

**As Passed by the House**

**125th General Assembly**

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**2003-2004**

**Am. Sub. H. B. No. 52**

**Representatives Hughes, Latta, Gilb, Grendell, DePiero, Seaver, Redfern, Young, Willamowski, D. Evans, Barrett, Brown, Buehrer, Carano, Carmichael, Chandler, Cirelli, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, Flowers, Hagan, Hartnett, Husted, Jolivette, McGregor, Oelslager, Olman, Otterman, T. Patton, Perry, Reidelbach, Schaffer, Schlichter, Schmidt, Sferra, Skindell, D. Stewart, Walcher, Widener, Wilson, Wolpert, Woodard**

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**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, vehicular homicide, and 5  
vehicular assault to also prohibit causing death 6  
or physical harm as a proximate result of 7  
committing a reckless operation or speeding 8  
violation in a construction zone, to impose a 9  
five-year mandatory prison term for a conviction 10  
of aggravated vehicular homicide and a peace 11  
officer victim specification, and to impose a 12  
three-year mandatory prison term for a conviction 13  
of aggravated vehicular homicide and a 14  
specification of three OVI-related violations. 15

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

**Section 1.** That sections 2152.17, 2903.06, 2903.08, 2929.01, 16

2929.13, 2929.14, 4511.98, and 5501.27 be amended and sections 17  
2941.1413 and 2941.1414 of the Revised Code be enacted to read as 18  
follows: 19

**Sec. 2152.17.** (A) Subject to division (D) of this section, if 20  
a child is adjudicated a delinquent child for committing an act, 21  
other than a violation of section 2923.12 of the Revised Code, 22  
that would be a felony if committed by an adult and if the court 23  
determines that, if the child was an adult, the child would be 24  
guilty of a specification of the type set forth in section 25  
2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, 2941.1413, 26  
or 2941.1414 of the Revised Code, in addition to any commitment or 27  
other disposition the court imposes for the underlying delinquent 28  
act, all of the following apply: 29

(1) If the court determines that the child would be guilty of 30  
a specification of the type set forth in section 2941.141 of the 31  
Revised Code, the court may commit the child to the department of 32  
youth services for the specification for a definite period of up 33  
to one year. 34

(2) If the court determines that the child would be guilty of 35  
a specification of the type set forth in section 2941.145 or 36  
2941.1414 of the Revised Code, the court shall commit the child to 37  
the department of youth services for the specification for a 38  
definite period of not less than one and not more than three 39  
years, and the court also shall commit the child to the department 40  
for the underlying delinquent act under sections 2152.11 to 41  
2152.16 of the Revised Code. 42

(3) If the court determines that the child would be guilty of 43  
a specification of the type set forth in section 2941.144, 44  
2941.146, ~~or~~ 2941.1412, or 2941.1413 of the Revised Code, the 45  
court shall commit the child to the department of youth services 46

for the specification for a definite period of not less than one 47  
and not more than five years, and the court also shall commit the 48  
child to the department for the underlying delinquent act under 49  
sections 2152.11 to 2152.16 of the Revised Code. 50

(B) Division (A) of this section also applies to a child who 51  
is an accomplice to the same extent the firearm specifications 52  
would apply to an adult accomplice in a criminal proceeding. 53

(C) If a child is adjudicated a delinquent child for 54  
committing an act that would be aggravated murder, murder, or a 55  
first, second, or third degree felony offense of violence if 56  
committed by an adult and if the court determines that, if the 57  
child was an adult, the child would be guilty of a specification 58  
of the type set forth in section 2941.142 of the Revised Code in 59  
relation to the act for which the child was adjudicated a 60  
delinquent child, the court shall commit the child for the 61  
specification to the legal custody of the department of youth 62  
services for institutionalization in a secure facility for a 63  
definite period of not less than one and not more than three 64  
years, subject to division (D)(2) of this section, and the court 65  
also shall commit the child to the department for the underlying 66  
delinquent act. 67

(D)(1) If the child is adjudicated a delinquent child for 68  
committing an act that would be an offense of violence that is a 69  
felony if committed by an adult and is committed to the legal 70  
custody of the department of youth services pursuant to division 71  
(A)(1) of section 2152.16 of the Revised Code and if the court 72  
determines that the child, if the child was an adult, would be 73  
guilty of a specification of the type set forth in section 74  
2941.1411 of the Revised Code in relation to the act for which the 75  
child was adjudicated a delinquent child, the court may commit the 76  
child to the custody of the department of youth services for 77  
institutionalization in a secure facility for up to two years, 78

subject to division (D)(2) of this section. 79

(2) A court that imposes a period of commitment under 80  
division (A) of this section is not precluded from imposing an 81  
additional period of commitment under division (C) or (D)(1) of 82  
this section, a court that imposes a period of commitment under 83  
division (C) of this section is not precluded from imposing an 84  
additional period of commitment under division (A) or (D)(1) of 85  
this section, and a court that imposes a period of commitment 86  
under division (D)(1) of this section is not precluded from 87  
imposing an additional period of commitment under division (A) or 88  
(C) of this section. 89

(E) The court shall not commit a child to the legal custody 90  
of the department of youth services for a specification pursuant 91  
to this section for a period that exceeds five years for any one 92  
delinquent act. Any commitment imposed pursuant to division (A), 93  
(B), (C), or (D)(1) of this section shall be in addition to, and 94  
shall be served consecutively with and prior to, a period of 95  
commitment ordered under this chapter for the underlying 96  
delinquent act, and each commitment imposed pursuant to division 97  
(A), (B), (C), or (D)(1) of this section shall be in addition to, 98  
and shall be served consecutively with, any other period of 99  
commitment imposed under those divisions. If a commitment is 100  
imposed under division (A) or (B) of this section and a commitment 101  
also is imposed under division (C) of this section, the period 102  
imposed under division (A) or (B) of this section shall be served 103  
prior to the period imposed under division (C) of this section. 104

In each case in which a court makes a disposition under this 105  
section, the court retains control over the commitment for the 106  
entire period of the commitment. 107

The total of all the periods of commitment imposed for any 108  
specification under this section and for the underlying offense 109  
shall not exceed the child's attainment of twenty-one years of 110

age. 111

(F) If a child is adjudicated a delinquent child for 112  
committing two or more acts that would be felonies if committed by 113  
an adult and if the court entering the delinquent child 114  
adjudication orders the commitment of the child for two or more of 115  
those acts to the legal custody of the department of youth 116  
services for institutionalization in a secure facility pursuant to 117  
section 2152.13 or 2152.16 of the Revised Code, the court may 118  
order that all of the periods of commitment imposed under those 119  
sections for those acts be served consecutively in the legal 120  
custody of the department of youth services, provided that those 121  
periods of commitment shall be in addition to and commence 122  
immediately following the expiration of a period of commitment 123  
that the court imposes pursuant to division (A), (B), (C), or 124  
(D)(1) of this section. A court shall not commit a delinquent 125  
child to the legal custody of the department of youth services 126  
under this division for a period that exceeds the child's 127  
attainment of twenty-one years of age. 128

(G) If a child is adjudicated a delinquent child for 129  
committing an act that if committed by an adult would be 130  
aggravated murder, murder, rape, felonious sexual penetration in 131  
violation of former section 2907.12 of the Revised Code, 132  
involuntary manslaughter, a felony of the first or second degree 133  
resulting in the death of or physical harm to a person, complicity 134  
in or an attempt to commit any of those offenses, or an offense 135  
under an existing or former law of this state that is or was 136  
substantially equivalent to any of those offenses and if the court 137  
in its order of disposition for that act commits the child to the 138  
custody of the department of youth services, the adjudication 139  
shall be considered a conviction for purposes of a future 140  
determination pursuant to Chapter 2929. of the Revised Code as to 141  
whether the child, as an adult, is a repeat violent offender. 142

Sec. 2903.06. (A) No person, while operating or participating 143  
in the operation of a motor vehicle, motorcycle, snowmobile, 144  
locomotive, watercraft, or aircraft, shall cause the death of 145  
another or the unlawful termination of another's pregnancy in any 146  
of the following ways: 147

(1)(a) As the proximate result of committing a violation of 148  
division (A) of section 4511.19 of the Revised Code or of a 149  
substantially equivalent municipal ordinance; 150

(b) As the proximate result of committing a violation of 151  
division (A) of section 1547.11 of the Revised Code or of a 152  
substantially equivalent municipal ordinance; 153

(c) As the proximate result of committing a violation of 154  
division (A)(3) of section 4561.15 of the Revised Code or of a 155  
substantially equivalent municipal ordinance. 156

(2) In one of the following ways: 157

(a) Recklessly; 158

(b) As the proximate result of committing, while operating or 159  
participating in the operation of a motor vehicle or motorcycle in 160  
a construction zone, a reckless operation offense, provided that 161  
this division applies only if the person whose death is caused or 162  
whose pregnancy is unlawfully terminated is working in the 163  
construction zone at the time of the offender's commission of the 164  
reckless operation offense in the construction zone. 165

(3) In one of the following ways: 166

(a) Negligently; 167

(b) As the proximate result of committing, while operating or 168  
participating in the operation of a motor vehicle or motorcycle in 169  
a construction zone, a speeding offense, provided that this 170  
division applies only if the person whose death is caused or whose 171

pregnancy is unlawfully terminated is working in the construction 172  
zone at the time of the offender's commission of the speeding 173  
offense in the construction zone. 174

(4) As the proximate result of committing a violation of any 175  
provision of any section contained in Title XLV of the Revised 176  
Code that is a minor misdemeanor or of a municipal ordinance that, 177  
regardless of the penalty set by ordinance for the violation, is 178  
substantially equivalent to any provision of any section contained 179  
in Title XLV of the Revised Code that is a minor misdemeanor. 180

(B)(1) Whoever violates division (A)(1) or (2) of this 181  
section is guilty of aggravated vehicular homicide and shall be 182  
punished as provided in divisions (B)(2) and (3) of this section. 183

(2)(a) Except as otherwise provided in this division, 184  
aggravated vehicular homicide committed in violation of division 185  
(A)(1) of this section is a felony of the second degree. 186  
Aggravated vehicular homicide committed in violation of division 187  
(A)(1) of this section is a felony of the first degree if any of 188  
the following apply: 189

(i) At the time of the offense, the offender was driving 190  
under a suspension imposed under Chapter 4510. or any other 191  
provision of the Revised Code. 192

(ii) The offender previously has been convicted of or pleaded 193  
guilty to a violation of this section. 194

(iii) The offender previously has been convicted of or 195  
pleaded guilty to any traffic-related homicide, manslaughter, or 196  
assault offense. 197

(iv) The offender previously has been convicted of or pleaded 198  
guilty to three or more prior violations of section 4511.19 of the 199  
Revised Code or of a substantially equivalent municipal ordinance 200  
within the previous six years. 201

(v) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(vi) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years.

(vii) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of the offenses listed in division (B)(2)(a)(iv), (v), or (vi) of this section.

(viii) The offender previously has been convicted of or pleaded guilty to a second or subsequent felony violation of division (A) of section 4511.19 of the Revised Code.

(b) In addition to any other sanctions imposed pursuant to division (B)(2)(a) of this section for aggravated vehicular homicide committed in violation of division (A)(1) of this section, the court shall impose upon the offender a class one suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A)(1) of section 4510.02 of the Revised Code.

(3) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(2)(a) or (2)(b) of this section is a felony of the third degree. Aggravated vehicular homicide committed in violation of division (A)(2)(a) or (2)(b) of this section is a felony of the second degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code or if the offender previously has been convicted of or



pleaded guilty to a violation of this section or any 233  
traffic-related homicide, manslaughter, or assault offense. 234

In addition to any other sanctions imposed pursuant to this 235  
division for a violation of division (A)(2)(a) or (2)(b) of this 236  
section, the court shall impose upon the offender a class two 237  
suspension of the offender's driver's license, commercial driver's 238  
license, temporary instruction permit, probationary license, or 239  
nonresident operating privilege from the range specified in 240  
division (A)(2) of section 4510.02 of the Revised Code. 241

(C) Whoever violates division (A)(3) of this section is 242  
guilty of vehicular homicide. Except as otherwise provided in this 243  
division, vehicular homicide is a misdemeanor of the first degree, 244  
and, for a violation of division (A)(3)(b) of this section, the 245  
court shall impose upon the offender a term of imprisonment of at 246  
least fifteen days and may impose upon the offender a longer term 247  
of imprisonment pursuant to section 2929.24 of the Revised Code. 248  
Vehicular homicide committed in violation of division (A)(3)(a) or 249  
(b) of this section is a felony of the fourth degree if, at the 250  
time of the offense, the offender was driving under a suspension 251  
or revocation imposed under Chapter 4507. or any other provision 252  
of the Revised Code or if the offender previously has been 253  
convicted of or pleaded guilty to a violation of this section or 254  
any traffic-related homicide, manslaughter, or assault offense. 255

In addition to any other sanctions imposed pursuant to this 256  
division, the court shall impose upon the offender a class four 257  
suspension of the offender's driver's license, commercial driver's 258  
license, temporary instruction permit, probationary license, or 259  
nonresident operating privilege from the range specified in 260  
division (A)(4) of section 4510.02 of the Revised Code or, if the 261  
offender previously has been convicted of or pleaded guilty to a 262  
violation of this section or any traffic-related homicide, 263  
manslaughter, or assault offense, a class three suspension of the 264

offender's driver's license, commercial driver's license, 265  
temporary instruction permit, probationary license, or nonresident 266  
operating privilege from the range specified in division (A)(3) of 267  
that section. 268

(D) Whoever violates division (A)(4) of this section is 269  
guilty of vehicular manslaughter. Except as otherwise provided in 270  
this division, vehicular manslaughter is a misdemeanor of the 271  
second degree. Vehicular manslaughter is a misdemeanor of the 272  
first degree if, at the time of the offense, the offender was 273  
driving under a suspension imposed under Chapter 4510. or any 274  
other provision of the Revised Code or if the offender previously 275  
has been convicted of or pleaded guilty to a violation of this 276  
section or any traffic-related homicide, manslaughter, or assault 277  
offense. 278

In addition to any other sanctions imposed pursuant to this 279  
division, the court shall impose upon the offender a class six 280  
suspension of the offender's driver's license, commercial driver's 281  
license, temporary instruction permit, probationary license, or 282  
nonresident operating privilege from the range specified in 283  
division (A)(6) of section 4510.02 of the Revised Code or, if the 284  
offender previously has been convicted of or pleaded guilty to a 285  
violation of this section or any traffic-related homicide, 286  
manslaughter, or assault offense, a class four suspension of the 287  
offender's driver's license, commercial driver's license, 288  
temporary instruction permit, probationary license, or nonresident 289  
operating privilege from the range specified in division (A)(4) of 290  
that section. 291

(E) The court shall impose a mandatory prison term on an 292  
offender who is convicted of or pleads guilty to a violation of 293  
division (A)(1) of this section. The court shall impose a 294  
mandatory prison term on an offender who is convicted of or pleads 295  
guilty to a violation of division (A)(2)(b) or a felony violation 296

of division (A)(3)(b) of this section if the offender previously 297  
has been convicted of or pleaded guilty to a violation of this 298  
section or section 2903.08 of the Revised Code. The court shall 299  
impose a mandatory prison term on an offender who is convicted of 300  
or pleads guilty to a violation of division (A)(2)(a) or (3)(a) of 301  
this section if either of the following applies: 302

(1) The offender previously has been convicted of or pleaded 303  
guilty to a violation of this section or section 2903.08 of the 304  
Revised Code. 305

(2) At the time of the offense, the offender was driving 306  
under suspension under Chapter 4510. or any other provision of the 307  
Revised Code. 308

(F)(1) As used in this section: 309

(a) "Mandatory prison term" has the same meaning as in 310  
section 2929.01 of the Revised Code. 311

(b) "Traffic-related homicide, manslaughter, or assault 312  
offense" means a violation of section 2903.04 of the Revised Code 313  
in circumstances in which division (D) of that section applies, a 314  
violation of section 2903.06 or 2903.08 of the Revised Code, or a 315  
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 316  
Code as they existed prior to March 23, 2000. 317

(c) "Construction zone" has the same meaning as in section 318  
5501.27 of the Revised Code. 319

(d) "Reckless operation offense" means a violation of section 320  
4511.20 of the Revised Code or a municipal ordinance substantially 321  
equivalent to section 4511.20 of the Revised Code. 322

(e) "Speeding offense" means a violation of section 4511.21 323  
of the Revised Code or a municipal ordinance pertaining to speed. 324

(2) For the purposes of this section, when a penalty or 325  
suspension is enhanced because of a prior or current violation of 326

a specified law or a prior or current specified offense, the 327  
reference to the violation of the specified law or the specified 328  
offense includes any violation of any substantially equivalent 329  
municipal ordinance, former law of this state, or current or 330  
former law of another state or the United States. 331

**Sec. 2903.08.** (A) No person, while operating or participating 332  
in the operation of a motor vehicle, motorcycle, snowmobile, 333  
locomotive, watercraft, or aircraft, shall ~~cause serious physical~~ 334  
~~harm to another person or another's unborn in either~~ do any of the 335  
following ~~ways~~: 336

(1)(a) ~~As~~ Cause serious physical harm to another person or 337  
another's unborn as the proximate result of committing a violation 338  
of division (A) of section 4511.19 of the Revised Code or of a 339  
substantially equivalent municipal ordinance; 340

(b) ~~As~~ Cause serious physical harm to another person or 341  
another's unborn as the proximate result of committing a violation 342  
of division (A) of section 1547.11 of the Revised Code or of a 343  
substantially equivalent municipal ordinance; 344

(c) ~~As~~ Cause serious physical harm to another person or 345  
another's unborn as the proximate result of committing a violation 346  
of division (A)(3) of section 4561.15 of the Revised Code or of a 347  
substantially equivalent municipal ordinance. 348

(2) Either of the following: 349

(a) Cause physical harm to another person or another's unborn 350  
as the proximate result of committing, while operating or 351  
participating in the operation of a motor vehicle or motorcycle in 352  
a construction zone, a reckless operation offense, provided that 353  
this division applies only if the person who is physically harmed 354  
or whose unborn is physically harmed is working in the 355  
construction zone at the time of the offender's commission of the 356

reckless operation offense in the construction zone;

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

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(3) 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 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 of the speeding  
offense in the construction zone.

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(B)(1) Whoever violates division (A)(1) of this section is  
guilty of aggravated vehicular assault. Except as otherwise  
provided in this division, aggravated vehicular assault is a  
felony of the third degree. Aggravated vehicular assault is a  
felony of the second degree if any of the following apply:

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(a) At the time of the offense, the offender was driving  
under a suspension imposed under Chapter 4510. or any other  
provision of the Revised Code.

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(b) The offender previously has been convicted of or pleaded  
guilty to a violation of this section.

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(c) The offender previously has been convicted of or pleaded  
guilty to any traffic-related homicide, manslaughter, or assault  
offense.

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(d) The offender previously has been convicted of or pleaded  
guilty to three or more prior violations of section 4511.19 of the  
Revised Code or a substantially equivalent municipal ordinance  
within the previous six years.

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(e) The offender previously has been convicted of or pleaded  
guilty to three or more prior violations of division (A) of

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section 1547.11 of the Revised Code or of a substantially 387  
equivalent municipal ordinance within the previous six years. 388

(f) The offender previously has been convicted of or pleaded 389  
guilty to three or more prior violations of division (A)(3) of 390  
section 4561.15 of the Revised Code or of a substantially 391  
equivalent municipal ordinance within the previous six years. 392

(g) The offender previously has been convicted of or pleaded 393  
guilty to three or more prior violations of any combination of the 394  
offenses listed in division (B)(1)(d), (e), or (f) of this 395  
section. 396

(h) The offender previously has been convicted of or pleaded 397  
guilty to a second or subsequent felony violation of division (A) 398  
of section 4511.19 of the Revised Code. 399

(2) In addition to any other sanctions imposed pursuant to 400  
division (B)(1) of this section, the court shall impose upon the 401  
offender a class three suspension of the offender's driver's 402  
license, commercial driver's license, temporary instruction 403  
permit, probationary license, or nonresident operating privilege 404  
from the range specified in division (A)(3) of section 4510.02 of 405  
the Revised Code or, if the offender previously has been convicted 406  
of or pleaded guilty to a violation of this section or any 407  
traffic-related homicide, manslaughter, or assault offense, a 408  
class two suspension of the offender's driver's license, 409  
commercial driver's license, temporary instruction permit, 410  
probationary license, or nonresident operating privilege from the 411  
range specified in division (A)(2) of that section. 412

(C)(1) Whoever violates division (A)(2) or (3) of this 413  
section is guilty of vehicular assault and shall be punished as 414  
provided in divisions (C)(2) and (3) of this section. ~~Except~~ 415

(2) Except as otherwise provided in this division, vehicular 416  
assault committed in violation of division (A)(2)(a) or (b) of 417

this section is a felony of the fourth degree. Vehicular assault 418  
committed in violation of division (A)(2)(a) or (b) of this 419  
section is a felony of the third degree if, at the time of the 420  
offense, the offender was driving under a suspension imposed under 421  
Chapter 4510. or any other provision of the Revised Code or if the 422  
offender previously has been convicted of or pleaded guilty to a 423  
violation of this section or any traffic-related homicide, 424  
manslaughter, or assault offense. 425

In addition to any other sanctions imposed, the court shall 426  
impose upon the offender a class four suspension of the offender's 427  
driver's license, commercial driver's license, temporary 428  
instruction permit, probationary license, or nonresident operating 429  
privilege from the range specified in division (A)(4) of section 430  
4510.02 of the Revised Code or, if the offender previously has 431  
been convicted of or pleaded guilty to a violation of this section 432  
or any traffic-related homicide, manslaughter, or assault offense, 433  
a class three suspension of the offender's driver's license, 434  
commercial driver's license, temporary instruction permit, 435  
probationary license, or nonresident operating privilege from the 436  
range specified in division (A)(3) of that section. 437

(3) Except as otherwise provided in this division, vehicular 438  
assault committed in violation of division (A)(3) of this section 439  
is a misdemeanor of the first degree, and the court shall impose 440  
upon the offender a term of imprisonment of at least seven days 441  
and may impose upon the offender a longer term of imprisonment 442  
pursuant to section 2929.24 of the Revised Code. Vehicular assault 443  
committed in violation of division (A)(3) of this section is a 444  
felony of the fourth degree if, at the time of the offense, the 445  
offender was driving under a suspension imposed under Chapter 446  
4510. or any other provision of the Revised Code or if the 447  
offender previously has been convicted of or pleaded guilty to a 448  
violation of this section or any traffic-related homicide, 449

manslaughter, or assault offense.

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In addition to any other sanctions imposed, the court shall  
impose upon the offender a class four suspension of the offender's  
driver's license, commercial driver's license, temporary  
instruction permit, probationary license, or nonresident operating  
privilege from the range specified in division (A)(4) of section  
4510.02 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,  
a class three suspension of the offender's driver's license,  
commercial driver's license, temporary instruction permit,  
probationary license, or nonresident operating privilege from the  
range specified in division (A)(3) of section 4510.02 of the  
Revised Code.

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(D)(1) 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~~

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(2) 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) of this section if either of the following  
applies:

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

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

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(3) 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) or (A)(3) of this section if the offender  
previously has been convicted of or pleaded guilty to a violation

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<u>of this section or section 2903.06 of the Revised Code.</u>	481
(E) As used in this section:	482
(1) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	483 484
(2) "Traffic-related homicide, manslaughter, or assault offense" has the same meaning as in section 2903.06 of the Revised Code.	485 486 487
<u>(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.</u>	488 489
<u>(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.</u>	490 491
(F) 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.	492 493 494 495 496 497 498
<b>Sec. 2929.01.</b> As used in this chapter:	499
(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:	500 501 502 503
(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.	504 505 506
(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	507 508 509

is responsible for licensing or certifying that type of education, 510  
training, treatment, habilitation, or service. 511

(2) "Alternative residential facility" does not include a 512  
community-based correctional facility, jail, halfway house, or 513  
prison. 514

(B) "Bad time" means the time by which the parole board 515  
administratively extends an offender's stated prison term or terms 516  
pursuant to section 2967.11 of the Revised Code because the parole 517  
board finds by clear and convincing evidence that the offender, 518  
while serving the prison term or terms, committed an act that is a 519  
criminal offense under the law of this state or the United States, 520  
whether or not the offender is prosecuted for the commission of 521  
that act. 522

(C) "Basic probation supervision" means a requirement that 523  
the offender maintain contact with a person appointed to supervise 524  
the offender in accordance with sanctions imposed by the court or 525  
imposed by the parole board pursuant to section 2967.28 of the 526  
Revised Code. "Basic probation supervision" includes basic parole 527  
supervision and basic post-release control supervision. 528

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 529  
"unit dose" have the same meanings as in section 2925.01 of the 530  
Revised Code. 531

(E) "Community-based correctional facility" means a 532  
community-based correctional facility and program or district 533  
community-based correctional facility and program developed 534  
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 535

(F) "Community control sanction" means a sanction that is not 536  
a prison term and that is described in section 2929.15, 2929.16, 537  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 538  
a jail term and that is described in section 2929.26, 2929.27, or 539  
2929.28 of the Revised Code. "Community control sanction" includes 540

probation if the sentence involved was imposed for a felony that 541  
was committed prior to July 1, 1996, or if the sentence involved 542  
was imposed for a misdemeanor that was committed prior to January 543  
1, 2004. 544

(G) "Controlled substance," "marihuana," "schedule I," and 545  
"schedule II" have the same meanings as in section 3719.01 of the 546  
Revised Code. 547

(H) "Curfew" means a requirement that an offender during a 548  
specified period of time be at a designated place. 549

(I) "Day reporting" means a sanction pursuant to which an 550  
offender is required each day to report to and leave a center or 551  
other approved reporting location at specified times in order to 552  
participate in work, education or training, treatment, and other 553  
approved programs at the center or outside the center. 554

(J) "Deadly weapon" has the same meaning as in section 555  
2923.11 of the Revised Code. 556

(K) "Drug and alcohol use monitoring" means a program under 557  
which an offender agrees to submit to random chemical analysis of 558  
the offender's blood, breath, or urine to determine whether the 559  
offender has ingested any alcohol or other drugs. 560

(L) "Drug treatment program" means any program under which a 561  
person undergoes assessment and treatment designed to reduce or 562  
completely eliminate the person's physical or emotional reliance 563  
upon alcohol, another drug, or alcohol and another drug and under 564  
which the person may be required to receive assessment and 565  
treatment on an outpatient basis or may be required to reside at a 566  
facility other than the person's home or residence while 567  
undergoing assessment and treatment. 568

(M) "Economic loss" means any economic detriment suffered by 569  
a victim as a result of the commission of a felony and includes 570  
any loss of income due to lost time at work because of any injury 571

caused to the victim, and any property loss, medical cost, or 572  
funeral expense incurred as a result of the commission of the 573  
felony. 574

(N) "Education or training" includes study at, or in 575  
conjunction with a program offered by, a university, college, or 576  
technical college or vocational study and also includes the 577  
completion of primary school, secondary school, and literacy 578  
curricula or their equivalent. 579

(O) "Firearm" has the same meaning as in section 2923.11 of 580  
the Revised Code. 581

(P) "Halfway house" means a facility licensed by the division 582  
of parole and community services of the department of 583  
rehabilitation and correction pursuant to section 2967.14 of the 584  
Revised Code as a suitable facility for the care and treatment of 585  
adult offenders. 586

(Q) "House arrest" means a period of confinement of an 587  
offender that is in the offender's home or in other premises 588  
specified by the sentencing court or by the parole board pursuant 589  
to section 2967.28 of the Revised Code and during which all of the 590  
following apply: 591

(1) The offender is required to remain in the offender's home 592  
or other specified premises for the specified period of 593  
confinement, except for periods of time during which the offender 594  
is at the offender's place of employment or at other premises as 595  
authorized by the sentencing court or by the parole board. 596

(2) The offender is required to report periodically to a 597  
person designated by the court or parole board. 598

(3) The offender is subject to any other restrictions and 599  
requirements that may be imposed by the sentencing court or by the 600  
parole board. 601

(R) "Intensive probation supervision" means a requirement 602  
that an offender maintain frequent contact with a person appointed 603  
by the court, or by the parole board pursuant to section 2967.28 604  
of the Revised Code, to supervise the offender while the offender 605  
is seeking or maintaining necessary employment and participating 606  
in training, education, and treatment programs as required in the 607  
court's or parole board's order. "Intensive probation supervision" 608  
includes intensive parole supervision and intensive post-release 609  
control supervision. 610

(S) "Jail" means a jail, workhouse, minimum security jail, or 611  
other residential facility used for the confinement of alleged or 612  
convicted offenders that is operated by a political subdivision or 613  
a combination of political subdivisions of this state. 614

(T) "Jail term" means the term in a jail that a sentencing 615  
court imposes or is authorized to impose pursuant to section 616  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 617  
provision of the Revised Code that authorizes a term in a jail for 618  
a misdemeanor conviction. 619

(U) "Mandatory jail term" means the term in a jail that a 620  
sentencing court is required to impose pursuant to division (G) of 621  
section 1547.99 of the Revised Code, division (B) of section 622  
4510.14 of the Revised Code, or division (G) of section 4511.19 of 623  
the Revised Code or pursuant to any other provision of the Revised 624  
Code that requires a term in a jail for a misdemeanor conviction. 625

(V) "Delinquent child" has the same meaning as in section 626  
2152.02 of the Revised Code. 627

(W) "License violation report" means a report that is made by 628  
a sentencing court, or by the parole board pursuant to section 629  
2967.28 of the Revised Code, to the regulatory or licensing board 630  
or agency that issued an offender a professional license or a 631  
license or permit to do business in this state and that specifies 632

that the offender has been convicted of or pleaded guilty to an 633  
offense that may violate the conditions under which the offender's 634  
professional license or license or permit to do business in this 635  
state was granted or an offense for which the offender's 636  
professional license or license or permit to do business in this 637  
state may be revoked or suspended. 638

(X) "Major drug offender" means an offender who is convicted 639  
of or pleads guilty to the possession of, sale of, or offer to 640  
sell any drug, compound, mixture, preparation, or substance that 641  
consists of or contains at least one thousand grams of hashish; at 642  
least one hundred grams of crack cocaine; at least one thousand 643  
grams of cocaine that is not crack cocaine; at least two thousand 644  
five hundred unit doses or two hundred fifty grams of heroin; at 645  
least five thousand unit doses of L.S.D. or five hundred grams of 646  
L.S.D. in a liquid concentrate, liquid extract, or liquid 647  
distillate form; or at least one hundred times the amount of any 648  
other schedule I or II controlled substance other than marihuana 649  
that is necessary to commit a felony of the third degree pursuant 650  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 651  
Code that is based on the possession of, sale of, or offer to sell 652  
the controlled substance. 653

(Y) "Mandatory prison term" means any of the following: 654

(1) Subject to division (Y)(2) of this section, the term in 655  
prison that must be imposed for the offenses or circumstances set 656  
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 657  
2929.13 and division (D) of section 2929.14 of the Revised Code. 658  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 659  
and 2925.11 of the Revised Code, unless the maximum or another 660  
specific term is required under section 2929.14 of the Revised 661  
Code, a mandatory prison term described in this division may be 662  
any prison term authorized for the level of offense. 663

(2) The term of sixty or one hundred twenty days in prison 664

that a sentencing court is required to impose for a third or 665  
fourth degree felony OVI offense pursuant to division (G)(2) of 666  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 667  
of the Revised Code. 668

(3) The term in prison imposed pursuant to section 2971.03 of 669  
the Revised Code for the offenses and in the circumstances 670  
described in division (F)(11) of section 2929.13 of the Revised 671  
Code and that term as modified or terminated pursuant to section 672  
2971.05 of the Revised Code. 673

(Z) "Monitored time" means a period of time during which an 674  
offender continues to be under the control of the sentencing court 675  
or parole board, subject to no conditions other than leading a 676  
law-abiding life. 677

(AA) "Offender" means a person who, in this state, is 678  
convicted of or pleads guilty to a felony or a misdemeanor. 679

(BB) "Prison" means a residential facility used for the 680  
confinement of convicted felony offenders that is under the 681  
control of the department of rehabilitation and correction but 682  
does not include a violation sanction center operated under 683  
authority of section 2967.141 of the Revised Code. 684

(CC) "Prison term" includes any of the following sanctions 685  
for an offender: 686

(1) A stated prison term; 687

(2) A term in a prison shortened by, or with the approval of, 688  
the sentencing court pursuant to section 2929.20, 2967.26, 689  
5120.031, 5120.032, or 5120.073 of the Revised Code; 690

(3) A term in prison extended by bad time imposed pursuant to 691  
section 2967.11 of the Revised Code or imposed for a violation of 692  
post-release control pursuant to section 2967.28 of the Revised 693  
Code. 694

(DD) "Repeat violent offender" means a person about whom both 695  
of the following apply: 696

(1) The person has been convicted of or has pleaded guilty 697  
to, and is being sentenced for committing, for complicity in 698  
committing, or for an attempt to commit, aggravated murder, 699  
murder, involuntary manslaughter, a felony of the first degree 700  
other than one set forth in Chapter 2925. of the Revised Code, a 701  
felony of the first degree set forth in Chapter 2925. of the 702  
Revised Code that involved an attempt to cause serious physical 703  
harm to a person or that resulted in serious physical harm to a 704  
person, or a felony of the second degree that involved an attempt 705  
to cause serious physical harm to a person or that resulted in 706  
serious physical harm to a person. 707

(2) Either of the following applies: 708

(a) The person previously was convicted of or pleaded guilty 709  
to, and previously served or, at the time of the offense was 710  
serving, a prison term for, any of the following: 711

(i) Aggravated murder, murder, involuntary manslaughter, 712  
rape, felonious sexual penetration as it existed under section 713  
2907.12 of the Revised Code prior to September 3, 1996, a felony 714  
of the first or second degree that resulted in the death of a 715  
person or in physical harm to a person, or complicity in or an 716  
attempt to commit any of those offenses; 717

(ii) An offense under an existing or former law of this 718  
state, another state, or the United States that is or was 719  
substantially equivalent to an offense listed under division 720  
(DD)(2)(a)(i) of this section and that resulted in the death of a 721  
person or in physical harm to a person. 722

(b) The person previously was adjudicated a delinquent child 723  
for committing an act that if committed by an adult would have 724  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 725



section, the person was committed to the department of youth 726  
services for that delinquent act. 727

(EE) "Sanction" means any penalty imposed upon an offender 728  
who is convicted of or pleads guilty to an offense, as punishment 729  
for the offense. "Sanction" includes any sanction imposed pursuant 730  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 731  
2929.28 of the Revised Code. 732

(FF) "Sentence" means the sanction or combination of 733  
sanctions imposed by the sentencing court on an offender who is 734  
convicted of or pleads guilty to an offense. 735

(GG) "Stated prison term" means the prison term, mandatory 736  
prison term, or combination of all prison terms and mandatory 737  
prison terms imposed by the sentencing court pursuant to section 738  
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 739  
includes any credit received by the offender for time spent in 740  
jail awaiting trial, sentencing, or transfer to prison for the 741  
offense and any time spent under house arrest or house arrest with 742  
electronic monitoring imposed after earning credits pursuant to 743  
section 2967.193 of the Revised Code. 744

(HH) "Victim-offender mediation" means a reconciliation or 745  
mediation program that involves an offender and the victim of the 746  
offense committed by the offender and that includes a meeting in 747  
which the offender and the victim may discuss the offense, discuss 748  
restitution, and consider other sanctions for the offense. 749

(II) "Fourth degree felony OVI offense" means a violation of 750  
division (A) of section 4511.19 of the Revised Code that, under 751  
division (G) of that section, is a felony of the fourth degree. 752

(JJ) "Mandatory term of local incarceration" means the term 753  
of sixty or one hundred twenty days in a jail, a community-based 754  
correctional facility, a halfway house, or an alternative 755  
residential facility that a sentencing court may impose upon a 756

person who is convicted of or pleads guilty to a fourth degree 757  
felony OVI offense pursuant to division (G)(1) of section 2929.13 758  
of the Revised Code and division (G)(1)(d) or (e) of section 759  
4511.19 of the Revised Code. 760

(KK) "Designated homicide, assault, or kidnapping offense," 761  
"sexual motivation specification," "sexually violent offense," 762  
"sexually violent predator," and "sexually violent predator 763  
specification" have the same meanings as in section 2971.01 of the 764  
Revised Code. 765

(LL) "Habitual sex offender," "sexually oriented offense," 766  
"sexual predator," "registration-exempt sexually oriented 767  
offense," "child-victim oriented offense," "habitual child-victim 768  
offender," and "child-victim predator" have the same meanings as 769  
in section 2950.01 of the Revised Code. 770

(MM) An offense is "committed in the vicinity of a child" if 771  
the offender commits the offense within thirty feet of or within 772  
the same residential unit as a child who is under eighteen years 773  
of age, regardless of whether the offender knows the age of the 774  
child or whether the offender knows the offense is being committed 775  
within thirty feet of or within the same residential unit as the 776  
child and regardless of whether the child actually views the 777  
commission of the offense. 778

(NN) "Family or household member" has the same meaning as in 779  
section 2919.25 of the Revised Code. 780

(OO) "Motor vehicle" and "manufactured home" have the same 781  
meanings as in section 4501.01 of the Revised Code. 782

(PP) "Detention" and "detention facility" have the same 783  
meanings as in section 2921.01 of the Revised Code. 784

(QQ) "Third degree felony OVI offense" means a violation of 785  
division (A) of section 4511.19 of the Revised Code that, under 786  
division (G) of that section, is a felony of the third degree. 787

(RR) "Random drug testing" has the same meaning as in section 788  
5120.63 of the Revised Code. 789

(SS) "Felony sex offense" has the same meaning as in section 790  
2967.28 of the Revised Code. 791

(TT) "Body armor" has the same meaning as in section 792  
2941.1411 of the Revised Code. 793

(UU) "Electronic monitoring" means monitoring through the use 794  
of an electronic monitoring device. 795

(VV) "Electronic monitoring device" means any of the 796  
following: 797

(1) Any device that can be operated by electrical or battery 798  
power and that conforms with all of the following: 799

(a) The device has a transmitter that can be attached to a 800  
person, that will transmit a specified signal to a receiver of the 801  
type described in division (VV)(1)(b) of this section if the 802  
transmitter is removed from the person, turned off, or altered in 803  
any manner without prior court approval in relation to electronic 804  
monitoring or without prior approval of the department of 805  
rehabilitation and correction in relation to the use of an 806  
electronic monitoring device for an inmate on transitional control 807  
or otherwise is tampered with, that can transmit continuously and 808  
periodically a signal to that receiver when the person is within a 809  
specified distance from the receiver, and that can transmit an 810  
appropriate signal to that receiver if the person to whom it is 811  
attached travels a specified distance from that receiver. 812

(b) The device has a receiver that can receive continuously 813  
the signals transmitted by a transmitter of the type described in 814  
division (VV)(1)(a) of this section, can transmit continuously 815  
those signals by telephone to a central monitoring computer of the 816  
type described in division (VV)(1)(c) of this section, and can 817

transmit continuously an appropriate signal to that central 818  
monitoring computer if the receiver is turned off or altered 819  
without prior court approval or otherwise tampered with. 820

(c) The device has a central monitoring computer that can 821  
receive continuously the signals transmitted by telephone by a 822  
receiver of the type described in division (VV)(1)(b) of this 823  
section and can monitor continuously the person to whom an 824  
electronic monitoring device of the type described in division 825  
(VV)(1)(a) of this section is attached. 826

(2) Any device that is not a device of the type described in 827  
division (VV)(1) of this section and that conforms with all of the 828  
following: 829

(a) The device includes a transmitter and receiver that can 830  
monitor and determine the location of a subject person at any 831  
time, or at a designated point in time, through the use of a 832  
central monitoring computer or through other electronic means. 833

(b) The device includes a transmitter and receiver that can 834  
determine at any time, or at a designated point in time, through 835  
the use of a central monitoring computer or other electronic means 836  
the fact that the transmitter is turned off or altered in any 837  
manner without prior approval of the court in relation to the 838  
electronic monitoring or without prior approval of the department 839  
of rehabilitation and correction in relation to the use of an 840  
electronic monitoring device for an inmate on transitional control 841  
or otherwise is tampered with. 842

(3) Any type of technology that can adequately track or 843  
determine the location of a subject person at any time and that is 844  
approved by the director of rehabilitation and correction, 845  
including, but not limited to, any satellite technology, voice 846  
tracking system, or retinal scanning system that is so approved. 847

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 848  
(G) of this section and unless a specific sanction is required to 849  
be imposed or is precluded from being imposed pursuant to law, a 850  
court that imposes a sentence upon an offender for a felony may 851  
impose any sanction or combination of sanctions on the offender 852  
that are provided in sections 2929.14 to 2929.18 of the Revised 853  
Code. The sentence shall not impose an unnecessary burden on state 854  
or local government resources. 855

If the offender is eligible to be sentenced to community 856  
control sanctions, the court shall consider the appropriateness of 857  
imposing a financial sanction pursuant to section 2929.18 of the 858  
Revised Code or a sanction of community service pursuant to 859  
section 2929.17 of the Revised Code as the sole sanction for the 860  
offense. Except as otherwise provided in this division, if the 861  
court is required to impose a mandatory prison term for the 862  
offense for which sentence is being imposed, the court also may 863  
impose a financial sanction pursuant to section 2929.18 of the 864  
Revised Code but may not impose any additional sanction or 865  
combination of sanctions under section 2929.16 or 2929.17 of the 866  
Revised Code. 867

If the offender is being sentenced for a fourth degree felony 868  
OVI offense or for a third degree felony OVI offense, in addition 869  
to the mandatory term of local incarceration or the mandatory 870  
prison term required for the offense by division (G)(1) or (2) of 871  
this section, the court shall impose upon the offender a mandatory 872  
fine in accordance with division (B)(3) of section 2929.18 of the 873  
Revised Code and may impose whichever of the following is 874  
applicable: 875

(1) For a fourth degree felony OVI offense for which sentence 876  
is imposed under division (G)(1) of this section, an additional 877  
community control sanction or combination of community control 878

sanctions under section 2929.16 or 2929.17 of the Revised Code; 879

(2) For a third or fourth degree felony OVI offense for which 880  
sentence is imposed under division (G)(2) of this section, an 881  
additional prison term as described in division (D)(4) of section 882  
2929.14 of the Revised Code. 883

(B)(1) Except as provided in division (B)(2), (E), (F), or 884  
(G) of this section, in sentencing an offender for a felony of the 885  
fourth or fifth degree, the sentencing court shall determine 886  
whether any of the following apply: 887

(a) In committing the offense, the offender caused physical 888  
harm to a person. 889

(b) In committing the offense, the offender attempted to 890  
cause or made an actual threat of physical harm to a person with a 891  
deadly weapon. 892

(c) In committing the offense, the offender attempted to 893  
cause or made an actual threat of physical harm to a person, and 894  
the offender previously was convicted of an offense that caused 895  
physical harm to a person. 896

(d) The offender held a public office or position of trust 897  
and the offense related to that office or position; the offender's 898  
position obliged the offender to prevent the offense or to bring 899  
those committing it to justice; or the offender's professional 900  
reputation or position facilitated the offense or was likely to 901  
influence the future conduct of others. 902

(e) The offender committed the offense for hire or as part of 903  
an organized criminal activity. 904

(f) The offense is a sex offense that is a fourth or fifth 905  
degree felony violation of section 2907.03, 2907.04, 2907.05, 906  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 907  
Revised Code. 908

(g) The offender at the time of the offense was serving, or 909  
the offender previously had served, a prison term. 910

(h) The offender committed the offense while under a 911  
community control sanction, while on probation, or while released 912  
from custody on a bond or personal recognizance. 913

(i) The offender committed the offense while in possession of 914  
a firearm. 915

(2)(a) If the court makes a finding described in division 916  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 917  
section and if the court, after considering the factors set forth 918  
in section 2929.12 of the Revised Code, finds that a prison term 919  
is consistent with the purposes and principles of sentencing set 920  
forth in section 2929.11 of the Revised Code and finds that the 921  
offender is not amenable to an available community control 922  
sanction, the court shall impose a prison term upon the offender. 923

(b) Except as provided in division (E), (F), or (G) of this 924  
section, if the court does not make a finding described in 925  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 926  
this section and if the court, after considering the factors set 927  
forth in section 2929.12 of the Revised Code, finds that a 928  
community control sanction or combination of community control 929  
sanctions is consistent with the purposes and principles of 930  
sentencing set forth in section 2929.11 of the Revised Code, the 931  
court shall impose a community control sanction or combination of 932  
community control sanctions upon the offender. 933

(C) Except as provided in division (E), (F), or (G) of this 934  
section, in determining whether to impose a prison term as a 935  
sanction for a felony of the third degree or a felony drug offense 936  
that is a violation of a provision of Chapter 2925. of the Revised 937  
Code and that is specified as being subject to this division for 938  
purposes of sentencing, the sentencing court shall comply with the 939

purposes and principles of sentencing under section 2929.11 of the 940  
Revised Code and with section 2929.12 of the Revised Code. 941

(D) Except as provided in division (E) or (F) of this 942  
section, for a felony of the first or second degree and for a 943  
felony drug offense that is a violation of any provision of 944  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 945  
presumption in favor of a prison term is specified as being 946  
applicable, it is presumed that a prison term is necessary in 947  
order to comply with the purposes and principles of sentencing 948  
under section 2929.11 of the Revised Code. Notwithstanding the 949  
presumption established under this division, the sentencing court 950  
may impose a community control sanction or a combination of 951  
community control sanctions instead of a prison term on an 952  
offender for a felony of the first or second degree or for a 953  
felony drug offense that is a violation of any provision of 954  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 955  
presumption in favor of a prison term is specified as being 956  
applicable if it makes both of the following findings: 957

(1) A community control sanction or a combination of 958  
community control sanctions would adequately punish the offender 959  
and protect the public from future crime, because the applicable 960  
factors under section 2929.12 of the Revised Code indicating a 961  
lesser likelihood of recidivism outweigh the applicable factors 962  
under that section indicating a greater likelihood of recidivism. 963

(2) A community control sanction or a combination of 964  
community control sanctions would not demean the seriousness of 965  
the offense, because one or more factors under section 2929.12 of 966  
the Revised Code that indicate that the offender's conduct was 967  
less serious than conduct normally constituting the offense are 968  
applicable, and they outweigh the applicable factors under that 969  
section that indicate that the offender's conduct was more serious 970  
than conduct normally constituting the offense. 971



(E)(1) Except as provided in division (F) of this section, 972  
for any drug offense that is a violation of any provision of 973  
Chapter 2925. of the Revised Code and that is a felony of the 974  
third, fourth, or fifth degree, the applicability of a presumption 975  
under division (D) of this section in favor of a prison term or of 976  
division (B) or (C) of this section in determining whether to 977  
impose a prison term for the offense shall be determined as 978  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 979  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 980  
Revised Code, whichever is applicable regarding the violation. 981

(2) If an offender who was convicted of or pleaded guilty to 982  
a felony violates the conditions of a community control sanction 983  
imposed for the offense solely by reason of producing positive 984  
results on a drug test, the court, as punishment for the violation 985  
of the sanction, shall not order that the offender be imprisoned 986  
unless the court determines on the record either of the following: 987

(a) The offender had been ordered as a sanction for the 988  
felony to participate in a drug treatment program, in a drug 989  
education program, or in narcotics anonymous or a similar program, 990  
and the offender continued to use illegal drugs after a reasonable 991  
period of participation in the program. 992

(b) The imprisonment of the offender for the violation is 993  
consistent with the purposes and principles of sentencing set 994  
forth in section 2929.11 of the Revised Code. 995

(F) Notwithstanding divisions (A) to (E) of this section, the 996  
court shall impose a prison term or terms under sections 2929.02 997  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 998  
Code and except as specifically provided in section 2929.20 or 999  
2967.191 of the Revised Code or when parole is authorized for the 1000  
offense under section 2967.13 of the Revised Code shall not reduce 1001  
the terms pursuant to section 2929.20, section 2967.193, or any 1002

other provision of Chapter 2967. or Chapter 5120. of the Revised	1003
Code for any of the following offenses:	1004
(1) Aggravated murder when death is not imposed or murder;	1005
(2) Any rape, regardless of whether force was involved and	1006
regardless of the age of the victim, or an attempt to commit rape	1007
if, had the offender completed the rape that was attempted, the	1008
offender would have been subject to a sentence of life	1009
imprisonment or life imprisonment without parole for the rape;	1010
(3) Gross sexual imposition or sexual battery, if the victim	1011
is under thirteen years of age, if the offender previously was	1012
convicted of or pleaded guilty to rape, the former offense of	1013
felonious sexual penetration, gross sexual imposition, or sexual	1014
battery, and if the victim of the previous offense was under	1015
thirteen years of age;	1016
(4) A felony violation of section 2903.04, 2903.06, 2903.08,	1017
2903.11, 2903.12, or 2903.13 of the Revised Code if the section	1018
requires the imposition of a prison term;	1019
(5) A first, second, or third degree felony drug offense for	1020
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	1021
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or	1022
4729.99 of the Revised Code, whichever is applicable regarding the	1023
violation, requires the imposition of a mandatory prison term;	1024
(6) Any offense that is a first or second degree felony and	1025
that is not set forth in division (F)(1), (2), (3), or (4) of this	1026
section, if the offender previously was convicted of or pleaded	1027
guilty to aggravated murder, murder, any first or second degree	1028
felony, or an offense under an existing or former law of this	1029
state, another state, or the United States that is or was	1030
substantially equivalent to one of those offenses;	1031
(7) Any offense that is a third degree felony and that is	1032
listed in division (DD)(1) of section 2929.01 of the Revised Code	1033

if the offender previously was convicted of or pleaded guilty to 1034  
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 1035  
section 2929.01 of the Revised Code; 1036

(8) Any offense, other than a violation of section 2923.12 of 1037  
the Revised Code, that is a felony, if the offender had a firearm 1038  
on or about the offender's person or under the offender's control 1039  
while committing the felony, with respect to a portion of the 1040  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 1041  
of the Revised Code for having the firearm; 1042

(9) Any offense of violence that is a felony, if the offender 1043  
wore or carried body armor while committing the felony offense of 1044  
violence, with respect to the portion of the sentence imposed 1045  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 1046  
Code for wearing or carrying the body armor; 1047

(10) Corrupt activity in violation of section 2923.32 of the 1048  
Revised Code when the most serious offense in the pattern of 1049  
corrupt activity that is the basis of the offense is a felony of 1050  
the first degree; 1051

(11) Any sexually violent offense for which the offender also 1052  
is convicted of or pleads guilty to a sexually violent predator 1053  
specification that was included in the indictment, count in the 1054  
indictment, or information charging the sexually violent offense; 1055

(12) A violation of division (A)(1) or (2) of section 2921.36 1056  
of the Revised Code, or a violation of division (C) of that 1057  
section involving an item listed in division (A)(1) or (2) of that 1058  
section, if the offender is an officer or employee of the 1059  
department of rehabilitation and correction; 1060

(13) A violation of division (A)(1) or (2) of section 2903.06 1061  
of the Revised Code if the victim of the offense is a peace 1062  
officer, as defined in section 2935.01 of the Revised Code, with 1063  
respect to the portion of the sentence imposed pursuant to 1064

division (D)(5) of section 2929.14 of the Revised Code; 1065

(14) A violation of division (A)(1) or (2) of section 2903.06 1066  
of the Revised Code if the offender has been convicted of or 1067  
pleaded guilty to three violations of division (A) or (B) of 1068  
section 4511.19 of the Revised Code or an equivalent offense, as 1069  
defined in section 2941.1414 of the Revised Code, with respect to 1070  
the portion of the sentence imposed pursuant to division (D)(6) of 1071  
section 2929.14 of the Revised Code. 1072

(G) Notwithstanding divisions (A) to (E) of this section, if 1073  
an offender is being sentenced for a fourth degree felony OVI 1074  
offense or for a third degree felony OVI offense, the court shall 1075  
impose upon the offender a mandatory term of local incarceration 1076  
or a mandatory prison term in accordance with the following: 1077

(1) If the offender is being sentenced for a fourth degree 1078  
felony OVI offense, the court may impose upon the offender a 1079  
mandatory term of local incarceration of sixty days or one hundred 1080  
twenty days as specified in division (G)(1)(d) of section 4511.19 1081  
of the Revised Code. The court shall not reduce the term pursuant 1082  
to section 2929.20, 2967.193, or any other provision of the 1083  
Revised Code. The court that imposes a mandatory term of local 1084  
incarceration under this division shall specify whether the term 1085  
is to be served in a jail, a community-based correctional 1086  
facility, a halfway house, or an alternative residential facility, 1087  
and the offender shall serve the term in the type of facility 1088  
specified by the court. A mandatory term of local incarceration 1089  
imposed under division (G)(1) of this section is not subject to 1090  
extension under section 2967.11 of the Revised Code, to a period 1091  
of post-release control under section 2967.28 of the Revised Code, 1092  
or to any other Revised Code provision that pertains to a prison 1093  
term. 1094

(2) If the offender is being sentenced for a third degree 1095

felony OVI offense, or if the offender is being sentenced for a 1096  
fourth degree felony OVI offense and the court does not impose a 1097  
mandatory term of local incarceration under division (G)(1) of 1098  
this section, the court shall impose upon the offender a mandatory 1099  
prison term of sixty days or one hundred twenty days as specified 1100  
in division (G)(1)(e) of section 4511.19 of the Revised Code. The 1101  
court shall not reduce the term pursuant to section 2929.20, 1102  
2967.193, or any other provision of the Revised Code. In no case 1103  
shall an offender who once has been sentenced to a mandatory term 1104  
of local incarceration pursuant to division (G)(1) of this section 1105  
for a fourth degree felony OVI offense be sentenced to another 1106  
mandatory term of local incarceration under that division for any 1107  
violation of division (A) of section 4511.19 of the Revised Code. 1108  
The court shall not sentence the offender to a community control 1109  
sanction under section 2929.16 or 2929.17 of the Revised Code. The 1110  
department of rehabilitation and correction may place an offender 1111  
sentenced to a mandatory prison term under this division in an 1112  
intensive program prison established pursuant to section 5120.033 1113  
of the Revised Code if the department gave the sentencing judge 1114  
prior notice of its intent to place the offender in an intensive 1115  
program prison established under that section and if the judge did 1116  
not notify the department that the judge disapproved the 1117  
placement. Upon the establishment of the initial intensive program 1118  
prison pursuant to section 5120.033 of the Revised Code that is 1119  
privately operated and managed by a contractor pursuant to a 1120  
contract entered into under section 9.06 of the Revised Code, both 1121  
of the following apply: 1122

(a) The department of rehabilitation and correction shall 1123  
make a reasonable effort to ensure that a sufficient number of 1124  
offenders sentenced to a mandatory prison term under this division 1125  
are placed in the privately operated and managed prison so that 1126  
the privately operated and managed prison has full occupancy. 1127

(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 that is not a registration-exempt sexually oriented offense or for a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 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.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation

to an offender who is convicted of or pleads guilty to an attempt 1159  
to commit an offense in violation of section 2923.02 of the 1160  
Revised Code, the sentencing court shall consider the factors 1161  
applicable to the felony category of the violation of section 1162  
2923.02 of the Revised Code instead of the factors applicable to 1163  
the felony category of the offense attempted. 1164

(2) When considering sentencing factors under this section in 1165  
relation to an offender who is convicted of or pleads guilty to an 1166  
attempt to commit a drug abuse offense for which the penalty is 1167  
determined by the amount or number of unit doses of the controlled 1168  
substance involved in the drug abuse offense, the sentencing court 1169  
shall consider the factors applicable to the felony category that 1170  
the drug abuse offense attempted would be if that drug abuse 1171  
offense had been committed and had involved an amount or number of 1172  
unit doses of the controlled substance that is within the next 1173  
lower range of controlled substance amounts than was involved in 1174  
the attempt. 1175

(K) As used in this section, "drug abuse offense" has the 1176  
same meaning as in section 2925.01 of the Revised Code. 1177

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 1178  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 1179  
except in relation to an offense for which a sentence of death or 1180  
life imprisonment is to be imposed, if the court imposing a 1181  
sentence upon an offender for a felony elects or is required to 1182  
impose a prison term on the offender pursuant to this chapter and 1183  
is not prohibited by division (G)(1) of section 2929.13 of the 1184  
Revised Code from imposing a prison term on the offender, the 1185  
court shall impose a definite prison term that shall be one of the 1186  
following: 1187

(1) For a felony of the first degree, the prison term shall 1188  
be three, four, five, six, seven, eight, nine, or ten years. 1189

(2) For a felony of the second degree, the prison term shall 1190  
be two, three, four, five, six, seven, or eight years. 1191

(3) For a felony of the third degree, the prison term shall 1192  
be one, two, three, four, or five years. 1193

(4) For a felony of the fourth degree, the prison term shall 1194  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1195  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1196

(5) For a felony of the fifth degree, the prison term shall 1197  
be six, seven, eight, nine, ten, eleven, or twelve months. 1198

(B) Except as provided in division (C), (D)(1), (D)(2), 1199  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 1200  
of the Revised Code, or in Chapter 2925. of the Revised Code, if 1201  
the court imposing a sentence upon an offender for a felony elects 1202  
or is required to impose a prison term on the offender, the court 1203  
shall impose the shortest prison term authorized for the offense 1204  
pursuant to division (A) of this section, unless one or more of 1205  
the following applies: 1206

(1) The offender was serving a prison term at the time of the 1207  
offense, or the offender previously had served a prison term. 1208

(2) The court finds on the record that the shortest prison 1209  
term will demean the seriousness of the offender's conduct or will 1210  
not adequately protect the public from future crime by the 1211  
offender or others. 1212

(C) Except as provided in division (G) of this section or in 1213  
Chapter 2925. of the Revised Code, the court imposing a sentence 1214  
upon an offender for a felony may impose the longest prison term 1215  
authorized for the offense pursuant to division (A) of this 1216  
section only upon offenders who committed the worst forms of the 1217  
offense, upon offenders who pose the greatest likelihood of 1218  
committing future crimes, upon certain major drug offenders under 1219



division (D)(3) of this section, and upon certain repeat violent 1220  
offenders in accordance with division (D)(2) of this section. 1221

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1222  
section, if an offender who is convicted of or pleads guilty to a 1223  
felony also is convicted of or pleads guilty to a specification of 1224  
the type described in section 2941.141, 2941.144, or 2941.145 of 1225  
the Revised Code, the court shall impose on the offender one of 1226  
the following prison terms: 1227

(i) A prison term of six years if the specification is of the 1228  
type described in section 2941.144 of the Revised Code that 1229  
charges the offender with having a firearm that is an automatic 1230  
firearm or that was equipped with a firearm muffler or silencer on 1231  
or about the offender's person or under the offender's control 1232  
while committing the felony; 1233

(ii) A prison term of three years if the specification is of 1234  
the type described in section 2941.145 of the Revised Code that 1235  
charges the offender with having a firearm on or about the 1236  
offender's person or under the offender's control while committing 1237  
the offense and displaying the firearm, brandishing the firearm, 1238  
indicating that the offender possessed the firearm, or using it to 1239  
facilitate the offense; 1240

(iii) A prison term of one year if the specification is of 1241  
the type described in section 2941.141 of the Revised Code that 1242  
charges the offender with having a firearm on or about the 1243  
offender's person or under the offender's control while committing 1244  
the felony. 1245

(b) If a court imposes a prison term on an offender under 1246  
division (D)(1)(a) of this section, the prison term shall not be 1247  
reduced pursuant to section 2929.20, section 2967.193, or any 1248  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1249  
Code. A court shall not impose more than one prison term on an 1250

offender under division (D)(1)(a) of this section for felonies 1251  
committed as part of the same act or transaction. 1252

(c) Except as provided in division (D)(1)(e) of this section, 1253  
if an offender who is convicted of or pleads guilty to a violation 1254  
of section 2923.161 of the Revised Code or to a felony that 1255  
includes, as an essential element, purposely or knowingly causing 1256  
or attempting to cause the death of or physical harm to another, 1257  
also is convicted of or pleads guilty to a specification of the 1258  
type described in section 2941.146 of the Revised Code that 1259  
charges the offender with committing the offense by discharging a 1260  
firearm from a motor vehicle other than a manufactured home, the 1261  
court, after imposing a prison term on the offender for the 1262  
violation of section 2923.161 of the Revised Code or for the other 1263  
felony offense under division (A), (D)(2), or (D)(3) of this 1264  
section, shall impose an additional prison term of five years upon 1265  
the offender that shall not be reduced pursuant to section 1266  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1267  
or Chapter 5120. of the Revised Code. A court shall not impose 1268  
more than one additional prison term on an offender under division 1269  
(D)(1)(c) of this section for felonies committed as part of the 1270  
same act or transaction. If a court imposes an additional prison 1271  
term on an offender under division (D)(1)(c) of this section 1272  
relative to an offense, the court also shall impose a prison term 1273  
under division (D)(1)(a) of this section relative to the same 1274  
offense, provided the criteria specified in that division for 1275  
imposing an additional prison term are satisfied relative to the 1276  
offender and the offense. 1277

(d) If an offender who is convicted of or pleads guilty to an 1278  
offense of violence that is a felony also is convicted of or 1279  
pleads guilty to a specification of the type described in section 1280  
2941.1411 of the Revised Code that charges the offender with 1281  
wearing or carrying body armor while committing the felony offense 1282

of violence, the court shall impose on the offender a prison term 1283  
of two years. The prison term so imposed shall not be reduced 1284  
pursuant to section 2929.20, section 2967.193, or any other 1285  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1286  
court shall not impose more than one prison term on an offender 1287  
under division (D)(1)(d) of this section for felonies committed as 1288  
part of the same act or transaction. If a court imposes an 1289  
additional prison term under division (D)(1)(a) or (c) of this 1290  
section, the court is not precluded from imposing an additional 1291  
prison term under division (D)(1)(d) of this section. 1292

(e) The court shall not impose any of the prison terms 1293  
described in division (D)(1)(a) of this section or any of the 1294  
additional prison terms described in division (D)(1)(c) of this 1295  
section upon an offender for a violation of section 2923.12 or 1296  
2923.123 of the Revised Code. The court shall not impose any of 1297  
the prison terms described in division (D)(1)(a) of this section 1298  
or any of the additional prison terms described in division 1299  
(D)(1)(c) of this section upon an offender for a violation of 1300  
section 2923.13 of the Revised Code unless all of the following 1301  
apply: 1302

(i) The offender previously has been convicted of aggravated 1303  
murder, murder, or any felony of the first or second degree. 1304

(ii) Less than five years have passed since the offender was 1305  
released from prison or post-release control, whichever is later, 1306  
for the prior offense. 1307

(f) If an offender is convicted of or pleads guilty to a 1308  
felony that includes, as an essential element, causing or 1309  
attempting to cause the death of or physical harm to another and 1310  
also is convicted of or pleads guilty to a specification of the 1311  
type described in section 2941.1412 of the Revised Code that 1312  
charges the offender with committing the offense by discharging a 1313  
firearm at a peace officer as defined in section 2935.01 of the 1314

Revised Code or a corrections officer as defined in section 1315  
2941.1412 of the Revised Code, the court, after imposing a prison 1316  
term on the offender for the felony offense under division (A), 1317  
(D)(2), or (D)(3) of this section, shall impose an additional 1318  
prison term of seven years upon the offender that shall not be 1319  
reduced pursuant to section 2929.20, section 2967.193, or any 1320  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1321  
Code. A court shall not impose more than one additional prison 1322  
term on an offender under division (D)(1)(f) of this section for 1323  
felonies committed as part of the same act or transaction. If a 1324  
court imposes an additional prison term on an offender under 1325  
division (D)(1)(f) of this section relative to an offense, the 1326  
court shall not impose a prison term under division (D)(1)(a) or 1327  
(c) of this section relative to the same offense. 1328

(2)(a) If an offender who is convicted of or pleads guilty to 1329  
a felony also is convicted of or pleads guilty to a specification 1330  
of the type described in section 2941.149 of the Revised Code that 1331  
the offender is a repeat violent offender, the court shall impose 1332  
a prison term from the range of terms authorized for the offense 1333  
under division (A) of this section that may be the longest term in 1334  
the range and that shall not be reduced pursuant to section 1335  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1336  
or Chapter 5120. of the Revised Code. If the court finds that the 1337  
repeat violent offender, in committing the offense, caused any 1338  
physical harm that carried a substantial risk of death to a person 1339  
or that involved substantial permanent incapacity or substantial 1340  
permanent disfigurement of a person, the court shall impose the 1341  
longest prison term from the range of terms authorized for the 1342  
offense under division (A) of this section. 1343

(b) If the court imposing a prison term on a repeat violent 1344  
offender imposes the longest prison term from the range of terms 1345  
authorized for the offense under division (A) of this section, the 1346

court may impose on the offender an additional definite prison 1347  
term of one, two, three, four, five, six, seven, eight, nine, or 1348  
ten years if the court finds that both of the following apply with 1349  
respect to the prison terms imposed on the offender pursuant to 1350  
division (D)(2)(a) of this section and, if applicable, divisions 1351  
(D)(1) and (3) of this section: 1352

(i) The terms so imposed are inadequate to punish the 1353  
offender and protect the public from future crime, because the 1354  
applicable factors under section 2929.12 of the Revised Code 1355  
indicating a greater likelihood of recidivism outweigh the 1356  
applicable factors under that section indicating a lesser 1357  
likelihood of recidivism. 1358

(ii) The terms so imposed are demeaning to the seriousness of 1359  
the offense, because one or more of the factors under section 1360  
2929.12 of the Revised Code indicating that the offender's conduct 1361  
is more serious than conduct normally constituting the offense are 1362  
present, and they outweigh the applicable factors under that 1363  
section indicating that the offender's conduct is less serious 1364  
than conduct normally constituting the offense. 1365

(3)(a) Except when an offender commits a violation of section 1366  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1367  
the violation is life imprisonment or commits a violation of 1368  
section 2903.02 of the Revised Code, if the offender commits a 1369  
violation of section 2925.03 or 2925.11 of the Revised Code and 1370  
that section classifies the offender as a major drug offender and 1371  
requires the imposition of a ten-year prison term on the offender, 1372  
if the offender commits a felony violation of section 2925.02, 1373  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1374  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1375  
division (C) of section 4729.51, or division (J) of section 1376  
4729.54 of the Revised Code that includes the sale, offer to sell, 1377  
or possession of a schedule I or II controlled substance, with the 1378

exception of marihuana, and the court imposing sentence upon the 1379  
offender finds that the offender is guilty of a specification of 1380  
the type described in section 2941.1410 of the Revised Code 1381  
charging that the offender is a major drug offender, if the court 1382  
imposing sentence upon an offender for a felony finds that the 1383  
offender is guilty of corrupt activity with the most serious 1384  
offense in the pattern of corrupt activity being a felony of the 1385  
first degree, or if the offender is guilty of an attempted 1386  
violation of section 2907.02 of the Revised Code and, had the 1387  
offender completed the violation of section 2907.02 of the Revised 1388  
Code that was attempted, the offender would have been subject to a 1389  
sentence of life imprisonment or life imprisonment without parole 1390  
for the violation of section 2907.02 of the Revised Code, the 1391  
court shall impose upon the offender for the felony violation a 1392  
ten-year prison term that cannot be reduced pursuant to section 1393  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1394

(b) The court imposing a prison term on an offender under 1395  
division (D)(3)(a) of this section may impose an additional prison 1396  
term of one, two, three, four, five, six, seven, eight, nine, or 1397  
ten years, if the court, with respect to the term imposed under 1398  
division (D)(3)(a) of this section and, if applicable, divisions 1399  
(D)(1) and (2) of this section, makes both of the findings set 1400  
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1401

(4) If the offender is being sentenced for a third or fourth 1402  
degree felony OVI offense under division (G)(2) of section 2929.13 1403  
of the Revised Code, the sentencing court shall impose upon the 1404  
offender a mandatory prison term in accordance with that division. 1405  
In addition to the mandatory prison term, if the offender is being 1406  
sentenced for a fourth degree felony OVI offense, the court, 1407  
notwithstanding division (A)(4) of this section, may sentence the 1408  
offender to a definite prison term of not less than six months and 1409  
not more than thirty months, and if the offender is being 1410

sentenced for a third degree felony OVI offense, the sentencing 1411  
court may sentence the offender to an additional prison term of 1412  
any duration specified in division (A)(3) of this section. In 1413  
either case, the additional prison term imposed shall be reduced 1414  
by the sixty or one hundred twenty days imposed upon the offender 1415  
as the mandatory prison term. The total of the additional prison 1416  
term imposed under division (D)(4) of this section plus the sixty 1417  
or one hundred twenty days imposed as the mandatory prison term 1418  
shall equal a definite term in the range of six months to thirty 1419  
months for a fourth degree felony OVI offense and shall equal one 1420  
of the authorized prison terms specified in division (A)(3) of 1421  
this section for a third degree felony OVI offense. If the court 1422  
imposes an additional prison term under division (D)(4) of this 1423  
section, the offender shall serve the additional prison term after 1424  
the offender has served the mandatory prison term required for the 1425  
offense. The court shall not sentence the offender to a community 1426  
control sanction under section 2929.16 or 2929.17 of the Revised 1427  
Code. 1428

(5) If an offender is convicted of or pleads guilty to a 1429  
violation of division (A)(1) or (2) of section 2903.06 of the 1430  
Revised Code and also is convicted of or pleads guilty to a 1431  
specification of the type described in section 2941.1413 of the 1432  
Revised Code that charges that the victim of the offense is a 1433  
peace officer, as defined in section 2935.01 of the Revised Code, 1434  
the court shall impose on the offender a prison term of five 1435  
years. If a court imposes a prison term on an offender under 1436  
division (D)(5) of this section, the prison term shall not be 1437  
reduced pursuant to section 2929.20, section 2967.193, or any 1438  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1439  
Code. A court shall not impose more than one prison term on an 1440  
offender under division (D)(5) of this section for felonies 1441  
committed as part of the same act. 1442

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

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (D)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed



upon the offender. 1475

(b) If a mandatory prison term is imposed upon an offender 1476  
pursuant to division (D)(1)(d) of this section for wearing or 1477  
carrying body armor while committing an offense of violence that 1478  
is a felony, the offender shall serve the mandatory term so 1479  
imposed consecutively to any other mandatory prison term imposed 1480  
under that division or under division (D)(1)(a) or (c) of this 1481  
section, consecutively to and prior to any prison term imposed for 1482  
the underlying felony under division (A), (D)(2), or (D)(3) of 1483  
this section or any other section of the Revised Code, and 1484  
consecutively to any other prison term or mandatory prison term 1485  
previously or subsequently imposed upon the offender. 1486

(c) If a mandatory prison term is imposed upon an offender 1487  
pursuant to division (D)(1)(f) of this section, the offender shall 1488  
serve the mandatory prison term so imposed consecutively to and 1489  
prior to any prison term imposed for the underlying felony under 1490  
division (A), (D)(2), or (D)(3) of this section or any other 1491  
section of the Revised Code, and consecutively to any other prison 1492  
term or mandatory prison term previously or subsequently imposed 1493  
upon the offender. 1494

(2) If an offender who is an inmate in a jail, prison, or 1495  
other residential detention facility violates section 2917.02, 1496  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1497  
who is under detention at a detention facility commits a felony 1498  
violation of section 2923.131 of the Revised Code, or if an 1499  
offender who is an inmate in a jail, prison, or other residential 1500  
detention facility or is under detention at a detention facility 1501  
commits another felony while the offender is an escapee in 1502  
violation of section 2921.34 of the Revised Code, any prison term 1503  
imposed upon the offender for one of those violations shall be 1504  
served by the offender consecutively to the prison term or term of 1505  
imprisonment the offender was serving when the offender committed 1506

that offense and to any other prison term previously or 1507  
subsequently imposed upon the offender. 1508

(3) If a prison term is imposed for a violation of division 1509  
(B) of section 2911.01 of the Revised Code or if a prison term is 1510  
imposed for a felony violation of division (B) of section 2921.331 1511  
of the Revised Code, the offender shall serve that prison term 1512  
consecutively to any other prison term or mandatory prison term 1513  
previously or subsequently imposed upon the offender. 1514

(4) If multiple prison terms are imposed on an offender for 1515  
convictions of multiple offenses, the court may require the 1516  
offender to serve the prison terms consecutively if the court 1517  
finds that the consecutive service is necessary to protect the 1518  
public from future crime or to punish the offender and that 1519  
consecutive sentences are not disproportionate to the seriousness 1520  
of the offender's conduct and to the danger the offender poses to 1521  
the public, and if the court also finds any of the following: 1522

(a) The offender committed one or more of the multiple 1523  
offenses while the offender was awaiting trial or sentencing, was 1524  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1525  
2929.18 of the Revised Code, or was under post-release control for 1526  
a prior offense. 1527

(b) At least two of the multiple offenses were committed as 1528  
part of one or more courses of conduct, and the harm caused by two 1529  
or more of the multiple offenses so committed was so great or 1530  
unusual that no single prison term for any of the offenses 1531  
committed as part of any of the courses of conduct adequately 1532  
reflects the seriousness of the offender's conduct. 1533

(c) The offender's history of criminal conduct demonstrates 1534  
that consecutive sentences are necessary to protect the public 1535  
from future crime by the offender. 1536

(5) If a mandatory prison term is imposed upon an offender 1537

pursuant to division (D)(5) or (6) of this section, the offender 1538  
shall serve the mandatory prison term consecutively to and prior 1539  
to any prison term imposed for the underlying violation of 1540  
division (A)(1) or (2) of section 2903.06 of the Revised Code 1541  
pursuant to division (A) of this section. If a mandatory prison 1542  
term is imposed upon an offender pursuant to division (D)(5) of 1543  
this section, and if a mandatory prison term also is imposed upon 1544  
the offender pursuant to division (D)(6) of this section in 1545  
relation to the same violation, the offender shall serve the 1546  
mandatory prison term imposed pursuant to division (D)(5) of this 1547  
section consecutively to and prior to the mandatory prison term 1548  
imposed pursuant to division (D)(6) of this section and 1549  
consecutively to and prior to any prison term imposed for the 1550  
underlying violation of division (A)(1) or (2) of section 2903.06 1551  
of the Revised Code pursuant to division (A) of this section. 1552

(6) When consecutive prison terms are imposed pursuant to 1553  
division (E)(1), (2), (3), ~~or~~ (4), or (5) of this section, the 1554  
term to be served is the aggregate of all of the terms so imposed. 1555

(F) If a court imposes a prison term of a type described in 1556  
division (B) of section 2967.28 of the Revised Code, it shall 1557  
include in the sentence a requirement that the offender be subject 1558  
to a period of post-release control after the offender's release 1559  
from imprisonment, in accordance with that division. If a court 1560  
imposes a prison term of a type described in division (C) of that 1561  
section, it shall include in the sentence a requirement that the 1562  
offender be subject to a period of post-release control after the 1563  
offender's release from imprisonment, in accordance with that 1564  
division, if the parole board determines that a period of 1565  
post-release control is necessary. 1566

(G) If a person is convicted of or pleads guilty to a 1567  
sexually violent offense and also is convicted of or pleads guilty 1568  
to a sexually violent predator specification that was included in 1569

the indictment, count in the indictment, or information charging 1570  
that offense, the court shall impose sentence upon the offender in 1571  
accordance with section 2971.03 of the Revised Code, and Chapter 1572  
2971. of the Revised Code applies regarding the prison term or 1573  
term of life imprisonment without parole imposed upon the offender 1574  
and the service of that term of imprisonment. 1575

(H) If a person who has been convicted of or pleaded guilty 1576  
to a felony is sentenced to a prison term or term of imprisonment 1577  
under this section, sections 2929.02 to 2929.06 of the Revised 1578  
Code, section 2971.03 of the Revised Code, or any other provision 1579  
of law, section 5120.163 of the Revised Code applies regarding the 1580  
person while the person is confined in a state correctional 1581  
institution. 1582

(I) If an offender who is convicted of or pleads guilty to a 1583  
felony that is an offense of violence also is convicted of or 1584  
pleads guilty to a specification of the type described in section 1585  
2941.142 of the Revised Code that charges the offender with having 1586  
committed the felony while participating in a criminal gang, the 1587  
court shall impose upon the offender an additional prison term of 1588  
one, two, or three years. 1589

(J) If an offender who is convicted of or pleads guilty to 1590  
aggravated murder, murder, or a felony of the first, second, or 1591  
third degree that is an offense of violence also is convicted of 1592  
or pleads guilty to a specification of the type described in 1593  
section 2941.143 of the Revised Code that charges the offender 1594  
with having committed the offense in a school safety zone or 1595  
towards a person in a school safety zone, the court shall impose 1596  
upon the offender an additional prison term of two years. The 1597  
offender shall serve the additional two years consecutively to and 1598  
prior to the prison term imposed for the underlying offense. 1599

(K) At the time of sentencing, the court may recommend the 1600  
offender for placement in a program of shock incarceration under 1601

section 5120.031 of the Revised Code or for placement in an 1602  
intensive program prison under section 5120.032 of the Revised 1603  
Code, disapprove placement of the offender in a program of shock 1604  
incarceration or an intensive program prison of that nature, or 1605  
make no recommendation on placement of the offender. In no case 1606  
shall the department of rehabilitation and correction place the 1607  
offender in a program or prison of that nature unless the 1608  
department determines as specified in section 5120.031 or 5120.032 1609  
of the Revised Code, whichever is applicable, that the offender is 1610  
eligible for the placement. 1611

If the court disapproves placement of the offender in a 1612  
program or prison of that nature, the department of rehabilitation 1613  
and correction shall not place the offender in any program of 1614  
shock incarceration or intensive program prison. 1615

If the court recommends placement of the offender in a 1616  
program of shock incarceration or in an intensive program prison, 1617  
and if the offender is subsequently placed in the recommended 1618  
program or prison, the department shall notify the court of the 1619  
placement and shall include with the notice a brief description of 1620  
the placement. 1621

If the court recommends placement of the offender in a 1622  
program of shock incarceration or in an intensive program prison 1623  
and the department does not subsequently place the offender in the 1624  
recommended program or prison, the department shall send a notice 1625  
to the court indicating why the offender was not placed in the 1626  
recommended program or prison. 1627

If the court does not make a recommendation under this 1628  
division with respect to an offender and if the department 1629  
determines as specified in section 5120.031 or 5120.032 of the 1630  
Revised Code, whichever is applicable, that the offender is 1631  
eligible for placement in a program or prison of that nature, the 1632  
department shall screen the offender and determine if there is an 1633

available program of shock incarceration or an intensive program 1634  
prison for which the offender is suited. If there is an available 1635  
program of shock incarceration or an intensive program prison for 1636  
which the offender is suited, the department shall notify the 1637  
court of the proposed placement of the offender as specified in 1638  
section 5120.031 or 5120.032 of the Revised Code and shall include 1639  
with the notice a brief description of the placement. The court 1640  
shall have ten days from receipt of the notice to disapprove the 1641  
placement. 1642

Sec. 2941.1413. (A) Imposition of a five-year mandatory 1643  
prison term upon an offender under division (D)(5) of section 1644  
2929.14 of the Revised Code is precluded unless the offender is 1645  
convicted of or pleads guilty to violating division (A)(1) or (2) 1646  
of section 2903.06 of the Revised Code and unless the indictment, 1647  
count in the indictment, or information charging the offense 1648  
specifies that the victim of the offense is a peace officer. The 1649  
specification shall be stated at the end of the body of the 1650  
indictment, count, or information and shall be stated in 1651  
substantially the following form: 1652

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1653  
Grand Jurors (or insert the person's or the prosecuting attorney's 1654  
name when appropriate) further find and specify that (set forth 1655  
that the victim of the offense is a peace officer)." 1656

(B) The specification described in division (A) of this 1657  
section may be used in a delinquent child proceeding in the manner 1658  
and for the purpose described in section 2152.17 of the Revised 1659  
Code. 1660

(C) As used in this section, "peace officer" has the same 1661  
meaning as in section 2935.01 of the Revised Code. 1662

Sec. 2941.1414. (A) Imposition of a three-year mandatory 1663

prison term upon an offender under division (D)(6) of section 2929.14 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to violating division (A)(1) or (2) of section 2903.06 of the Revised Code and unless the indictment, count in the indictment, or information charging the offense specifies that the offender previously has been convicted of or pleaded guilty to three violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

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

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

(C) As used in this section, "equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.

**Sec. 4511.98.** The director of transportation, board of county commissioners, or board of township trustees ~~may~~ shall cause signs to be erected advising motorists that increased penalties apply for certain traffic violations occurring on streets or highways in a construction zone. The increased penalties shall be effective only when signs are erected in accordance with the guidelines and design specifications established by the director under section

5501.27 of the Revised Code, and when a violation occurs during 1694  
hours of actual work within the construction zone. 1695

**Sec. 5501.27. (A)(1)** The director of transportation shall 1696  
adopt rules governing the posting of signs advising motorists that 1697  
increased penalties apply for certain traffic violations occurring 1698  
on streets or highways in a construction zone. The rules shall 1699  
include guidelines to determine which areas are appropriate to the 1700  
posting of such signs. The guidelines may include consideration of 1701  
the following: the duration of the work on the street or highway, 1702  
the proximity of workers to moving traffic, the existence of any 1703  
unusual or hazardous conditions, the volume of traffic on the 1704  
street or highway, and any other appropriate factors. The director 1705  
shall formulate design specifications for the signs advising 1706  
motorists of the increased penalties. For purposes of traffic 1707  
violation penalties, nothing in this section is intended to 1708  
conflict with any standard set forth in the federal manual of 1709  
uniform traffic control devices for streets and highways. 1710

**(B)** As used in this section and in section 4511.98 of the 1711  
Revised Code, "construction zone" means that lane or portion of 1712  
street or highway open to vehicular traffic and adjacent to a 1713  
lane, berm, or shoulder of a street or highway within which lane, 1714  
berm, or shoulder construction, reconstruction, resurfacing, or 1715  
any other work of a repair or maintenance nature, including public 1716  
utility work, is being conducted, commencing with the point where 1717  
the first worker or piece of equipment is located and ending where 1718  
the last worker or piece of equipment is located. 1719

**Section 2.** That existing sections 2152.17, 2903.06, 2903.08, 1720  
2929.01, 2929.13, 2929.14, 4511.98, and 5501.27 of the Revised 1721  
Code are hereby repealed. 1722

**Section 3.** Section 2152.17 of the Revised Code is presented 1723



in this act as a composite of the section as amended by both Sub.	1724
H.B. 130 and Sub. H.B. 393 of the 124th General Assembly. Section	1725
2929.14 of the Revised Code is presented in this act as a	1726
composite of the section as amended by Sub. H.B. 130, Am. Sub.	1727
H.B. 327, Sub. H.B. 485, and Am. Sub. S.B. 123 of the 124th	1728
General Assembly. The General Assembly, applying the principle	1729
stated in division (B) of section 1.52 of the Revised Code that	1730
amendments are to be harmonized if reasonably capable of	1731
simultaneous operation, finds that the composites are the	1732
resulting versions of the sections in effect prior to the	1733
effective date of the sections as presented in this act.	1734