 2929.18 of the 2110
Revised Code but may not impose any additional sanction or 2111
combination of sanctions under section 2929.16 or 2929.17 of the 2112
Revised Code. 2113

If the offender is being sentenced for a fourth degree felony 2114
OVI offense or for a third degree felony OVI offense, in addition 2115
to the mandatory term of local incarceration or the mandatory 2116
prison term required for the offense by division (G)(1) or (2) of 2117

this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code;

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (D)(4) of section 2929.14 of the Revised Code.

(B)(1) Except as provided in division (B)(2), (E), (F), or (G) of this section, in sentencing an offender for a felony of the fourth or fifth degree, the sentencing court shall determine whether any of the following apply:

(a) In committing the offense, the offender caused physical harm to a person.

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

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

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

(e) The offender committed the offense for hire or as part of 2149
an organized criminal activity. 2150

(f) The offense is a sex offense that is a fourth or fifth 2151
degree felony violation of section 2907.03, 2907.04, 2907.05, 2152
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 2153
Revised Code. 2154

(g) The offender at the time of the offense was serving, or 2155
the offender previously had served, a prison term. 2156

(h) The offender committed the offense while under a 2157
community control sanction, while on probation, or while released 2158
from custody on a bond or personal recognizance. 2159

(i) The offender committed the offense while in possession of 2160
a firearm. 2161

(2)(a) If the court makes a finding described in division 2162
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 2163
section and if the court, after considering the factors set forth 2164
in section 2929.12 of the Revised Code, finds that a prison term 2165
is consistent with the purposes and principles of sentencing set 2166
forth in section 2929.11 of the Revised Code and finds that the 2167
offender is not amenable to an available community control 2168
sanction, the court shall impose a prison term upon the offender. 2169

(b) Except as provided in division (E), (F), or (G) of this 2170
section, if the court does not make a finding described in 2171
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 2172
this section and if the court, after considering the factors set 2173
forth in section 2929.12 of the Revised Code, finds that a 2174
community control sanction or combination of community control 2175
sanctions is consistent with the purposes and principles of 2176
sentencing set forth in section 2929.11 of the Revised Code, the 2177
court shall impose a community control sanction or combination of 2178
community control sanctions upon the offender. 2179

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

(D) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree and for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Notwithstanding the presumption established under this division, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

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

(2) A community control sanction or a combination of community control sanctions would not demean the seriousness of

the offense, because one or more factors under section 2929.12 of 2212
the Revised Code that indicate that the offender's conduct was 2213
less serious than conduct normally constituting the offense are 2214
applicable, and they outweigh the applicable factors under that 2215
section that indicate that the offender's conduct was more serious 2216
than conduct normally constituting the offense. 2217

(E)(1) Except as provided in division (F) of this section, 2218
for any drug offense that is a violation of any provision of 2219
Chapter 2925. of the Revised Code and that is a felony of the 2220
third, fourth, or fifth degree, the applicability of a presumption 2221
under division (D) of this section in favor of a prison term or of 2222
division (B) or (C) of this section in determining whether to 2223
impose a prison term for the offense shall be determined as 2224
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2225
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 2226
Revised Code, whichever is applicable regarding the violation. 2227

(2) If an offender who was convicted of or pleaded guilty to 2228
a felony violates the conditions of a community control sanction 2229
imposed for the offense solely by reason of producing positive 2230
results on a drug test, the court, as punishment for the violation 2231
of the sanction, shall not order that the offender be imprisoned 2232
unless the court determines on the record either of the following: 2233

(a) The offender had been ordered as a sanction for the 2234
felony to participate in a drug treatment program, in a drug 2235
education program, or in narcotics anonymous or a similar program, 2236
and the offender continued to use illegal drugs after a reasonable 2237
period of participation in the program. 2238

(b) The imprisonment of the offender for the violation is 2239
consistent with the purposes and principles of sentencing set 2240
forth in section 2929.11 of the Revised Code. 2241

(F) Notwithstanding divisions (A) to (E) of this section, the 2242

court shall impose a prison term or terms under sections 2929.02 2243
to 2929.06, section 2929.14, or section 2971.03 of the Revised 2244
Code and except as specifically provided in section 2929.20 or 2245
2967.191 of the Revised Code or when parole is authorized for the 2246
offense under section 2967.13 of the Revised Code shall not reduce 2247
the terms pursuant to section 2929.20, section 2967.193, or any 2248
other provision of Chapter 2967. or Chapter 5120. of the Revised 2249
Code for any of the following offenses: 2250

(1) Aggravated murder when death is not imposed or murder; 2251

(2) Any rape, regardless of whether force was involved and 2252
regardless of the age of the victim, or an attempt to commit rape 2253
if, had the offender completed the rape that was attempted, the 2254
offender would have been subject to a sentence of life 2255
imprisonment or life imprisonment without parole for the rape; 2256

(3) Gross sexual imposition or sexual battery, if the victim 2257
is under thirteen years of age, if the offender previously was 2258
convicted of or pleaded guilty to rape, the former offense of 2259
felonious sexual penetration, gross sexual imposition, or sexual 2260
battery, and if the victim of the previous offense was under 2261
thirteen years of age; 2262

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2263
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 2264
requires the imposition of a prison term; 2265

(5) A first, second, or third degree felony drug offense for 2266
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2267
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2268
4729.99 of the Revised Code, whichever is applicable regarding the 2269
violation, requires the imposition of a mandatory prison term; 2270

(6) Any offense that is a first or second degree felony and 2271
that is not set forth in division (F)(1), (2), (3), or (4) of this 2272
section, if the offender previously was convicted of or pleaded 2273

guilty to aggravated murder, murder, any first or second degree 2274
felony, or an offense under an existing or former law of this 2275
state, another state, or the United States that is or was 2276
substantially equivalent to one of those offenses; 2277

(7) Any offense that is a third degree felony and that is 2278
listed in division (DD)(1) of section 2929.01 of the Revised Code 2279
if the offender previously was convicted of or pleaded guilty to 2280
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 2281
section 2929.01 of the Revised Code; 2282

(8) Any offense, other than a violation of section 2923.12 of 2283
the Revised Code, that is a felony, if the offender had a firearm 2284
on or about the offender's person or under the offender's control 2285
while committing the felony, with respect to a portion of the 2286
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 2287
of the Revised Code for having the firearm; 2288

(9) Any offense of violence that is a felony, if the offender 2289
wore or carried body armor while committing the felony offense of 2290
violence, with respect to the portion of the sentence imposed 2291
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 2292
Code for wearing or carrying the body armor; 2293

(10) Corrupt activity in violation of section 2923.32 of the 2294
Revised Code when the most serious offense in the pattern of 2295
corrupt activity that is the basis of the offense is a felony of 2296
the first degree; 2297

(11) Any sexually violent offense for which the offender also 2298
is convicted of or pleads guilty to a sexually violent predator 2299
specification that was included in the indictment, count in the 2300
indictment, or information charging the sexually violent offense; 2301

(12) A violation of division (A)(1) or (2) of section 2921.36 2302
of the Revised Code, or a violation of division (C) of that 2303
section involving an item listed in division (A)(1) or (2) of that 2304

section, if the offender is an officer or employee of the 2305
department of rehabilitation and correction; 2306

(13) A violation of division (A)(1) or (2) of section 2903.06 2307
of the Revised Code if the victim of the offense is a peace 2308
officer, as defined in section 2935.01 of the Revised Code, with 2309
respect to the portion of the sentence imposed pursuant to 2310
division (D)(5) of section 2929.14 of the Revised Code; 2311

(14) A violation of division (A)(1) or (2) of section 2903.06 2312
of the Revised Code if the offender has been convicted of or 2313
pleaded guilty to three violations of division (A) or (B) of 2314
section 4511.19 of the Revised Code or an equivalent offense, as 2315
defined in section 4511.181 of the Revised Code, with respect to 2316
the portion of the sentence imposed pursuant to division (D)(5) of 2317
section 2929.14 of the Revised Code. 2318

(G) Notwithstanding divisions (A) to (E) of this section, if 2319
an offender is being sentenced for a fourth degree felony OVI 2320
offense or for a third degree felony OVI offense, the court shall 2321
impose upon the offender a mandatory term of local incarceration 2322
or a mandatory prison term in accordance with the following: 2323

(1) If the offender is being sentenced for a fourth degree 2324
felony OVI offense, the court may impose upon the offender a 2325
mandatory term of local incarceration of sixty days or one hundred 2326
twenty days as specified in division (G)(1)(d) of section 4511.19 2327
of the Revised Code. The court shall not reduce the term pursuant 2328
to section 2929.20, 2967.193, or any other provision of the 2329
Revised Code. The court that imposes a mandatory term of local 2330
incarceration under this division shall specify whether the term 2331
is to be served in a jail, a community-based correctional 2332
facility, a halfway house, or an alternative residential facility, 2333
and the offender shall serve the term in the type of facility 2334
specified by the court. A mandatory term of local incarceration 2335
imposed under division (G)(1) of this section is not subject to 2336

extension under section 2967.11 of the Revised Code, to a period 2337
of post-release control under section 2967.28 of the Revised Code, 2338
or to any other Revised Code provision that pertains to a prison 2339
term. 2340

(2) If the offender is being sentenced for a third degree 2341
felony OVI offense, or if the offender is being sentenced for a 2342
fourth degree felony OVI offense and the court does not impose a 2343
mandatory term of local incarceration under division (G)(1) of 2344
this section, the court shall impose upon the offender a mandatory 2345
prison term of sixty days or one hundred twenty days as specified 2346
in division (G)(1)(e) of section 4511.19 of the Revised Code. The 2347
court shall not reduce the term pursuant to section 2929.20, 2348
2967.193, or any other provision of the Revised Code. In no case 2349
shall an offender who once has been sentenced to a mandatory term 2350
of local incarceration pursuant to division (G)(1) of this section 2351
for a fourth degree felony OVI offense be sentenced to another 2352
mandatory term of local incarceration under that division for any 2353
violation of division (A) of section 4511.19 of the Revised Code. 2354
The court shall not sentence the offender to a community control 2355
sanction under section 2929.16 or 2929.17 of the Revised Code. The 2356
department of rehabilitation and correction may place an offender 2357
sentenced to a mandatory prison term under this division in an 2358
intensive program prison established pursuant to section 5120.033 2359
of the Revised Code if the department gave the sentencing judge 2360
prior notice of its intent to place the offender in an intensive 2361
program prison established under that section and if the judge did 2362
not notify the department that the judge disapproved the 2363
placement. Upon the establishment of the initial intensive program 2364
prison pursuant to section 5120.033 of the Revised Code that is 2365
privately operated and managed by a contractor pursuant to a 2366
contract entered into under section 9.06 of the Revised Code, both 2367
of the following apply: 2368

(a) The department of rehabilitation and correction shall 2369
make a reasonable effort to ensure that a sufficient number of 2370
offenders sentenced to a mandatory prison term under this division 2371
are placed in the privately operated and managed prison so that 2372
the privately operated and managed prison has full occupancy. 2373

(b) Unless the privately operated and managed prison has full 2374
occupancy, the department of rehabilitation and correction shall 2375
not place any offender sentenced to a mandatory prison term under 2376
this division in any intensive program prison established pursuant 2377
to section 5120.033 of the Revised Code other than the privately 2378
operated and managed prison. 2379

(H) If an offender is being sentenced for a sexually oriented 2380
offense committed on or after January 1, 1997, the judge shall 2381
require the offender to submit to a DNA specimen collection 2382
procedure pursuant to section 2901.07 of the Revised Code if 2383
either of the following applies: 2384

(1) The offense was a sexually violent offense, and the 2385
offender also was convicted of or pleaded guilty to a sexually 2386
violent predator specification that was included in the 2387
indictment, count in the indictment, or information charging the 2388
sexually violent offense. 2389

(2) The judge imposing sentence for the sexually oriented 2390
offense determines pursuant to division (B) of section 2950.09 of 2391
the Revised Code that the offender is a sexual predator. 2392

(I) If an offender is being sentenced for a sexually oriented 2393
offense committed on or after January 1, 1997, the judge shall 2394
include in the sentence a summary of the offender's duty to 2395
register pursuant to section 2950.04 of the Revised Code, the 2396
offender's duty to provide notice of a change in residence address 2397
and register the new residence address pursuant to section 2950.05 2398
of the Revised Code, the offender's duty to periodically verify 2399

the offender's current residence address pursuant to section 2400
2950.06 of the Revised Code, and the duration of the duties. The 2401
judge shall inform the offender, at the time of sentencing, of 2402
those duties and of their duration and, if required under division 2403
(A)(2) of section 2950.03 of the Revised Code, shall perform the 2404
duties specified in that section. 2405

(J)(1) Except as provided in division (J)(2) of this section, 2406
when considering sentencing factors under this section in relation 2407
to an offender who is convicted of or pleads guilty to an attempt 2408
to commit an offense in violation of section 2923.02 of the 2409
Revised Code, the sentencing court shall consider the factors 2410
applicable to the felony category of the violation of section 2411
2923.02 of the Revised Code instead of the factors applicable to 2412
the felony category of the offense attempted. 2413

(2) When considering sentencing factors under this section in 2414
relation to an offender who is convicted of or pleads guilty to an 2415
attempt to commit a drug abuse offense for which the penalty is 2416
determined by the amount or number of unit doses of the controlled 2417
substance involved in the drug abuse offense, the sentencing court 2418
shall consider the factors applicable to the felony category that 2419
the drug abuse offense attempted would be if that drug abuse 2420
offense had been committed and had involved an amount or number of 2421
unit doses of the controlled substance that is within the next 2422
lower range of controlled substance amounts than was involved in 2423
the attempt. 2424

(K) As used in this section, "drug abuse offense" has the 2425
same meaning as in section 2925.01 of the Revised Code. 2426

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2427
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 2428
except in relation to an offense for which a sentence of death or 2429
life imprisonment is to be imposed, if the court imposing a 2430

sentence upon an offender for a felony elects or is required to 2431
impose a prison term on the offender pursuant to this chapter and 2432
is not prohibited by division (G)(1) of section 2929.13 of the 2433
Revised Code from imposing a prison term on the offender, the 2434
court shall impose a definite prison term that shall be one of the 2435
following: 2436

(1) For a felony of the first degree, the prison term shall 2437
be three, four, five, six, seven, eight, nine, or ten years. 2438

(2) For a felony of the second degree, the prison term shall 2439
be two, three, four, five, six, seven, or eight years. 2440

(3) For a felony of the third degree, the prison term shall 2441
be one, two, three, four, or five years. 2442

(4) For a felony of the fourth degree, the prison term shall 2443
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2444
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2445

(5) For a felony of the fifth degree, the prison term shall 2446
be six, seven, eight, nine, ten, eleven, or twelve months. 2447

(B) Except as provided in division (C), (D)(1), (D)(2), 2448
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 2449
of the Revised Code, or in Chapter 2925. of the Revised Code, if 2450
the court imposing a sentence upon an offender for a felony elects 2451
or is required to impose a prison term on the offender, the court 2452
shall impose the shortest prison term authorized for the offense 2453
pursuant to division (A) of this section, unless one or more of 2454
the following applies: 2455

(1) The offender was serving a prison term at the time of the 2456
offense, or the offender previously had served a prison term. 2457

(2) The court finds on the record that the shortest prison 2458
term will demean the seriousness of the offender's conduct or will 2459
not adequately protect the public from future crime by the 2460

nder or others. 2461

(C) Except as provided in division (G) of this section or in 2462
Chapter 2925. of the Revised Code, the court imposing a sentence 2463
upon an offender for a felony may impose the longest prison term 2464
authorized for the offense pursuant to division (A) of this 2465
section only upon offenders who committed the worst forms of the 2466
offense, upon offenders who pose the greatest likelihood of 2467
committing future crimes, upon certain major drug offenders under 2468
division (D)(3) of this section, and upon certain repeat violent 2469
offenders in accordance with division (D)(2) of this section. 2470

(D)(1)(a) Except as provided in division (D)(1)(e) of this 2471
section, if an offender who is convicted of or pleads guilty to a 2472
felony also is convicted of or pleads guilty to a specification of 2473
the type described in section 2941.141, 2941.144, or 2941.145 of 2474
the Revised Code, the court shall impose on the offender one of 2475
the following prison terms: 2476

(i) A prison term of six years if the specification is of the 2477
type described in section 2941.144 of the Revised Code that 2478
charges the offender with having a firearm that is an automatic 2479
firearm or that was equipped with a firearm muffler or silencer on 2480
or about the offender's person or under the offender's control 2481
while committing the felony; 2482

(ii) A prison term of three years if the specification is of 2483
the type described in section 2941.145 of the Revised Code that 2484
charges the offender with having a firearm on or about the 2485
offender's person or under the offender's control while committing 2486
the offense and displaying the firearm, brandishing the firearm, 2487
indicating that the offender possessed the firearm, or using it to 2488
facilitate the offense; 2489

(iii) A prison term of one year if the specification is of 2490
the type described in section 2941.141 of the Revised Code that 2491

charges the offender with having a firearm on or about the 2492
offender's person or under the offender's control while committing 2493
the felony. 2494

(b) If a court imposes a prison term on an offender under 2495
division (D)(1)(a) of this section, the prison term shall not be 2496
reduced pursuant to section 2929.20, section 2967.193, or any 2497
other provision of Chapter 2967. or Chapter 5120. of the Revised 2498
Code. A court shall not impose more than one prison term on an 2499
offender under division (D)(1)(a) of this section for felonies 2500
committed as part of the same act or transaction. 2501

(c) Except as provided in division (D)(1)(e) of this section, 2502
if an offender who is convicted of or pleads guilty to a violation 2503
of section 2923.161 of the Revised Code or to a felony that 2504
includes, as an essential element, purposely or knowingly causing 2505
or attempting to cause the death of or physical harm to another, 2506
also is convicted of or pleads guilty to a specification of the 2507
type described in section 2941.146 of the Revised Code that 2508
charges the offender with committing the offense by discharging a 2509
firearm from a motor vehicle other than a manufactured home, the 2510
court, after imposing a prison term on the offender for the 2511
violation of section 2923.161 of the Revised Code or for the other 2512
felony offense under division (A), (D)(2), or (D)(3) of this 2513
section, shall impose an additional prison term of five years upon 2514
the offender that shall not be reduced pursuant to section 2515
2929.20, section 2967.193, or any other provision of Chapter 2967. 2516
or Chapter 5120. of the Revised Code. A court shall not impose 2517
more than one additional prison term on an offender under division 2518
(D)(1)(c) of this section for felonies committed as part of the 2519
same act or transaction. If a court imposes an additional prison 2520
term on an offender under division (D)(1)(c) of this section 2521
relative to an offense, the court also shall impose a prison term 2522
under division (D)(1)(a) of this section relative to the same 2523

offense, provided the criteria specified in that division for 2524
imposing an additional prison term are satisfied relative to the 2525
offender and the offense. 2526

(d) If an offender who is convicted of or pleads guilty to an 2527
offense of violence that is a felony also is convicted of or 2528
pleads guilty to a specification of the type described in section 2529
2941.1411 of the Revised Code that charges the offender with 2530
wearing or carrying body armor while committing the felony offense 2531
of violence, the court shall impose on the offender a prison term 2532
of two years. The prison term so imposed shall not be reduced 2533
pursuant to section 2929.20, section 2967.193, or any other 2534
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2535
court shall not impose more than one prison term on an offender 2536
under division (D)(1)(d) of this section for felonies committed as 2537
part of the same act or transaction. If a court imposes an 2538
additional prison term under division (D)(1)(a) or (c) of this 2539
section, the court is not precluded from imposing an additional 2540
prison term under division (D)(1)(d) of this section. 2541

(e) The court shall not impose any of the prison terms 2542
described in division (D)(1)(a) of this section or any of the 2543
additional prison terms described in division (D)(1)(c) of this 2544
section upon an offender for a violation of section 2923.12 or 2545
2923.123 of the Revised Code. The court shall not impose any of 2546
the prison terms described in division (D)(1)(a) of this section 2547
or any of the additional prison terms described in division 2548
(D)(1)(c) of this section upon an offender for a violation of 2549
section 2923.13 of the Revised Code unless all of the following 2550
apply: 2551

(i) The offender previously has been convicted of aggravated 2552
murder, murder, or any felony of the first or second degree. 2553

(ii) Less than five years have passed since the offender was 2554
released from prison or post-release control, whichever is later, 2555

for the prior offense. 2556

(2)(a) If an offender who is convicted of or pleads guilty to 2557
a felony also is convicted of or pleads guilty to a specification 2558
of the type described in section 2941.149 of the Revised Code that 2559
the offender is a repeat violent offender, the court shall impose 2560
a prison term from the range of terms authorized for the offense 2561
under division (A) of this section that may be the longest term in 2562
the range and that shall not be reduced pursuant to section 2563
2929.20, section 2967.193, or any other provision of Chapter 2967. 2564
or Chapter 5120. of the Revised Code. If the court finds that the 2565
repeat violent offender, in committing the offense, caused any 2566
physical harm that carried a substantial risk of death to a person 2567
or that involved substantial permanent incapacity or substantial 2568
permanent disfigurement of a person, the court shall impose the 2569
longest prison term from the range of terms authorized for the 2570
offense under division (A) of this section. 2571

(b) If the court imposing a prison term on a repeat violent 2572
offender imposes the longest prison term from the range of terms 2573
authorized for the offense under division (A) of this section, the 2574
court may impose on the offender an additional definite prison 2575
term of one, two, three, four, five, six, seven, eight, nine, or 2576
ten years if the court finds that both of the following apply with 2577
respect to the prison terms imposed on the offender pursuant to 2578
division (D)(2)(a) of this section and, if applicable, divisions 2579
(D)(1) and (3) of this section: 2580

(i) The terms so imposed are inadequate to punish the 2581
offender and protect the public from future crime, because the 2582
applicable factors under section 2929.12 of the Revised Code 2583
indicating a greater likelihood of recidivism outweigh the 2584
applicable factors under that section indicating a lesser 2585
likelihood of recidivism. 2586

(ii) The terms so imposed are demeaning to the seriousness of 2587

the offense, because one or more of the factors under section 2588
2929.12 of the Revised Code indicating that the offender's conduct 2589
is more serious than conduct normally constituting the offense are 2590
present, and they outweigh the applicable factors under that 2591
section indicating that the offender's conduct is less serious 2592
than conduct normally constituting the offense. 2593

(3)(a) Except when an offender commits a violation of section 2594
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2595
the violation is life imprisonment or commits a violation of 2596
section 2903.02 of the Revised Code, if the offender commits a 2597
violation of section 2925.03 or 2925.11 of the Revised Code and 2598
that section classifies the offender as a major drug offender and 2599
requires the imposition of a ten-year prison term on the offender, 2600
if the offender commits a felony violation of section 2925.02, 2601
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2602
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2603
division (C) of section 4729.51, or division (J) of section 2604
4729.54 of the Revised Code that includes the sale, offer to sell, 2605
or possession of a schedule I or II controlled substance, with the 2606
exception of marihuana, and the court imposing sentence upon the 2607
offender finds that the offender is guilty of a specification of 2608
the type described in section 2941.1410 of the Revised Code 2609
charging that the offender is a major drug offender, if the court 2610
imposing sentence upon an offender for a felony finds that the 2611
offender is guilty of corrupt activity with the most serious 2612
offense in the pattern of corrupt activity being a felony of the 2613
first degree, or if the offender is guilty of an attempted 2614
violation of section 2907.02 of the Revised Code and, had the 2615
offender completed the violation of section 2907.02 of the Revised 2616
Code that was attempted, the offender would have been subject to a 2617
sentence of life imprisonment or life imprisonment without parole 2618
for the violation of section 2907.02 of the Revised Code, the 2619
court shall impose upon the offender for the felony violation a 2620

ten-year prison term that cannot be reduced pursuant to section 2621
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2622

(b) The court imposing a prison term on an offender under 2623
division (D)(3)(a) of this section may impose an additional prison 2624
term of one, two, three, four, five, six, seven, eight, nine, or 2625
ten years, if the court, with respect to the term imposed under 2626
division (D)(3)(a) of this section and, if applicable, divisions 2627
(D)(1) and (2) of this section, makes both of the findings set 2628
forth in divisions (D)(2)(b)(i) and (ii) of this section. 2629

(4) If the offender is being sentenced for a third or fourth 2630
degree felony OVI offense under division (G)(2) of section 2929.13 2631
of the Revised Code, the sentencing court shall impose upon the 2632
offender a mandatory prison term in accordance with that division. 2633
In addition to the mandatory prison term, if the offender is being 2634
sentenced for a fourth degree felony OVI offense, the court, 2635
notwithstanding division (A)(4) of this section, may sentence the 2636
offender to a definite prison term of not less than six months and 2637
not more than thirty months, and if the offender is being 2638
sentenced for a third degree felony OVI offense, the sentencing 2639
court may sentence the offender to an additional prison term of 2640
any duration specified in division (A)(3) of this section. In 2641
either case, the additional prison term imposed shall be reduced 2642
by the sixty or one hundred twenty days imposed upon the offender 2643
as the mandatory prison term. The total of the additional prison 2644
term imposed under division (D)(4) of this section plus the sixty 2645
or one hundred twenty days imposed as the mandatory prison term 2646
shall equal a definite term in the range of six months to thirty 2647
months for a fourth degree felony OVI offense and shall equal one 2648
of the authorized prison terms specified in division (A)(3) of 2649
this section for a third degree felony OVI offense. If the court 2650
imposes an additional prison term under division (D)(4) of this 2651
section, the offender shall serve the additional prison term after 2652

the offender has served the mandatory prison term required for the 2653
offense. The court shall not sentence the offender to a community 2654
control sanction under section 2929.16 or 2929.17 of the Revised 2655
Code. 2656

(5) If an offender is convicted of or pleads guilty to a 2657
violation of division (A)(1) or (2) of section 2903.06 of the 2658
Revised Code and also is convicted of or pleads guilty to a 2659
specification of the type described in section 2941.1413 of the 2660
Revised Code that charges that the victim of the offense is a 2661
peace officer, as defined in section 2935.01 of the Revised Code, 2662
the court shall impose on the offender a prison term of five 2663
years. If a court imposes a prison term on an offender under 2664
division (D)(5) of this section, the prison term shall not be 2665
reduced pursuant to section 2929.20, section 2967.193, or any 2666
other provision of Chapter 2967. or Chapter 5120. of the Revised 2667
Code. A court shall not impose more than one prison term on an 2668
offender under division (D)(5) of this section for felonies 2669
committed as part of the same act. 2670

(6) If an offender is convicted of or pleads guilty to a 2671
violation of division (A)(1) or (2) of section 2903.06 of the 2672
Revised Code and also is convicted of or pleads guilty to a 2673
specification of the type described in section 2941.1414 of the 2674
Revised Code that charges that the offender previously has been 2675
convicted of or pleaded guilty to three violations of division (A) 2676
or (B) of section 4511.19 of the Revised Code or an equivalent 2677
offense, as defined in section 2941.1414 of the Revised Code, the 2678
court shall impose on the offender a prison term of three years. 2679
If a court imposes a prison term on an offender under division 2680
(D)(6) of this section, the prison term shall not be reduced 2681
pursuant to section 2929.20, section 2967.193, or any other 2682
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2683
court shall not impose more than one prison term on an offender 2684

under division (D)(6) of this section for felonies committed as 2685
part of the same act. 2686

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2687
mandatory prison term is imposed upon an offender pursuant to 2688
division (D)(1)(a) of this section for having a firearm on or 2689
about the offender's person or under the offender's control while 2690
committing a felony, if a mandatory prison term is imposed upon an 2691
offender pursuant to division (D)(1)(c) of this section for 2692
committing a felony specified in that division by discharging a 2693
firearm from a motor vehicle, or if both types of mandatory prison 2694
terms are imposed, the offender shall serve any mandatory prison 2695
term imposed under either division consecutively to any other 2696
mandatory prison term imposed under either division or under 2697
division (D)(1)(d) of this section, consecutively to and prior to 2698
any prison term imposed for the underlying felony pursuant to 2699
division (A), (D)(2), or (D)(3) of this section or any other 2700
section of the Revised Code, and consecutively to any other prison 2701
term or mandatory prison term previously or subsequently imposed 2702
upon the offender. 2703

(b) If a mandatory prison term is imposed upon an offender 2704
pursuant to division (D)(1)(d) of this section for wearing or 2705
carrying body armor while committing an offense of violence that 2706
is a felony, the offender shall serve the mandatory term so 2707
imposed consecutively to any other mandatory prison term imposed 2708
under that division or under division (D)(1)(a) or (c) of this 2709
section, consecutively to and prior to any prison term imposed for 2710
the underlying felony under division (A), (D)(2), or (D)(3) of 2711
this section or any other section of the Revised Code, and 2712
consecutively to any other prison term or mandatory prison term 2713
previously or subsequently imposed upon the offender. 2714

(2) If an offender who is an inmate in a jail, prison, or 2715
other residential detention facility violates section 2917.02, 2716

2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2717
who is under detention at a detention facility commits a felony 2718
violation of section 2923.131 of the Revised Code, or if an 2719
offender who is an inmate in a jail, prison, or other residential 2720
detention facility or is under detention at a detention facility 2721
commits another felony while the offender is an escapee in 2722
violation of section 2921.34 of the Revised Code, any prison term 2723
imposed upon the offender for one of those violations shall be 2724
served by the offender consecutively to the prison term or term of 2725
imprisonment the offender was serving when the offender committed 2726
that offense and to any other prison term previously or 2727
subsequently imposed upon the offender. 2728

(3) If a prison term is imposed for a violation of division 2729
(B) of section 2911.01 of the Revised Code or if a prison term is 2730
imposed for a felony violation of division (B) of section 2921.331 2731
of the Revised Code, the offender shall serve that prison term 2732
consecutively to any other prison term or mandatory prison term 2733
previously or subsequently imposed upon the offender. 2734

(4) If multiple prison terms are imposed on an offender for 2735
convictions of multiple offenses, the court may require the 2736
offender to serve the prison terms consecutively if the court 2737
finds that the consecutive service is necessary to protect the 2738
public from future crime or to punish the offender and that 2739
consecutive sentences are not disproportionate to the seriousness 2740
of the offender's conduct and to the danger the offender poses to 2741
the public, and if the court also finds any of the following: 2742

(a) The offender committed one or more of the multiple 2743
offenses while the offender was awaiting trial or sentencing, was 2744
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2745
2929.18 of the Revised Code, or was under post-release control for 2746
a prior offense. 2747

(b) At least two of the multiple offenses were committed as 2748

part of one or more courses of conduct, and the harm caused by two 2749
or more of the multiple offenses so committed was so great or 2750
unusual that no single prison term for any of the offenses 2751
committed as part of any of the courses of conduct adequately 2752
reflects the seriousness of the offender's conduct. 2753

(c) The offender's history of criminal conduct demonstrates 2754
that consecutive sentences are necessary to protect the public 2755
from future crime by the offender. 2756

(5) If a mandatory prison term is imposed upon an offender 2757
pursuant to division (D)(5) or (6) of this section, the offender 2758
shall serve the mandatory prison term consecutively to and prior 2759
to any prison term imposed for the underlying violation of 2760
division (A)(1) or (2) of section 2903.06 of the Revised Code 2761
pursuant to division (A) of this section. If a mandatory prison 2762
term is imposed upon an offender pursuant to division (D)(5) of 2763
this section, and if a mandatory prison term also is imposed upon 2764
the offender pursuant to division (D)(6) of this section in 2765
relation to the same violation, the offender shall serve the 2766
mandatory prison term imposed pursuant to division (D)(5) of this 2767
section consecutively to and prior to the mandatory prison term 2768
imposed pursuant to division (D)(6) of this section and 2769
consecutively to and prior to any prison term imposed for the 2770
underlying violation of division (A)(1) or (2) of section 2903.06 2771
of the Revised Code pursuant to division (A) of this section. 2772

(6) When consecutive prison terms are imposed pursuant to 2773
division (E)(1), (2), (3), ~~or (4)~~, or (5) of this section, the 2774
term to be served is the aggregate of all of the terms so imposed. 2775

(F) If a court imposes a prison term of a type described in 2776
division (B) of section 2967.28 of the Revised Code, it shall 2777
include in the sentence a requirement that the offender be subject 2778
to a period of post-release control after the offender's release 2779
from imprisonment, in accordance with that division. If a court 2780

imposes a prison term of a type described in division (C) of that 2781
section, it shall include in the sentence a requirement that the 2782
offender be subject to a period of post-release control after the 2783
offender's release from imprisonment, in accordance with that 2784
division, if the parole board determines that a period of 2785
post-release control is necessary. 2786

(G) If a person is convicted of or pleads guilty to a 2787
sexually violent offense and also is convicted of or pleads guilty 2788
to a sexually violent predator specification that was included in 2789
the indictment, count in the indictment, or information charging 2790
that offense, the court shall impose sentence upon the offender in 2791
accordance with section 2971.03 of the Revised Code, and Chapter 2792
2971. of the Revised Code applies regarding the prison term or 2793
term of life imprisonment without parole imposed upon the offender 2794
and the service of that term of imprisonment. 2795

(H) If a person who has been convicted of or pleaded guilty 2796
to a felony is sentenced to a prison term or term of imprisonment 2797
under this section, sections 2929.02 to 2929.06 of the Revised 2798
Code, section 2971.03 of the Revised Code, or any other provision 2799
of law, section 5120.163 of the Revised Code applies regarding the 2800
person while the person is confined in a state correctional 2801
institution. 2802

(I) If an offender who is convicted of or pleads guilty to a 2803
felony that is an offense of violence also is convicted of or 2804
pleads guilty to a specification of the type described in section 2805
2941.142 of the Revised Code that charges the offender with having 2806
committed the felony while participating in a criminal gang, the 2807
court shall impose upon the offender an additional prison term of 2808
one, two, or three years. 2809

(J) If an offender who is convicted of or pleads guilty to 2810
aggravated murder, murder, or a felony of the first, second, or 2811
third degree that is an offense of violence also is convicted of 2812

or pleads guilty to a specification of the type described in 2813
section 2941.143 of the Revised Code that charges the offender 2814
with having committed the offense in a school safety zone or 2815
towards a person in a school safety zone, the court shall impose 2816
upon the offender an additional prison term of two years. The 2817
offender shall serve the additional two years consecutively to and 2818
prior to the prison term imposed for the underlying offense. 2819

(K) At the time of sentencing, the court may recommend the 2820
offender for placement in a program of shock incarceration under 2821
section 5120.031 of the Revised Code or for placement in an 2822
intensive program prison under section 5120.032 of the Revised 2823
Code, disapprove placement of the offender in a program of shock 2824
incarceration or an intensive program prison of that nature, or 2825
make no recommendation on placement of the offender. In no case 2826
shall the department of rehabilitation and correction place the 2827
offender in a program or prison of that nature unless the 2828
department determines as specified in section 5120.031 or 5120.032 2829
of the Revised Code, whichever is applicable, that the offender is 2830
eligible for the placement. 2831

If the court disapproves placement of the offender in a 2832
program or prison of that nature, the department of rehabilitation 2833
and correction shall not place the offender in any program of 2834
shock incarceration or intensive program prison. 2835

If the court recommends placement of the offender in a 2836
program of shock incarceration or in an intensive program prison, 2837
and if the offender is subsequently placed in the recommended 2838
program or prison, the department shall notify the court of the 2839
placement and shall include with the notice a brief description of 2840
the placement. 2841

If the court recommends placement of the offender in a 2842
program of shock incarceration or in an intensive program prison 2843
and the department does not subsequently place the offender in the 2844

recommended program or prison, the department shall send a notice 2845
to the court indicating why the offender was not placed in the 2846
recommended program or prison. 2847

If the court does not make a recommendation under this 2848
division with respect to an offender and if the department 2849
determines as specified in section 5120.031 or 5120.032 of the 2850
Revised Code, whichever is applicable, that the offender is 2851
eligible for placement in a program or prison of that nature, the 2852
department shall screen the offender and determine if there is an 2853
available program of shock incarceration or an intensive program 2854
prison for which the offender is suited. If there is an available 2855
program of shock incarceration or an intensive program prison for 2856
which the offender is suited, the department shall notify the 2857
court of the proposed placement of the offender as specified in 2858
section 5120.031 or 5120.032 of the Revised Code and shall include 2859
with the notice a brief description of the placement. The court 2860
shall have ten days from receipt of the notice to disapprove the 2861
placement. 2862

Section 4. That all existing versions of sections 2903.06, 2863
2903.08, 2929.01, 2929.13, and 2929.14 of the Revised Code are 2864
hereby repealed. 2865

Section 5. Sections 3 and 4 of this act take effect on 2866
January 1, 2004. 2867

Section 6. (A) Section 2929.13 of the Revised Code, effective 2868
until January 1, 2004, is presented in Section 1 of this act as a 2869
composite of the section as amended by both Am. Sub. H.B. 327 and 2870
Sub. H.B. 485 of the 124th General Assembly. Section 2929.14 of 2871
the Revised Code, effective until January 1, 2004, is presented in 2872
Section 1 of this act as a composite of the section as amended by 2873
both Am. Sub. H.B. 327 and Sub. H.B. 485 of the 124th General 2874

Assembly. The General Assembly, applying the principle stated in 2875
division (B) of section 1.52 of the Revised Code that amendments 2876
are to be harmonized if reasonably capable of simultaneous 2877
operation, finds that the composites are the resulting versions of 2878
the sections in effect prior to the effective date of the sections 2879
as presented in Section 1 of this act. 2880

2881

(B) Section 2929.13 of the Revised Code, effective on January 2882
1, 2004, is presented in Section 3 of this act as a composite of 2883
the section as amended by Am. Sub. H.B. 327, Sub. H.B. 485, and 2884
Am. Sub. S.B. 123 of the 124th General Assembly. Section 2929.14 2885
of the Revised Code, effective on January 1, 2004, is presented in 2886
Section 3 of this act as a composite of the section as amended by 2887
Am. Sub. H.B. 327, Sub. H.B. 485, and Am. Sub. S.B. 123 of the 2888
124th General Assembly. The General Assembly, applying the 2889
principle stated in division (B) of section 1.52 of the Revised 2890
Code that amendments are to be harmonized if reasonably capable of 2891
simultaneous operation, finds that the composites are the 2892
resulting versions of the sections in effect prior to the 2893
effective date of the sections as presented in Section 3 of this 2894
act. 2895