

As Reported by the House Criminal Justice Committee

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 52

**Representatives Hughes, Latta, Gilb, Grendell, DePiero, Seaver, Redfern,
Young, Willamowski, D. Evans**

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 a child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and if the court determines that, if the child was an adult, the child would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, 2941.146, ~~or~~ 2941.1412, 2941.1413, or 2941.1414 of the Revised Code, in addition to any commitment or other disposition the court imposes for the underlying delinquent act, all of the following apply:

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

(2) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.145 or 2491.1414 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than three years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

(3) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.144, 2941.146, ~~or~~ 2941.1412, or 2941.1413 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than five years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

(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 division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;	148 149 150
(b) As the proximate result of committing a violation of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance;	151 152 153
(c) As the proximate result of committing a violation of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance.	154 155 156
(2) <u>In one of the following ways:</u>	157
(a) Recklessly;	158
(b) <u>As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is working in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone.</u>	159 160 161 162 163 164 165
(3) <u>In one of the following ways:</u>	166
(a) Negligently;	167
(b) <u>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 whose death is caused or whose pregnancy is unlawfully terminated is working in the construction zone at the time of the offender's commission of the speeding offense in the construction zone.</u>	168 169 170 171 172 173 174
(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 202
guilty to three or more prior violations of division (A) of 203
section 1547.11 of the Revised Code or of a substantially 204
equivalent municipal ordinance within the previous six years. 205

(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 traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed pursuant to this division for a violation of division (A)(2)(a) or (2)(b) of this

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; 357

(b) Recklessly cause serious physical harm to another person 358
or another's unborn. 359

(3) Cause physical harm to another person or another's unborn 360

as the proximate result of committing, while operating or 361
participating in the operation of a motor vehicle or motorcycle in 362
a construction zone, a speeding offense, provided that this 363
division applies only if the person who is physically harmed or 364
whose unborn is physically harmed is working in the construction 365
zone at the time of the offender's commission of the speeding 366
offense in the construction zone. 367

(B)(1) Whoever violates division (A)(1) of this section is 368
guilty of aggravated vehicular assault. Except as otherwise 369
provided in this division, aggravated vehicular assault is a 370
felony of the third degree. Aggravated vehicular assault is a 371
felony of the second degree if any of the following apply: 372

(a) At the time of the offense, the offender was driving 373
under a suspension imposed under Chapter 4510. or any other 374
provision of the Revised Code. 375

(b) The offender previously has been convicted of or pleaded 376
guilty to a violation of this section. 377

(c) The offender previously has been convicted of or pleaded 378
guilty to any traffic-related homicide, manslaughter, or assault 379
offense. 380

(d) The offender previously has been convicted of or pleaded 381
guilty to three or more prior violations of section 4511.19 of the 382
Revised Code or a substantially equivalent municipal ordinance 383
within the previous six years. 384

(e) The offender previously has been convicted of or pleaded 385
guilty to three or more prior violations of division (A) of 386
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
equivalent municipal ordinance within the previous six years.

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

(h) 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.

(2) In addition to any other sanctions imposed pursuant to
division (B)(1) of this section, the court shall impose upon the
offender 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 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 two 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)(2) of that section.

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

(2) Except as otherwise provided in this division, vehicular
assault committed in violation of division (A)(2)(a) or (b) of
this section is a felony of the fourth degree. Vehicular assault
committed in violation of division (A)(2)(a) or (b) of this
section is a felony of the third 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 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. 450

In addition to any other sanctions imposed, the court shall 451
impose upon the offender a class four suspension of the offender's 452
driver's license, commercial driver's license, temporary 453

instruction permit, probationary license, or nonresident operating 454
privilege from the range specified in division (A)(4) of section 455
4510.02 of the Revised Code or, if the offender previously has 456
been convicted of or pleaded guilty to a violation of this section 457
or any traffic-related homicide, manslaughter, or assault offense, 458
a class three suspension of the offender's driver's license, 459
commercial driver's license, temporary instruction permit, 460
probationary license, or nonresident operating privilege from the 461
range specified in division (A)(3) of section 4510.02 of the 462
Revised Code. 463

(D)(1) The court shall impose a mandatory prison term on an 464
offender who is convicted of or pleads guilty to a violation of 465
division (A)(1) of this section. ~~The~~ 466

(2) The court shall impose a mandatory prison term on an 467
offender who is convicted of or pleads guilty to a violation of 468
division (A)(2)(b) of this section if either of the following 469
applies: 470

~~(1)~~(a) The offender previously has been convicted of or 471
pleaded guilty to a violation of this section or section 2903.06 472
of the Revised Code. 473

~~(2)~~(b) At the time of the offense, the offender was driving 474
under suspension under Chapter 4510. or any other provision of the 475
Revised Code. 476

(3) The court shall impose a mandatory prison term on an 477
offender who is convicted of or pleads guilty to a violation of 478
division (A)(2)(a) or (A)(3) of this section if the offender 479
previously has been convicted of or pleaded guilty to a violation 480
of this section or section 2903.06 of the Revised Code. 481

(E) As used in this section: 482

(1) "Mandatory prison term" has the same meaning as in 483

section 2929.01 of the Revised Code.	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
Sec. 2929.01. 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 is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.	507 508 509 510 511
(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or	512 513

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 "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

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

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

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

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

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

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

(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 the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (D)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

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

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

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

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

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

(14) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the offender 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, with respect to
the portion of the sentence imposed pursuant to division (D)(6) of
section 2929.14 of the Revised Code.

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

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

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(2) If the offender is being sentenced for a third degree
felony OVI offense, or if the offender is being sentenced for a
fourth degree felony OVI offense and the court does not impose a
mandatory term of local incarceration under division (G)(1) of
this section, the court shall impose upon the offender a mandatory

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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 1128
occupancy, the department of rehabilitation and correction shall 1129
not place any offender sentenced to a mandatory prison term under 1130
this division in any intensive program prison established pursuant 1131

to section 5120.033 of the Revised Code other than the privately operated and managed prison. 1132
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(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: 1134
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(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. 1139
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(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. 1144
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(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. 1147
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(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 to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 1157
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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 1443
violation of division (A)(1) or (2) of section 2903.06 of the 1444
Revised Code and also is convicted of or pleads guilty to a 1445
specification of the type described in section 2941.1414 of the 1446
Revised Code that charges that the offender previously has been 1447

convicted of or pleaded guilty to three violations of division (A) 1448
or (B) of section 4511.19 of the Revised Code or an equivalent 1449
offense, as defined in section 2941.1414 of the Revised Code, the 1450
court shall impose on the offender a prison term of three years. 1451
If a court imposes a prison term on an offender under division 1452
(D)(6) of this section, the prison term shall not be reduced 1453
pursuant to section 2929.20, section 2967.193, or any other 1454
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1455
court shall not impose more than one prison term on an offender 1456
under division (D)(6) of this section for felonies committed as 1457
part of the same act. 1458

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1459
mandatory prison term is imposed upon an offender pursuant to 1460
division (D)(1)(a) of this section for having a firearm on or 1461
about the offender's person or under the offender's control while 1462
committing a felony, if a mandatory prison term is imposed upon an 1463
offender pursuant to division (D)(1)(c) of this section for 1464
committing a felony specified in that division by discharging a 1465
firearm from a motor vehicle, or if both types of mandatory prison 1466
terms are imposed, the offender shall serve any mandatory prison 1467
term imposed under either division consecutively to any other 1468
mandatory prison term imposed under either division or under 1469
division (D)(1)(d) of this section, consecutively to and prior to 1470
any prison term imposed for the underlying felony pursuant to 1471
division (A), (D)(2), or (D)(3) of this section or any other 1472
section of the Revised Code, and consecutively to any other prison 1473
term or mandatory prison term previously or subsequently imposed 1474
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 1664
2929.14 of the Revised Code is precluded unless the offender is 1665
convicted of or pleads guilty to violating division (A)(1) or (2) 1666
of section 2903.06 of the Revised Code and unless the indictment, 1667
count in the indictment, or information charging the offense 1668

specifies that the offender previously has been convicted of or 1669
pleaded guilty to three violations of division (A) or (B) of 1670
section 4511.19 of the Revised Code or an equivalent offense. The 1671
specification shall be stated at the end of the body of the 1672
indictment, count, or information and shall be stated in 1673
substantially the following form: 1674

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1675
Grand Jurors (or insert the person's or the prosecuting attorney's 1676
name when appropriate) further find and specify that (set forth 1677
that the offender previously has been convicted of or pleaded 1678
guilty to three violations of division (A) or (B) of section 1679
4511.19 of the Revised Code or an equivalent offense)." 1680

(B) The specification described in division (A) of this 1681
section may be used in a delinquent child proceeding in the manner 1682
and for the purpose described in section 2152.17 of the Revised 1683
Code. 1684

(C) As used in this section, "equivalent offense" has the 1685
same meaning as in section 4511.181 of the Revised Code. 1686

Sec. 4511.98. (A) The director of transportation, board of 1687
county commissioners, or board of township trustees may cause 1688
signs to be erected advising motorists that increased penalties 1689
apply for certain traffic violations occurring on streets or 1690
highways in a construction zone. The increased penalties shall be 1691
effective only when signs are erected in accordance with the 1692
guidelines and design specifications established by the director 1693
under section 5501.27 of the Revised Code, and when a violation 1694
occurs during hours of actual work within the construction zone. 1695

(B) The director of transportation, board of county 1696
commissioners, or board of township trustees may cause signs to be 1697
erected in construction zones advising motorists of the stringent 1698

penalties for a violation of division (A)(2)(b) or (3)(b) of 1699
section 2903.06 or division (A)(2)(a) or (A)(3) of section 2903.08 1700
of the Revised Code for causing death or injury in a construction 1701
zone as a result of a reckless operation offense or speeding 1702
offense. If the director or a board fails to cause any sign to be 1703
erected as authorized by this division, the failure does not limit 1704
or restrict the application of division (A)(2)(b) or (3)(b) of 1705
section 2903.06 and division (A)(2)(a) or (A)(3) of section 1706
2903.08 of the Revised Code to a person operating a motor vehicle 1707
or motorcycle within the construction zone, the enforcement of 1708
those divisions, or the prosecution of a person who violates 1709
either of those divisions. If the director adopts rules under 1710
section 5501.27 of the Revised Code that specify the advice to be 1711
set forth on the signs described in this division and that govern 1712
the posting of the signs, all signs posted as authorized by this 1713
division shall comply with the rules so adopted. 1714

Sec. 5501.27. (A)(1) The director of transportation shall 1715
adopt rules governing the posting of signs advising motorists that 1716
increased penalties apply for certain traffic violations occurring 1717
on streets or highways in a construction zone. The rules shall 1718
include guidelines to determine which areas are appropriate to the 1719
posting of such signs. The guidelines may include consideration of 1720
the following: the duration of the work on the street or highway, 1721
the proximity of workers to moving traffic, the existence of any 1722
unusual or hazardous conditions, the volume of traffic on the 1723
street or highway, and any other appropriate factors. ~~The~~ 1724

(2) The director of transportation may adopt rules specifying 1725
the advice to be set forth on signs of the type described in 1726
division (B) of section 4511.98 of the Revised Code and may adopt 1727
rules governing the posting of signs of that type. 1728

(3) The director of transportation shall formulate design 1729

specifications for the signs described in division (A)(1) of this 1730
section advising motorists of the increased penalties and the 1731
signs described in division (A)(2) of this section advising 1732
motorists of the illegal conduct identified in division (B) of 1733
section 4511.98 of the Revised Code. For purposes of traffic 1734
violation penalties, nothing in this section is intended to 1735
conflict with any standard set forth in the federal manual of 1736
uniform traffic control devices for streets and highways. 1737

(B) As used in this section and in section 4511.98 of the 1738
Revised Code, "construction zone" means that lane or portion of 1739
street or highway open to vehicular traffic and adjacent to a 1740
lane, berm, or shoulder of a street or highway within which lane, 1741
berm, or shoulder construction, reconstruction, resurfacing, or 1742
any other work of a repair or maintenance nature, including public 1743
utility work, is being conducted, commencing with the point where 1744
the first worker or piece of equipment is located and ending where 1745
the last worker or piece of equipment is located. 1746

Section 2. That existing sections 2152.17, 2903.06, 2903.08, 1747
2929.01, 2929.13, 2929.14, 4511.98, and 5501.27 of the Revised 1748
Code are hereby repealed. 1749

Section 3. Section 2152.17 of the Revised Code is presented 1750
in this act as a composite of the section as amended by both Sub. 1751
H.B. 130 and Sub. H.B. 393 of the 124th General Assembly. Section 1752
2929.14 of the Revised Code is presented in this act as a 1753
composite of the section as amended by Sub. H.B. 130, Am. Sub. 1754
H.B. 327, Sub. H.B. 485, and Am. Sub. S.B. 123 of the 124th 1755
General Assembly. The General Assembly, applying the principle 1756
stated in division (B) of section 1.52 of the Revised Code that 1757
amendments are to be harmonized if reasonably capable of 1758
simultaneous operation, finds that the composites are the 1759
resulting versions of the sections in effect prior to the 1760

effective date of the sections as presented in this act.

1761