

**As Passed by the Senate**

**126th General Assembly**

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**Am. Sub. H. B. No. 95**

**Representatives Seitz, McGregor, C. Evans, Allen, Widener, Wolpert, Combs,  
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**Senators Dann, Cates, Clancy, Gardner, Goodman, Hagan, Hottinger,  
Mumper, Niehaus, Padgett, Spada, Stivers, Zurz, Wachtmann, Jordan,  
Jacobson, Armbruster, Fedor, Schuler, Grendell, Roberts, Harris, Austria**

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**A B I L L**

To amend sections 2152.17, 2901.08, 2903.11, 2907.01, 1  
2907.03, 2907.05, 2919.26, 2929.01, 2929.13, 2  
2929.14, 2941.149, 2953.08, and 3113.31 and to 3  
enact section 2152.192 of the Revised Code 4  
relative to the sentences imposed on repeat 5  
violent offenders, to the appeal of repeat violent 6  
offender sentences, to the penalty for sexual 7  
battery and gross sexual imposition when the 8  
victim of the offense is under 13 years of age, to 9  
the issuance of temporary protection orders and 10  
civil protections orders for victims of sexually 11  
oriented offenses, the notification of 12  
JFS-certified facilities regarding children 13  
adjudicated delinquent for acts that are sexually 14  
oriented offenses, and to the Sex Offense Law 15

definition of "sexual conduct." 16

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

**Section 1.** That sections 2152.17, 2901.08, 2903.11, 2907.01, 17  
2907.03, 2907.05, 2919.26, 2929.01, 2929.13, 2929.14, 2941.149, 18  
2953.08, and 3113.31 be amended and section 2152.192 of the 19  
Revised Code be enacted to read as follows: 20

**Sec. 2152.17.** (A) Subject to division (D) of this section, if 21  
a child is adjudicated a delinquent child for committing an act, 22  
other than a violation of section 2923.12 of the Revised Code, 23  
that would be a felony if committed by an adult and if the court 24  
determines that, if the child was an adult, the child would be 25  
guilty of a specification of the type set forth in section 26  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, or 27  
2941.1415 of the Revised Code, in addition to any commitment or 28  
other disposition the court imposes for the underlying delinquent 29  
act, all of the following apply: 30

(1) If the court determines that the child would be guilty of 31  
a specification of the type set forth in section 2941.141 of the 32  
Revised Code, the court may commit the child to the department of 33  
youth services for the specification for a definite period of up 34  
to one year. 35

(2) If the court determines that the child would be guilty of 36  
a specification of the type set forth in section 2941.145 of the 37  
Revised Code or if the delinquent act is a violation of division 38  
(A)(1) or (2) of section 2903.06 of the Revised Code and the court 39  
determines that the child would be guilty of a specification of 40  
the type set forth in section 2941.1415 of the Revised Code, the 41  
court shall commit the child to the department of youth services 42  
for the specification for a definite period of not less than one 43

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 of the Revised Code or if the delinquent  
act is a violation of division (A)(1) or (2) of section 2903.06 of  
the Revised Code and the court determines that the child would be  
guilty of a specification of the type set forth in section  
2941.1414 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 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  
is an accomplice to the same extent the firearm specifications  
would apply to an adult accomplice in a criminal proceeding.

(C) If a child is adjudicated a delinquent child for  
committing an act that would be aggravated murder, murder, or a  
first, second, or third degree felony offense of violence 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 2941.142 of the Revised Code in  
relation to the act for which the child was adjudicated a  
delinquent child, the court shall commit the child for the  
specification to the legal custody of the department of youth  
services for institutionalization in a secure facility for a  
definite period of not less than one and not more than three  
years, subject to division (D)(2) of this section, and the court  
also shall commit the child to the department for the underlying  
delinquent act.

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(D)(1) If the child is adjudicated a delinquent child for 76  
committing an act that would be an offense of violence that is a 77  
felony if committed by an adult and is committed to the legal 78  
custody of the department of youth services pursuant to division 79  
(A)(1) of section 2152.16 of the Revised Code and if the court 80  
determines that the child, if the child was an adult, would be 81  
guilty of a specification of the type set forth in section 82  
2941.1411 of the Revised Code in relation to the act for which the 83  
child was adjudicated a delinquent child, the court may commit the 84  
child to the custody of the department of youth services for 85  
institutionalization in a secure facility for up to two years, 86  
subject to division (D)(2) of this section. 87

(2) A court that imposes a period of commitment under 88  
division (A) of this section is not precluded from imposing an 89  
additional period of commitment under division (C) or (D)(1) of 90  
this section, a court that imposes a period of commitment under 91  
division (C) of this section is not precluded from imposing an 92  
additional period of commitment under division (A) or (D)(1) of 93  
this section, and a court that imposes a period of commitment 94  
under division (D)(1) of this section is not precluded from 95  
imposing an additional period of commitment under division (A) or 96  
(C) of this section. 97

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

commitment imposed under those divisions. If a commitment is  
imposed under division (A) or (B) of this section and a commitment  
also is imposed under division (C) of this section, the period  
imposed under division (A) or (B) of this section shall be served  
prior to the period imposed under division (C) of this section.

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

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

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

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~~(G) If a child is adjudicated a delinquent child for  
committing an act that if committed by an adult would be~~

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~~aggravated murder, murder, rape, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, involuntary manslaughter, a felony of the first or second degree resulting in the death of or physical harm to a person, complicity in or an attempt to commit any of those offenses, or an offense under an existing or former law of this state that is or was substantially equivalent to any of those offenses and if the court in its order of disposition for that act commits the child to the custody of the department of youth services, the adjudication shall be considered a conviction for purposes of a future determination pursuant to Chapter 2929. of the Revised Code as to whether the child, as an adult, is a repeat violent offender.~~

Sec. 2152.192. If a court or child welfare agency places a delinquent child in an institution or association, as defined in section 5103.02 of the Revised Code, that is certified by the department of job and family services pursuant to section 5103.03 of the Revised Code and if that child has been adjudicated delinquent for committing an act that is a sexually oriented offense in either a prior delinquency adjudication or in the most recent delinquency adjudication, the court or child welfare agency shall notify the operator of the institution or association and the sheriff of the county in which the institution or association is located that the child has been adjudicated delinquent for committing an act that is a sexually oriented offense.

Sec. 2901.08. (A) If a person is alleged to have committed an offense and if the person previously has been adjudicated a delinquent child or juvenile traffic offender for a violation of a law or ordinance, except as provided in division (B) of this section, the adjudication as a delinquent child or as a juvenile traffic offender is a conviction for a violation of the law or ordinance for purposes of determining the offense with which the

person should be charged and, if the person is convicted of or 170  
pleads guilty to an offense, the sentence to be imposed upon the 171  
person relative to the conviction or guilty plea. 172

(B) A previous adjudication of a person as a delinquent child 173  
or juvenile traffic offender for a violation of a law or ordinance 174  
is not a conviction for a violation of the law or ordinance for 175  
purposes of determining whether the person is a repeat violent 176  
offender, as defined in section 2929.01 of the Revised Code, or 177  
whether the person should be sentenced as a repeat violent 178  
offender under division (D)(2) of section 2929.14 and section 179  
2941.149 of the Revised Code. 180

**Sec. 2903.11.** (A) No person shall knowingly do either of the 181  
following: 182

(1) Cause serious physical harm to another or to another's 183  
unborn; 184

(2) Cause or attempt to cause physical harm to another or to 185  
another's unborn by means of a deadly weapon or dangerous 186  
ordnance. 187

(B) No person, with knowledge that the person has tested 188  
positive as a carrier of a virus that causes acquired 189  
immunodeficiency syndrome, shall knowingly do any of the 190  
following: 191

(1) Engage in sexual conduct with another person without 192  
disclosing that knowledge to the other person prior to engaging in 193  
the sexual conduct; 194

(2) Engage in sexual conduct with a person whom the offender 195  
knows or has reasonable cause to believe lacks the mental capacity 196  
to appreciate the significance of the knowledge that the offender 197  
has tested positive as a carrier of a virus that causes acquired 198  
immunodeficiency syndrome; 199

(3) Engage in sexual conduct with a person under eighteen 200  
years of age who is not the spouse of the offender. 201

(C) The prosecution of a person under this section does not 202  
preclude prosecution of that person under section 2907.02 of the 203  
Revised Code. 204

(D) Whoever violates this section is guilty of felonious 205  
assault, a felony of the second degree. If the victim of a 206  
violation of division (A) of this section is a peace officer, 207  
felonious assault is a felony of the first degree. If the victim 208  
of the offense is a peace officer, as defined in section 2935.01 209  
of the Revised Code, and if the victim suffered serious physical 210  
harm as a result of the commission of the offense, felonious 211  
assault is a felony of the first degree, and the court, pursuant 212  
to division (F) of section 2929.13 of the Revised Code, shall 213  
impose as a mandatory prison term one of the prison terms 214  
prescribed for a felony of the first degree. 215

(E) As used in this section: 216

(1) "Deadly weapon" and "dangerous ordnance" have the same 217  
meanings as in section 2923.11 of the Revised Code. 218

(2) "Peace officer" has the same meaning as in section 219  
2935.01 of the Revised Code. 220

(3) "Sexual conduct" has the same meaning as in section 221  
2907.01 of the Revised Code, except that, as used in this section, 222  
it does not include the insertion of an instrument, apparatus, or 223  
other object that is not a part of the body into the vaginal or 224  
anal ~~cavity~~ opening of another, unless the offender knew at the 225  
time of the insertion that the instrument, apparatus, or other 226  
object carried the offender's bodily fluid. 227

**Sec. 2907.01.** As used in sections 2907.01 to 2907.37 of the 228  
Revised Code: 229



(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal ~~avity~~ opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact, or both.

(D) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest in sex of juveniles.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other

260 specially susceptible group, judged with reference to that group,  
261 any material or performance is "obscene" if any of the following  
262 apply:

(1) Its dominant appeal is to prurient interest; 263

(2) Its dominant tendency is to arouse lust by displaying or 264  
265 depicting sexual activity, masturbation, sexual excitement, or  
266 nudity in a way that tends to represent human beings as mere  
267 objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or 268  
269 depicting bestiality or extreme or bizarre violence, cruelty, or  
270 brutality;

(4) Its dominant tendency is to appeal to scatological 271  
272 interest by displaying or depicting human bodily functions of  
273 elimination in a way that inspires disgust or revulsion in persons  
274 with ordinary sensibilities, without serving any genuine  
275 scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of 276  
277 sexual activity, masturbation, sexual excitement, nudity,  
278 bestiality, extreme or bizarre violence, cruelty, or brutality, or  
279 human bodily functions of elimination, the cumulative effect of  
280 which is a dominant tendency to appeal to prurient or scatological  
281 interest, when the appeal to such an interest is primarily for its  
282 own sake or for commercial exploitation, rather than primarily for  
283 a genuine scientific, educational, sociological, moral, or  
284 artistic purpose.

(G) "Sexual excitement" means the condition of human male or 285  
286 female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction 287  
288 of human male or female genitals, pubic area, or buttocks with  
289 less than a full, opaque covering, or of a female breast with less

than a full, opaque covering of any portion thereof below the top 290  
of the nipple, or of covered male genitals in a discernibly turgid 291  
state. 292

(I) "Juvenile" means an unmarried person under the age of 293  
eighteen. 294

(J) "Material" means any book, magazine, newspaper, pamphlet, 295  
poster, print, picture, figure, image, description, motion picture 296  
film, phonographic record, or tape, or other tangible thing 297  
capable of arousing interest through sight, sound, or touch and 298  
includes an image or text appearing on a computer monitor, 299  
television screen, liquid crystal display, or similar display 300  
device or an image or text recorded on a computer hard disk, 301  
computer floppy disk, compact disk, magnetic tape, or similar data 302  
storage device. 303

(K) "Performance" means any motion picture, preview, trailer, 304  
play, show, skit, dance, or other exhibition performed before an 305  
audience. 306

(L) "Spouse" means a person married to an offender at the 307  
time of an alleged offense, except that such person shall not be 308  
considered the spouse when any of the following apply: 309

(1) When the parties have entered into a written separation 310  
agreement authorized by section 3103.06 of the Revised Code; 311

(2) During the pendency of an action between the parties for 312  
annulment, divorce, dissolution of marriage, or legal separation; 313

(3) In the case of an action for legal separation, after the 314  
effective date of the judgment for legal separation. 315

(M) "Minor" means a person under the age of eighteen. 316

(N) "Mental health client or patient" has the same meaning as 317  
in section 2305.51 of the Revised Code. 318

(O) "Mental health professional" has the same meaning as in 319

section 2305.115 of the Revised Code.	320
(P) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.	321 322 323
<b>Sec. 2907.03.</b> (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:	324 325 326
(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.	327 328 329
(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.	330 331 332
(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.	333 334
(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.	335 336 337
(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.	338 339 340
(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.	341 342 343
(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is	344 345 346 347 348

not enrolled in and does not attend that school. 349

(8) The other person is a minor, the offender is a teacher, 350  
administrator, coach, or other person in authority employed by or 351  
serving in an institution of higher education, and the other 352  
person is enrolled in or attends that institution. 353

(9) The other person is a minor, and the offender is the 354  
other person's athletic or other type of coach, is the other 355  
person's instructor, is the leader of a scouting troop of which 356  
the other person is a member, or is a person with temporary or 357  
occasional disciplinary control over the other person. 358

(10) The offender is a mental health professional, the other 359  
person is a mental health client or patient of the offender, and 360  
the offender induces the other person to submit by falsely 361  
representing to the other person that the sexual conduct is 362  
necessary for mental health treatment purposes. 363

(11) The other person is confined in a detention facility, 364  
and the offender is an employee of that detention facility. 365

(B) Whoever violates this section is guilty of sexual 366  
battery<sup>7</sup>. Except as otherwise provided in this division, sexual 367  
battery is a felony of the third degree. If the other person is 368  
less than thirteen years of age, sexual battery is a felony of the 369  
second degree, and the court shall impose upon the offender a 370  
mandatory prison term equal to one of the prison terms prescribed 371  
in section 2929.14 of the Revised Code for a felony of the second 372  
degree. 373

(C) As used in this section: 374

(1) "Detention facility" has the same meaning as in section 375  
2921.01 of the Revised Code. 376

(2) "Institution of higher education" means a state 377  
institution of higher education defined in section 3345.011 of the 378

Revised Code, a private nonprofit college or university located in 379  
this state that possesses a certificate of authorization issued by 380  
the Ohio board of regents pursuant to Chapter 1713. of the Revised 381  
Code, or a school certified under Chapter 3332. of the Revised 382  
Code. 383

**Sec. 2907.05.** (A) No person shall have sexual contact with 384  
another, not the spouse of the offender; cause another, not the 385  
spouse of the offender, to have sexual contact with the offender; 386  
or cause two or more other persons to have sexual contact when any 387  
of the following applies: 388

(1) The offender purposely compels the other person, or one 389  
of the other persons, to submit by force or threat of force. 390

(2) For the purpose of preventing resistance, the offender 391  
substantially impairs the judgment or control of the other person 392  
or of one of the other persons by administering any drug, 393  
intoxicant, or controlled substance to the other person 394  
surreptitiously or by force, threat of force, or deception. 395

(3) The offender knows that the judgment or control of the 396  
other person or of one of the other persons is substantially 397  
impaired as a result of the influence of any drug or intoxicant 398  
administered to the other person with the other person's consent 399  
for the purpose of any kind of medical or dental examination, 400  
treatment, or surgery. 401

(4) The other person, or one of the other persons, is less 402  
than thirteen years of age, whether or not the offender knows the 403  
age of that person. 404

(5) The ability of the other person to resist or consent or 405  
the ability of one of the other persons to resist or consent is 406  
substantially impaired because of a mental or physical condition 407  
or because of advanced age, and the offender knows or has 408

reasonable cause to believe that the ability to resist or consent  
of the other person or of one of the other persons is  
substantially impaired because of a mental or physical condition  
or because of advanced age.

(B) Whoever violates this section is guilty of gross sexual  
imposition. ~~Except~~

(1) Except as otherwise provided in this section, a gross  
sexual imposition committed in violation of division (A)(1), (2),  
(3), or (5) of this section is a felony of the fourth degree. If  
the offender under division (A)(2) of this section substantially  
impairs the judgment or control of the other person or one of the  
other persons by administering any controlled substance described  
in section 3719.41 of the Revised Code to the person  
surreptitiously or by force, threat of force, or deception, a  
gross sexual imposition committed in violation of division (A)(2)  
of this section is a felony of the third degree. A

(2) Gross sexual imposition committed in violation of  
division (A)(4) of this section is a felony of the third degree.  
Except as otherwise provided in this division, for gross sexual  
imposition committed in violation of division (A)(4) of this  
section there is a presumption that a prison term shall be imposed  
for the offense. The court shall impose on an offender convicted  
of gross sexual imposition in violation of division (A)(4) of this  
section a mandatory prison term equal to one of the prison terms  
prescribed in section 2929.14 of the Revised Code for a felony of  
the third degree if either of the following applies:

(a) Evidence other than the testimony of the victim was  
admitted in the case corroborating the violation;

(b) The offender previously was convicted of or pleaded  
guilty to a violation of this section, rape, the former offense of  
felonious sexual penetration, or sexual battery, and the victim of

the previous offense was under thirteen years of age.

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(C) A victim need not prove physical resistance to the  
offender in prosecutions under this section.

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(D) Evidence of specific instances of the victim's sexual  
activity, opinion evidence of the victim's sexual activity, and  
reputation evidence of the victim's sexual activity shall not be  
admitted under this section unless it involves evidence of the  
origin of semen, pregnancy, or disease, or the victim's past  
sexual activity with the offender, and only to the extent that the  
court finds that the evidence is material to a fact at issue in  
the case and that its inflammatory or prejudicial nature does not  
outweigh its probative value.

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Evidence of specific instances of the defendant's sexual  
activity, opinion evidence of the defendant's sexual activity, and  
reputation evidence of the defendant's sexual activity shall not  
be admitted under this section unless it involves evidence of the  
origin of semen, pregnancy, or disease, the defendant's past  
sexual activity with the victim, or is admissible against the  
defendant under section 2945.59 of the Revised Code, and only to  
the extent that the court finds that the evidence is material to a  
fact at issue in the case and that its inflammatory or prejudicial  
nature does not outweigh its probative value.

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(E) Prior to taking testimony or receiving evidence of any  
sexual activity of the victim or the defendant in a proceeding  
under this section, the court shall resolve the admissibility of  
the proposed evidence in a hearing in chambers, which shall be  
held at or before preliminary hearing and not less than three days  
before trial, or for good cause shown during the trial.

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(F) Upon approval by the court, the victim may be represented  
by counsel in any hearing in chambers or other proceeding to  
resolve the admissibility of evidence. If the victim is indigent

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or otherwise is unable to obtain the services of counsel, the 471  
court, upon request, may appoint counsel to represent the victim 472  
without cost to the victim. 473

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 474  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 475  
2911.211 of the Revised Code if the alleged victim of the 476  
violation was a family or household member at the time of the 477  
violation, a violation of a municipal ordinance that is 478  
substantially similar to any of those sections if the alleged 479  
victim of the violation was a family or household member at the 480  
time of the violation, ~~or~~ any offense of violence if the alleged 481  
victim of the offense was a family or household member at the time 482  
of the commission of the offense, or any sexually oriented 483  
offense, the complainant, the alleged victim, or a family or 484  
household member of an alleged victim may file, or, if in an 485  
emergency the alleged victim is unable to file, a person who made 486  
an arrest for the alleged violation or offense under section 487  
2935.03 of the Revised Code may file on behalf of the alleged 488  
victim, a motion that requests the issuance of a temporary 489  
protection order as a pretrial condition of release of the alleged 490  
offender, in addition to any bail set under Criminal Rule 46. The 491  
motion shall be filed with the clerk of the court that has 492  
jurisdiction of the case at any time after the filing of the 493  
complaint. 494

(2) For purposes of section 2930.09 of the Revised Code, all 495  
stages of a proceeding arising out of a complaint alleging the 496  
commission of a violation or offense of violence described in 497  
division (A)(1) of this section, including all proceedings on a 498  
motion for a temporary protection order, are critical stages of 499  
the case, and a victim may be accompanied by a victim advocate or 500  
another person to provide support to the victim as provided in 501

that section. 502

(B) The motion shall be prepared on a form that is provided 503  
by the clerk of the court, which form shall be substantially as 504  
follows: 505

"MOTION FOR TEMPORARY PROTECTION ORDER 506  
..... Court 507  
Name and address of court 508

State of Ohio 509  
v. No. .... 510  
..... 511

Name of Defendant 512

(name of person), moves the court to issue a temporary protection 513  
order containing terms designed to ensure the safety and 514  
protection of the complainant, alleged victim, and other family or 515  
household members, in relation to the named defendant, pursuant to 516  
its authority to issue such an order under section 2919.26 of the 517  
Revised Code. 518

A complaint, a copy of which has been attached to this 519  
motion, has been filed in this court charging the named defendant 520  
with ..... (name of the specified violation 521  
or the offense of violence charged) in circumstances in which the 522  
victim was a family or household member in violation of (section 523  
of the Revised Code designating the specified violation or offense 524  
of violence charged), or charging the named defendant with a 525  
violation of a municipal ordinance that is substantially similar 526  
to ..... (section of the Revised Code 527  
designating the specified violation or offense of violence 528  
charged) involving a family or household member. 529

I understand that I must appear before the court, at a time 530  
set by the court within twenty-four hours after the filing of this 531

motion, for a hearing on the motion or that, if I am unable to  
appear because of hospitalization or a medical condition resulting  
from the offense alleged in the complaint, a person who can  
provide information about my need for a temporary protection order  
must appear before the court in lieu of my appearing in court. I  
understand that any temporary protection order granted pursuant to  
this motion is a pretrial condition of release and is effective  
only until the disposition of the criminal proceeding arising out  
of the attached complaint, or the issuance of a civil protection  
order or the approval of a consent agreement, arising out of the  
same activities as those that were the basis of the complaint,  
under section 3113.31 of the Revised Code.

..... 544

Signature of person 545

(or signature of the arresting officer who filed the motion on  
behalf of the alleged victim) 546  
547

..... 548

Address of person (or office address of the arresting officer who  
filed the motion on behalf of the alleged victim)" 549  
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(C)(1) As soon as possible after the filing of a motion that  
requests the issuance of a temporary protection order, but not  
later than twenty-four hours after the filing of the motion, the  
court shall conduct a hearing to determine whether to issue the  
order. The person who requested the order shall appear before the  
court and provide the court with the information that it requests  
concerning the basis of the motion. If the person who requested  
the order is unable to appear and if the court finds that the  
failure to appear is because of the person's hospitalization or  
medical condition resulting from the offense alleged in the  
complaint, another person who is able to provide the court with  
the information it requests may appear in lieu of the person who

requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged ~~offender~~ victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member.

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

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

(D)(1) Upon the filing of a complaint that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the

Revised Code if the alleged victim of the violation was a family  
or household member at the time of the violation, a violation of a  
municipal ordinance that is substantially similar to any of those  
sections if the alleged victim of the violation was a family or  
household member at the time of the violation, ~~or~~ any offense of  
violence if the alleged victim of the offense was a family or  
household member at the time of the commission of the offense, or  
any sexually oriented offense, the court, upon its own motion, may  
issue a temporary protection order as a pretrial condition of  
release if it finds that the safety and protection of the  
complainant, alleged victim, or other family or household member  
of the alleged offender may be impaired by the continued presence  
of the alleged offender.

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

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

(4) If a municipal court or a county court issues a temporary  
protection order under this section and if, subsequent to the  
issuance of the order, the alleged offender who is the subject of  
the order is bound over to the court of common pleas for  
prosecution of a felony arising out of the same activities as  
those that were the basis of the complaint upon which the order is

based, notwithstanding the fact that the order was issued by a  
municipal court or county court, the order shall remain in effect,  
as though it were an order of the court of common pleas, while the  
charges against the alleged offender are pending in the court of  
common pleas, for the period of time described in division (E)(2)  
of this section, and the court of common pleas has exclusive  
jurisdiction to modify the order issued by the municipal court or  
county court. This division applies when the alleged offender is  
bound over to the court of common pleas as a result of the person  
waiving a preliminary hearing on the felony charge, as a result of  
the municipal court or county court having determined at a  
preliminary hearing that there is probable cause to believe that  
the felony has been committed and that the alleged offender  
committed it, as a result of the alleged offender having been  
indicted for the felony, or in any other manner.

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

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

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

(a) The disposition, by the court that issued the order or,  
in the circumstances described in division (D)(4) of this section,  
by the court of common pleas to which the alleged offender is  
bound over for prosecution, of the criminal proceeding arising out  
of the complaint upon which the order is based;

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

(3) Shall not be construed as a finding that the alleged

offender committed the alleged offense, and shall not be 658  
introduced as evidence of the commission of the offense at the 659  
trial of the alleged offender on the complaint upon which the 660  
order is based. 661

(F) A person who meets the criteria for bail under Criminal 662  
Rule 46 and who, if required to do so pursuant to that rule, 663  
executes or posts bond or deposits cash or securities as bail, 664  
shall not be held in custody pending a hearing before the court on 665  
a motion requesting a temporary protection order. 666

(G)(1) A copy of any temporary protection order that is 667  
issued under this section shall be issued by the court to the 668  
complainant, to the alleged victim, to the person who requested 669  
the order, to the defendant, and to all law enforcement agencies 670  
that have jurisdiction to enforce the order. The court shall 671  
direct that a copy of the order be delivered to the defendant on 672  
the same day that the order is entered. If a municipal court or a 673  
county court issues a temporary protection order under this 674  
section and if, subsequent to the issuance of the order, the 675  
defendant who is the subject of the order is bound over to the 676  
court of common pleas for prosecution as described in division 677  
(D)(4) of this section, the municipal court or county court shall 678  
direct that a copy of the order be delivered to the court of 679  
common pleas to which the defendant is bound over. 680

(2) All law enforcement agencies shall establish and maintain 681  
an index for the temporary protection orders delivered to the 682  
agencies pursuant to division (G)(1) of this section. With respect 683  
to each order delivered, each agency shall note on the index, the 684  
date and time of the receipt of the order by the agency. 685

(3) A complainant, alleged victim, or other person who 686  
obtains a temporary protection order under this section may 687  
688

provide notice of the issuance of the temporary protection order 689  
to the judicial and law enforcement officials in any county other 690  
than the county in which the order is issued by registering that 691  
order in the other county in accordance with division (N) of 692  
section 3113.31 of the Revised Code and filing a copy of the 693  
registered protection order with a law enforcement agency in the 694  
other county in accordance with that division. 695

(4) Any officer of a law enforcement agency shall enforce a 696  
temporary protection order issued by any court in this state in 697  
accordance with the provisions of the order, including removing 698  
the defendant from the premises, regardless of whether the order 699  
is registered in the county in which the officer's agency has 700  
jurisdiction as authorized by division (G)(3) of this section. 701

(H) Upon a violation of a temporary protection order, the 702  
court may issue another temporary protection order, as a pretrial 703  
condition of release, that modifies the terms of the order that 704  
was violated. 705

(I)(1) As used in divisions (I)(1) and (2) of this section, 706  
"defendant" means a person who is alleged in a complaint to have 707  
committed a violation or offense of violence of the type described 708  
in division (A) of this section. 709

(2) If a complaint is filed that alleges that a person 710  
committed a violation or offense of violence of the type described 711  
in division (A) of this section, the court may not issue a 712  
temporary protection order under this section that requires the 713  
complainant, the alleged victim, or another family or household 714  
member of the defendant to do or refrain from doing an act that 715  
the court may require the defendant to do or refrain from doing 716  
under a temporary protection order unless both of the following 717  
apply: 718

(a) The defendant has filed a separate complaint that alleges 719



that the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act committed a violation or offense of violence of the type described in division (A) of this section. 720  
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(b) The court determines that both the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act and the defendant acted primarily as aggressors, that neither the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act nor the defendant acted primarily in self-defense, and, in accordance with the standards and criteria of this section as applied in relation to the separate complaint filed by the defendant, that it should issue the order to require the complainant, alleged victim, or other family or household member in question to do or refrain from doing the act. 724  
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(J) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, or service of a protection order or consent agreement, or for obtaining a certified copy of a protection order or consent agreement. 736  
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(K) As used in this section, ~~"victim:~~ 745

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 746  
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(2) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings. 748  
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Sec. 2929.01. As used in this chapter: 750

(A)(1) "Alternative residential facility" means, subject to 751  
division (A)(2) of this section, any facility other than an 752  
offender's home or residence in which an offender is assigned to 753  
live and that satisfies all of the following criteria: 754

(a) It provides programs through which the offender may seek 755  
or maintain employment or may receive education, training, 756  
treatment, or habilitation. 757

(b) It has received the appropriate license or certificate 758  
for any specialized education, training, treatment, habilitation, 759  
or other service that it provides from the government agency that 760  
is responsible for licensing or certifying that type of education, 761  
training, treatment, habilitation, or service. 762

(2) "Alternative residential facility" does not include a 763  
community-based correctional facility, jail, halfway house, or 764  
prison. 765

(B) "Bad time" means the time by which the parole board 766  
administratively extends an offender's stated prison term or terms 767  
pursuant to section 2967.11 of the Revised Code because the parole 768  
board finds by clear and convincing evidence that the offender, 769  
while serving the prison term or terms, committed an act that is a 770  
criminal offense under the law of this state or the United States, 771  
whether or not the offender is prosecuted for the commission of 772  
that act. 773

(C) "Basic probation supervision" means a requirement that 774  
the offender maintain contact with a person appointed to supervise 775  
the offender in accordance with sanctions imposed by the court or 776  
imposed by the parole board pursuant to section 2967.28 of the 777  
Revised Code. "Basic probation supervision" includes basic parole 778  
supervision and basic post-release control supervision. 779

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

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

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

(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 810  
offender has ingested any alcohol or other drugs. 811

(L) "Drug treatment program" means any program under which a 812  
person undergoes assessment and treatment designed to reduce or 813  
completely eliminate the person's physical or emotional reliance 814  
upon alcohol, another drug, or alcohol and another drug and under 815  
which the person may be required to receive assessment and 816  
treatment on an outpatient basis or may be required to reside at a 817  
facility other than the person's home or residence while 818  
undergoing assessment and treatment. 819

(M) "Economic loss" means any economic detriment suffered by 820  
a victim as a direct and proximate result of the commission of an 821  
offense and includes any loss of income due to lost time at work 822  
because of any injury caused to the victim, and any property loss, 823  
medical cost, or funeral expense incurred as a result of the 824  
commission of the offense. "Economic loss" does not include 825  
non-economic loss or any punitive or exemplary damages. 826

(N) "Education or training" includes study at, or in 827  
conjunction with a program offered by, a university, college, or 828  
technical college or vocational study and also includes the 829  
completion of primary school, secondary school, and literacy 830  
curricula or their equivalent. 831

(O) "Firearm" has the same meaning as in section 2923.11 of 832  
the Revised Code. 833

(P) "Halfway house" means a facility licensed by the division 834  
of parole and community services of the department of 835  
rehabilitation and correction pursuant to section 2967.14 of the 836  
Revised Code as a suitable facility for the care and treatment of 837  
adult offenders. 838

(Q) "House arrest" means a period of confinement of an 839  
offender that is in the offender's home or in other premises 840

specified by the sentencing court or by the parole board pursuant 841  
to section 2967.28 of the Revised Code and during which all of the 842  
following apply: 843

(1) The offender is required to remain in the offender's home 844  
or other specified premises for the specified period of 845  
confinement, except for periods of time during which the offender 846  
is at the offender's place of employment or at other premises as 847  
authorized by the sentencing court or by the parole board. 848

(2) The offender is required to report periodically to a 849  
person designated by the court or parole board. 850

(3) The offender is subject to any other restrictions and 851  
requirements that may be imposed by the sentencing court or by the 852  
parole board. 853

(R) "Intensive probation supervision" means a requirement 854  
that an offender maintain frequent contact with a person appointed 855  
by the court, or by the parole board pursuant to section 2967.28 856  
of the Revised Code, to supervise the offender while the offender 857  
is seeking or maintaining necessary employment and participating 858  
in training, education, and treatment programs as required in the 859  
court's or parole board's order. "Intensive probation supervision" 860  
includes intensive parole supervision and intensive post-release 861  
control supervision. 862

(S) "Jail" means a jail, workhouse, minimum security jail, or 863  
other residential facility used for the confinement of alleged or 864  
convicted offenders that is operated by a political subdivision or 865  
a combination of political subdivisions of this state. 866

(T) "Jail term" means the term in a jail that a sentencing 867  
court imposes or is authorized to impose pursuant to section 868  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 869  
provision of the Revised Code that authorizes a term in a jail for 870  
a misdemeanor conviction. 871

(U) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code, division (E) of section 2929.24 of the Revised Code, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor conviction.

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

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

(X) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of crack cocaine; at least one thousand grams of cocaine that is not crack cocaine; at least two thousand five hundred unit doses or two hundred fifty grams of heroin; at least five thousand unit doses of L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form; or at least one hundred times the amount of any

other schedule I or II controlled substance other than marihuana 904  
that is necessary to commit a felony of the third degree pursuant 905  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 906  
Code that is based on the possession of, sale of, or offer to sell 907  
the controlled substance. 908

(Y) "Mandatory prison term" means any of the following: 909

(1) Subject to division (Y)(2) of this section, the term in 910  
prison that must be imposed for the offenses or circumstances set 911  
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 912  
2929.13 and division (D) of section 2929.14 of the Revised Code. 913  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 914  
and 2925.11 of the Revised Code, unless the maximum or another 915  
specific term is required under section 2929.14 of the Revised 916  
Code, a mandatory prison term described in this division may be 917  
any prison term authorized for the level of offense. 918

(2) The term of sixty or one hundred twenty days in prison 919  
that a sentencing court is required to impose for a third or 920  
fourth degree felony OVI offense pursuant to division (G)(2) of 921  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 922  
of the Revised Code or the term of one, two, three, four, or five 923  
years in prison that a sentencing court is required to impose 924  
pursuant to division (G)(2) of section 2929.13 of the Revised 925  
Code. 926

(3) The term in prison imposed pursuant to section 2971.03 of 927  
the Revised Code for the offenses and in the circumstances 928  
described in division (F)(11) of section 2929.13 of the Revised 929  
Code and that term as modified or terminated pursuant to section 930  
2971.05 of the Revised Code. 931

(Z) "Monitored time" means a period of time during which an 932  
offender continues to be under the control of the sentencing court 933  
or parole board, subject to no conditions other than leading a 934

law-abiding life.

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

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

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

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(1) A stated prison term;

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

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

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

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(1) The person ~~has been convicted of or has pleaded guilty to, and~~ is being sentenced for committing, or for complicity in committing, ~~or for an attempt to commit, aggravated~~ any of the following:

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(a) Aggravated murder, murder, ~~involuntary manslaughter, a~~ any felony of the first or second degree ~~other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the~~

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~~second degree that involved an attempt to cause serious physical 965  
harm to a person or that resulted in serious physical harm to a 966  
person that is an offense of violence, or an attempt to commit any 967  
of these offenses if the attempt is a felony of the first or 968  
second degree; 969~~

~~(b) An offense under an existing or former law of this state, 970  
another state, or the United States that is or was substantially 971  
equivalent to an offense described in division (DD)(1)(a) of this 972  
section. 973~~

~~(2) Either of the following applies: 974~~

~~(a) The person previously was convicted of or pleaded guilty 975  
to, and previously served or, at the time of the offense was 976  
serving, a prison term for, any of the following: 977~~

~~(i) Aggravated murder, murder, involuntary manslaughter, 978  
rape, felonious sexual penetration as it existed under section 979  
2907.12 of the Revised Code prior to September 3, 1996, a felony 980  
of the first or second degree that resulted in the death of a 981  
person or in physical harm to a person, or complicity in or an 982  
attempt to commit any of those offenses; 983~~

~~(ii) An offense under an existing or former law of this 984  
state, another state, or the United States that is or was 985  
substantially equivalent to an offense listed under division 986  
(DD)(2)(a)(i) of this section and that resulted in the death of a 987  
person or in physical harm to a person. 988~~

~~(b) The person previously was adjudicated a delinquent child 989  
for committing an act that if committed by an adult would have 990  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 991  
section, the person was committed to the department of youth 992  
services for that delinquent act an offense described in division 993  
(DD)(1)(a) or (b) of this section. 994~~

(EE) "Sanction" means any penalty imposed upon an offender 995

who is convicted of or pleads guilty to an offense, as punishment 996  
for the offense. "Sanction" includes any sanction imposed pursuant 997  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 998  
2929.28 of the Revised Code. 999

(FF) "Sentence" means the sanction or combination of 1000  
sanctions imposed by the sentencing court on an offender who is 1001  
convicted of or pleads guilty to an offense. 1002

(GG) "Stated prison term" means the prison term, mandatory 1003  
prison term, or combination of all prison terms and mandatory 1004  
prison terms imposed by the sentencing court pursuant to section 1005  
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 1006  
includes any credit received by the offender for time spent in 1007  
jail awaiting trial, sentencing, or transfer to prison for the 1008  
offense and any time spent under house arrest or house arrest with 1009  
electronic monitoring imposed after earning credits pursuant to 1010  
section 2967.193 of the Revised Code. 1011

(HH) "Victim-offender mediation" means a reconciliation or 1012  
mediation program that involves an offender and the victim of the 1013  
offense committed by the offender and that includes a meeting in 1014  
which the offender and the victim may discuss the offense, discuss 1015  
restitution, and consider other sanctions for the offense. 1016

(II) "Fourth degree felony OVI offense" means a violation of 1017  
division (A) of section 4511.19 of the Revised Code that, under 1018  
division (G) of that section, is a felony of the fourth degree. 1019

(JJ) "Mandatory term of local incarceration" means the term 1020  
of sixty or one hundred twenty days in a jail, a community-based 1021  
correctional facility, a halfway house, or an alternative 1022  
residential facility that a sentencing court may impose upon a 1023  
person who is convicted of or pleads guilty to a fourth degree 1024  
felony OVI offense pursuant to division (G)(1) of section 2929.13 1025  
of the Revised Code and division (G)(1)(d) or (e) of section 1026

4511.19 of the Revised Code.	1027
(KK) "Designated homicide, assault, or kidnapping offense,"	1028
"violent sex offense," "sexual motivation specification,"	1029
"sexually violent offense," "sexually violent predator," and	1030
"sexually violent predator specification" have the same meanings	1031
as in section 2971.01 of the Revised Code.	1032
(LL) "Habitual sex offender," "sexually oriented offense,"	1033
"sexual predator," "registration-exempt sexually oriented	1034
offense," "child-victim oriented offense," "habitual child-victim	1035
offender," and "child-victim predator" have the same meanings as	1036
in section 2950.01 of the Revised Code.	1037
(MM) An offense is "committed in the vicinity of a child" if	1038
the offender commits the offense within thirty feet of or within	1039
the same residential unit as a child who is under eighteen years	1040
of age, regardless of whether the offender knows the age of the	1041
child or whether the offender knows the offense is being committed	1042
within thirty feet of or within the same residential unit as the	1043
child and regardless of whether the child actually views the	1044
commission of the offense.	1045
(NN) "Family or household member" has the same meaning as in	1046
section 2919.25 of the Revised Code.	1047
(OO) "Motor vehicle" and "manufactured home" have the same	1048
meanings as in section 4501.01 of the Revised Code.	1049
(PP) "Detention" and "detention facility" have the same	1050
meanings as in section 2921.01 of the Revised Code.	1051
(QQ) "Third degree felony OVI offense" means a violation of	1052
division (A) of section 4511.19 of the Revised Code that, under	1053
division (G) of that section, is a felony of the third degree.	1054
(RR) "Random drug testing" has the same meaning as in section	1055
5120.63 of the Revised Code.	1056

(SS) "Felony sex offense" has the same meaning as in section 1057  
2967.28 of the Revised Code. 1058

(TT) "Body armor" has the same meaning as in section 1059  
2941.1411 of the Revised Code. 1060

(UU) "Electronic monitoring" means monitoring through the use 1061  
of an electronic monitoring device. 1062

(VV) "Electronic monitoring device" means any of the 1063  
following: 1064

(1) Any device that can be operated by electrical or battery 1065  
power and that conforms with all of the following: 1066

(a) The device has a transmitter that can be attached to a 1067  
person, that will transmit a specified signal to a receiver of the 1068  
type described in division (VV)(1)(b) of this section if the 1069  
transmitter is removed from the person, turned off, or altered in 1070  
any manner without prior court approval in relation to electronic 1071  
monitoring or without prior approval of the department of 1072  
rehabilitation and correction in relation to the use of an 1073  
electronic monitoring device for an inmate on transitional control 1074  
or otherwise is tampered with, that can transmit continuously and 1075  
periodically a signal to that receiver when the person is within a 1076  
specified distance from the receiver, and that can transmit an 1077  
appropriate signal to that receiver if the person to whom it is 1078  
attached travels a specified distance from that receiver. 1079

(b) The device has a receiver that can receive continuously 1080  
the signals transmitted by a transmitter of the type described in 1081  
division (VV)(1)(a) of this section, can transmit continuously 1082  
those signals by telephone to a central monitoring computer of the 1083  
type described in division (VV)(1)(c) of this section, and can 1084  
transmit continuously an appropriate signal to that central 1085  
monitoring computer if the receiver is turned off or altered 1086  
without prior court approval or otherwise tampered with. 1087

(c) The device has a central monitoring computer that can 1088  
receive continuously the signals transmitted by telephone by a 1089  
receiver of the type described in division (VV)(1)(b) of this 1090  
section and can monitor continuously the person to whom an 1091  
electronic monitoring device of the type described in division 1092  
(VV)(1)(a) of this section is attached. 1093

(2) Any device that is not a device of the type described in 1094  
division (VV)(1) of this section and that conforms with all of the 1095  
following: 1096

(a) The device includes a transmitter and receiver that can 1097  
monitor and determine the location of a subject person at any 1098  
time, or at a designated point in time, through the use of a 1099  
central monitoring computer or through other electronic means. 1100

(b) The device includes a transmitter and receiver that can 1101  
determine at any time, or at a designated point in time, through 1102  
the use of a central monitoring computer or other electronic means 1103  
the fact that the transmitter is turned off or altered in any 1104  
manner without prior approval of the court in relation to the 1105  
electronic monitoring or without prior approval of the department 1106  
of rehabilitation and correction in relation to the use of an 1107  
electronic monitoring device for an inmate on transitional control 1108  
or otherwise is tampered with. 1109

(3) Any type of technology that can adequately track or 1110  
determine the location of a subject person at any time and that is 1111  
approved by the director of rehabilitation and correction, 1112  
including, but not limited to, any satellite technology, voice 1113  
tracking system, or retinal scanning system that is so approved. 1114

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1115  
a victim of an offense as a result of or related to the commission 1116  
of the offense, including, but not limited to, pain and suffering; 1117  
loss of society, consortium, companionship, care, assistance, 1118

attention, protection, advice, guidance, counsel, instruction, 1119  
training, or education; mental anguish; and any other intangible 1120  
loss. 1121

(XX) "Prosecutor" has the same meaning as in section 2935.01 1122  
of the Revised Code. 1123

(YY) "Continuous alcohol monitoring" means the ability to 1124  
automatically test and periodically transmit alcohol consumption 1125  
levels and tamper attempts at least every hour, regardless of the 1126  
location of the person who is being monitored. 1127

(ZZ) A person is "adjudicated a sexually violent predator" if 1128  
the person is convicted of or pleads guilty to a violent sex 1129  
offense and also is convicted of or pleads guilty to a sexually 1130  
violent predator specification that was included in the 1131  
indictment, count in the indictment, or information charging that 1132  
violent sex offense or if the person is convicted of or pleads 1133  
guilty to a designated homicide, assault, or kidnapping offense 1134  
and also is convicted of or pleads guilty to both a sexual 1135  
motivation specification and a sexually violent predator 1136  
specification that were included in the indictment, count in the 1137  
indictment, or information charging that designated homicide, 1138  
assault, or kidnapping offense. 1139

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 1140  
(G) of this section and unless a specific sanction is required to 1141  
be imposed or is precluded from being imposed pursuant to law, a 1142  
court that imposes a sentence upon an offender for a felony may 1143  
impose any sanction or combination of sanctions on the offender 1144  
that are provided in sections 2929.14 to 2929.18 of the Revised 1145  
Code. The sentence shall not impose an unnecessary burden on state 1146  
or local government resources. 1147

If the offender is eligible to be sentenced to community 1148

control sanctions, the court shall consider the appropriateness of 1149  
imposing a financial sanction pursuant to section 2929.18 of the 1150  
Revised Code or a sanction of community service pursuant to 1151  
section 2929.17 of the Revised Code as the sole sanction for the 1152  
offense. Except as otherwise provided in this division, if the 1153  
court is required to impose a mandatory prison term for the 1154  
offense for which sentence is being imposed, the court also may 1155  
impose a financial sanction pursuant to section 2929.18 of the 1156  
Revised Code but may not impose any additional sanction or 1157  
combination of sanctions under section 2929.16 or 2929.17 of the 1158  
Revised Code. 1159

If the offender is being sentenced for a fourth degree felony 1160  
OVI offense or for a third degree felony OVI offense, in addition 1161  
to the mandatory term of local incarceration or the mandatory 1162  
prison term required for the offense by division (G)(1) or (2) of 1163  
this section, the court shall impose upon the offender a mandatory 1164  
fine in accordance with division (B)(3) of section 2929.18 of the 1165  
Revised Code and may impose whichever of the following is 1166  
applicable: 1167

(1) For a fourth degree felony OVI offense for which sentence 1168  
is imposed under division (G)(1) of this section, an additional 1169  
community control sanction or combination of community control 1170  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 1171  
the court imposes upon the offender a community control sanction 1172  
and the offender violates any condition of the community control 1173  
sanction, the court may take any action prescribed in division (B) 1174  
of section 2929.15 of the Revised Code relative to the offender, 1175  
including imposing a prison term on the offender pursuant to that 1176  
division. 1177

(2) For a third or fourth degree felony OVI offense for which 1178  
sentence is imposed under division (G)(2) of this section, an 1179  
additional prison term as described in division (D)(4) of section 1180

2929.14 of the Revised Code or a community control sanction as  
described in division (G)(2) of this section. 1181  
1182

(B)(1) Except as provided in division (B)(2), (E), (F), or 1183  
(G) of this section, in sentencing an offender for a felony of the 1184  
fourth or fifth degree, the sentencing court shall determine 1185  
whether any of the following apply: 1186

(a) In committing the offense, the offender caused physical 1187  
harm to a person. 1188

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

(c) In committing the offense, the offender attempted to 1192  
cause or made an actual threat of physical harm to a person, and 1193  
the offender previously was convicted of an offense that caused 1194  
physical harm to a person. 1195

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

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

(f) The offense is a sex offense that is a fourth or fifth 1204  
degree felony violation of section 2907.03, 2907.04, 2907.05, 1205  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1206  
Revised Code. 1207

(g) The offender at the time of the offense was serving, or 1208  
the offender previously had served, a prison term. 1209

(h) The offender committed the offense while under a 1210



community control sanction, while on probation, or while released 1211  
from custody on a bond or personal recognizance. 1212

(i) The offender committed the offense while in possession of 1213  
a firearm. 1214

(2)(a) If the court makes a finding described in division 1215  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1216  
section and if the court, after considering the factors set forth 1217  
in section 2929.12 of the Revised Code, finds that a prison term 1218  
is consistent with the purposes and principles of sentencing set 1219  
forth in section 2929.11 of the Revised Code and finds that the 1220  
offender is not amenable to an available community control 1221  
sanction, the court shall impose a prison term upon the offender. 1222

(b) Except as provided in division (E), (F), or (G) of this 1223  
section, if the court does not make a finding described in 1224  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1225  
this section and if the court, after considering the factors set 1226  
forth in section 2929.12 of the Revised Code, finds that a 1227  
community control sanction or combination of community control 1228  
sanctions is consistent with the purposes and principles of 1229  
sentencing set forth in section 2929.11 of the Revised Code, the 1230  
court shall impose a community control sanction or combination of 1231  
community control sanctions upon the offender. 1232

(C) Except as provided in division (D), (E), (F), or (G) of 1233  
this section, in determining whether to impose a prison term as a 1234  
sanction for a felony of the third degree or a felony drug offense 1235  
that is a violation of a provision of Chapter 2925. of the Revised 1236  
Code and that is specified as being subject to this division for 1237  
purposes of sentencing, the sentencing court shall comply with the 1238  
purposes and principles of sentencing under section 2929.11 of the 1239  
Revised Code and with section 2929.12 of the Revised Code. 1240

(D)(1) Except as provided in division (E) or (F) of this 1241

section, for a felony of the first or second degree ~~and~~, for a 1242  
felony drug offense that is a violation of any provision of 1243  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1244  
presumption in favor of a prison term is specified as being 1245  
applicable, and for a violation of division (A)(4) of section 1246  
2907.05 of the Revised Code for which a presumption in favor of a 1247  
prison term is specified as being applicable, it is presumed that 1248  
a prison term is necessary in order to comply with the purposes 1249  
and principles of sentencing under section 2929.11 of the Revised 1250  
Code. ~~Notwithstanding~~ Division (D)(2) of this section does not 1251  
apply to a presumption established under this division for a 1252  
violation of division (A)(4) of section 2907.05 of the Revised 1253  
Code. 1254

(2) Notwithstanding the presumption established under ~~this~~ 1255  
division (D)(1) of this section for the offenses listed in that 1256  
division other than a violation of division (A)(4) of section 1257  
2907.05 of the Revised Code, the sentencing court may impose a 1258  
community control sanction or a combination of community control 1259  
sanctions instead of a prison term on an offender for a felony of 1260  
the first or second degree or for a felony drug offense that is a 1261  
violation of any provision of Chapter 2925., 3719., or 4729. of 1262  
the Revised Code for which a presumption in favor of a prison term 1263  
is specified as being applicable if it makes both of the following 1264  
findings: 1265

~~(1)~~(a) A community control sanction or a combination of 1266  
community control sanctions would adequately punish the offender 1267  
and protect the public from future crime, because the applicable 1268  
factors under section 2929.12 of the Revised Code indicating a 1269  
lesser likelihood of recidivism outweigh the applicable factors 1270  
under that section indicating a greater likelihood of recidivism. 1271

~~(2)~~(b) A community control sanction or a combination of 1272  
community control sanctions would not demean the seriousness of 1273

the offense, because one or more factors under section 2929.12 of 1274  
the Revised Code that indicate that the offender's conduct was 1275  
less serious than conduct normally constituting the offense are 1276  
applicable, and they outweigh the applicable factors under that 1277  
section that indicate that the offender's conduct was more serious 1278  
than conduct normally constituting the offense. 1279

(E)(1) Except as provided in division (F) of this section, 1280  
for any drug offense that is a violation of any provision of 1281  
Chapter 2925. of the Revised Code and that is a felony of the 1282  
third, fourth, or fifth degree, the applicability of a presumption 1283  
under division (D) of this section in favor of a prison term or of 1284  
division (B) or (C) of this section in determining whether to 1285  
impose a prison term for the offense shall be determined as 1286  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1287  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1288  
Revised Code, whichever is applicable regarding the violation. 1289

(2) If an offender who was convicted of or pleaded guilty to 1290  
a felony violates the conditions of a community control sanction 1291  
imposed for the offense solely by reason of producing positive 1292  
results on a drug test, the court, as punishment for the violation 1293  
of the sanction, shall not order that the offender be imprisoned 1294  
unless the court determines on the record either of the following: 1295

(a) The offender had been ordered as a sanction for the 1296  
felony to participate in a drug treatment program, in a drug 1297  
education program, or in narcotics anonymous or a similar program, 1298  
and the offender continued to use illegal drugs after a reasonable 1299  
period of participation in the program. 1300

(b) The imprisonment of the offender for the violation is 1301  
consistent with the purposes and principles of sentencing set 1302  
forth in section 2929.11 of the Revised Code. 1303

(F) Notwithstanding divisions (A) to (E) of this section, the 1304

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

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

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

(3) Gross sexual imposition or sexual battery, if the victim  
is under thirteen years of age, if and if any of the following  
applies:

(a) Regarding gross sexual imposition, the offender  
previously was convicted of or pleaded guilty to rape, the former  
offense of felonious sexual penetration, gross sexual imposition,  
or sexual battery, and ~~if~~ the victim of the previous offense was  
under thirteen years of age;

(b) Regarding gross sexual imposition, the offense was  
committed on or after the effective date of this amendment, and  
evidence other than the testimony of the victim was admitted in  
the case corroborating the violation.

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

(i) The offense was committed prior to the effective date of  
this amendment, the offender previously was convicted of or

pleaded guilty to rape, the former offense of felonious sexual 1335  
penetration, or sexual battery, and the victim of the previous 1336  
offense was under thirteen years of age. 1337

(ii) The offense was committed on or after the effective date 1338  
of this amendment. 1339

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 1340  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 1341  
requires the imposition of a prison term; 1342

(5) A first, second, or third degree felony drug offense for 1343  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1344  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 1345  
4729.99 of the Revised Code, whichever is applicable regarding the 1346  
violation, requires the imposition of a mandatory prison term; 1347

(6) Any offense that is a first or second degree felony and 1348  
that is not set forth in division (F)(1), (2), (3), or (4) of this 1349  
section, if the offender previously was convicted of or pleaded 1350  
guilty to aggravated murder, murder, any first or second degree 1351  
felony, or an offense under an existing or former law of this 1352  
state, another state, or the United States that is or was 1353  
substantially equivalent to one of those offenses; 1354

(7) Any offense that is a third degree felony and ~~that is~~ 1355  
~~listed in division (DD)(1) of section 2929.01 of the Revised Code~~ 1356  
either is a violation of section 2903.04 of the Revised Code or an 1357  
attempt to commit a felony of the second degree that is an offense 1358  
of violence and involved an attempt to cause serious physical harm 1359  
to a person or that resulted in serious physical harm to a person 1360  
if the offender previously was convicted of or pleaded guilty to 1361  
any ~~offense that is listed in division (DD)(2)(a)(i) or (ii) of~~ 1362  
~~section 2929.01 of the Revised Code;~~ of the following offenses: 1363

(a) Aggravated murder, murder, involuntary manslaughter, 1364  
rape, felonious sexual penetration as it existed under section 1365

2907.12 of the Revised Code prior to September 3, 1996, a felony 1366  
of the first or second degree that resulted in the death of a 1367  
person or in physical harm to a person, or complicity in or an 1368  
attempt to commit any of those offenses; 1369

(b) An offense under an existing or former law of this state, 1370  
another state, or the United States that is or was substantially 1371  
equivalent to an offense listed in division (F)(7)(a) of this 1372  
section that resulted in the death of a person or in physical harm 1373  
to a person. 1374

(8) Any offense, other than a violation of section 2923.12 of 1375  
the Revised Code, that is a felony, if the offender had a firearm 1376  
on or about the offender's person or under the offender's control 1377  
while committing the felony, with respect to a portion of the 1378  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 1379  
of the Revised Code for having the firearm; 1380

(9) Any offense of violence that is a felony, if the offender 1381  
wore or carried body armor while committing the felony offense of 1382  
violence, with respect to the portion of the sentence imposed 1383  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 1384  
Code for wearing or carrying the body armor; 1385

(10) Corrupt activity in violation of section 2923.32 of the 1386  
Revised Code when the most serious offense in the pattern of 1387  
corrupt activity that is the basis of the offense is a felony of 1388  
the first degree; 1389

(11) Any violent sex offense or designated homicide, assault, 1390  
or kidnapping offense if, in relation to that offense, the 1391  
offender is adjudicated a sexually violent predator; 1392

(12) A violation of division (A)(1) or (2) of section 2921.36 1393  
of the Revised Code, or a violation of division (C) of that 1394  
section involving an item listed in division (A)(1) or (2) of that 1395  
section, if the offender is an officer or employee of the 1396

department of rehabilitation and correction; 1397

(13) A violation of division (A)(1) or (2) of section 2903.06 1398  
of the Revised Code if the victim of the offense is a peace 1399  
officer, as defined in section 2935.01 of the Revised Code, with 1400  
respect to the portion of the sentence imposed pursuant to 1401  
division (D)(5) of section 2929.14 of the Revised Code; 1402

(14) A violation of division (A)(1) or (2) of section 2903.06 1403  
of the Revised Code if the offender has been convicted of or 1404  
pleaded guilty to three or more violations of division (A) or (B) 1405  
of section 4511.19 of the Revised Code or an equivalent offense, 1406  
as defined in section 2941.1415 of the Revised Code, or three or 1407  
more violations of any combination of those divisions and 1408  
offenses, with respect to the portion of the sentence imposed 1409  
pursuant to division (D)(6) of section 2929.14 of the Revised 1410  
Code. 1411

(G) Notwithstanding divisions (A) to (E) of this section, if 1412  
an offender is being sentenced for a fourth degree felony OVI 1413  
offense or for a third degree felony OVI offense, the court shall 1414  
impose upon the offender a mandatory term of local incarceration 1415  
or a mandatory prison term in accordance with the following: 1416

(1) If the offender is being sentenced for a fourth degree 1417  
felony OVI offense and if the offender has not been convicted of 1418  
and has not pleaded guilty to a specification of the type 1419  
described in section 2941.1413 of the Revised Code, the court may 1420  
impose upon the offender a mandatory term of local incarceration 1421  
of sixty days or one hundred twenty days as specified in division 1422  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1423  
not reduce the term pursuant to section 2929.20, 2967.193, or any 1424  
other provision of the Revised Code. The court that imposes a 1425  
mandatory term of local incarceration under this division shall 1426  
specify whether the term is to be served in a jail, a 1427

community-based correctional facility, a halfway house, or an 1428  
alternative residential facility, and the offender shall serve the 1429  
term in the type of facility specified by the court. A mandatory 1430  
term of local incarceration imposed under division (G)(1) of this 1431  
section is not subject to extension under section 2967.11 of the 1432  
Revised Code, to a period of post-release control under section 1433  
2967.28 of the Revised Code, or to any other Revised Code 1434  
provision that pertains to a prison term except as provided in 1435  
division (A)(1) of this section. 1436

(2) If the offender is being sentenced for a third degree 1437  
felony OVI offense, or if the offender is being sentenced for a 1438  
fourth degree felony OVI offense and the court does not impose a 1439  
mandatory term of local incarceration under division (G)(1) of 1440  
this section, the court shall impose upon the offender a mandatory 1441  
prison term of one, two, three, four, or five years if the 1442  
offender also is convicted of or also pleads guilty to a 1443  
specification of the type described in section 2941.1413 of the 1444  
Revised Code or shall impose upon the offender a mandatory prison 1445  
term of sixty days or one hundred twenty days as specified in 1446  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1447  
if the offender has not been convicted of and has not pleaded 1448  
guilty to a specification of that type. The court shall not reduce 1449  
the term pursuant to section 2929.20, 2967.193, or any other 1450  
provision of the Revised Code. The offender shall serve the one-, 1451  
two-, three-, four-, or five-year mandatory prison term 1452  
consecutively to and prior to the prison term imposed for the 1453  
underlying offense and consecutively to any other mandatory prison 1454  
term imposed in relation to the offense. In no case shall an 1455  
offender who once has been sentenced to a mandatory term of local 1456  
incarceration pursuant to division (G)(1) of this section for a 1457  
fourth degree felony OVI offense be sentenced to another mandatory 1458  
term of local incarceration under that division for any violation 1459



of division (A) of section 4511.19 of the Revised Code. In 1460  
addition to the mandatory prison term described in division (G)(2) 1461  
of this section, the court may sentence the offender to a 1462  
community control sanction under section 2929.16 or 2929.17 of the 1463  
Revised Code, but the offender shall serve the prison term prior 1464  
to serving the community control sanction. The department of 1465  
rehabilitation and correction may place an offender sentenced to a 1466  
mandatory prison term under this division in an intensive program 1467  
prison established pursuant to section 5120.033 of the Revised 1468  
Code if the department gave the sentencing judge prior notice of 1469  
its intent to place the offender in an intensive program prison 1470  
established under that section and if the judge did not notify the 1471  
department that the judge disapproved the placement. Upon the 1472  
establishment of the initial intensive program prison pursuant to 1473  
section 5120.033 of the Revised Code that is privately operated 1474  
and managed by a contractor pursuant to a contract entered into 1475  
under section 9.06 of the Revised Code, both of the following 1476  
apply: 1477

(a) The department of rehabilitation and correction shall 1478  
make a reasonable effort to ensure that a sufficient number of 1479  
offenders sentenced to a mandatory prison term under this division 1480  
are placed in the privately operated and managed prison so that 1481  
the privately operated and managed prison has full occupancy. 1482

(b) Unless the privately operated and managed prison has full 1483  
occupancy, the department of rehabilitation and correction shall 1484  
not place any offender sentenced to a mandatory prison term under 1485  
this division in any intensive program prison established pursuant 1486  
to section 5120.033 of the Revised Code other than the privately 1487  
operated and managed prison. 1488

(H) If an offender is being sentenced for a sexually oriented 1489  
offense committed on or after January 1, 1997, the judge shall 1490  
require the offender to submit to a DNA specimen collection 1491

procedure pursuant to section 2901.07 of the Revised Code if 1492  
either of the following applies: 1493

(1) The offense was a violent sex offense or a designated 1494  
homicide, assault, or kidnapping offense and, in relation to that 1495  
offense, the offender was adjudicated a sexually violent predator. 1496

(2) The judge imposing sentence for the sexually oriented 1497  
offense determines pursuant to division (B) of section 2950.09 of 1498  
the Revised Code that the offender is a sexual predator. 1499

(I) If an offender is being sentenced for a sexually oriented 1500  
offense that is not a registration-exempt sexually oriented 1501  
offense or for a child-victim oriented offense committed on or 1502  
after January 1, 1997, the judge shall include in the sentence a 1503  
summary of the offender's duties imposed under sections 2950.04, 1504  
2950.041, 2950.05, and 2950.06 of the Revised Code and the 1505  
duration of the duties. The judge shall inform the offender, at 1506  
the time of sentencing, of those duties and of their duration and, 1507  
if required under division (A)(2) of section 2950.03 of the 1508  
Revised Code, shall perform the duties specified in that section. 1509

(J)(1) Except as provided in division (J)(2) of this section, 1510  
when considering sentencing factors under this section in relation 1511  
to an offender who is convicted of or pleads guilty to an attempt 1512  
to commit an offense in violation of section 2923.02 of the 1513  
Revised Code, the sentencing court shall consider the factors 1514  
applicable to the felony category of the violation of section 1515  
2923.02 of the Revised Code instead of the factors applicable to 1516  
the felony category of the offense attempted. 1517

(2) When considering sentencing factors under this section in 1518  
relation to an offender who is convicted of or pleads guilty to an 1519  
attempt to commit a drug abuse offense for which the penalty is 1520  
determined by the amount or number of unit doses of the controlled 1521  
substance involved in the drug abuse offense, the sentencing court 1522

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

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

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

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1),  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and  
except in relation to an offense for which a sentence of death or  
life imprisonment is to be imposed, if the court imposing a  
sentence upon an offender for a felony elects or is required to  
impose a prison term on the offender pursuant to this chapter, the  
court shall impose a definite prison term that shall be one of the  
following:

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

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

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

(4) For a felony of the fourth degree, the prison term shall 1553  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1554  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1555

(5) For a felony of the fifth degree, the prison term shall 1556  
be six, seven, eight, nine, ten, eleven, or twelve months. 1557

(B) Except as provided in division (C), (D)(1), (D)(2), 1558  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 1559  
or 2907.05 of the Revised Code, or in Chapter 2925. of the Revised 1560  
Code, if the court imposing a sentence upon an offender for a 1561  
felony elects or is required to impose a prison term on the 1562  
offender, the court shall impose the shortest prison term 1563  
authorized for the offense pursuant to division (A) of this 1564  
section, unless one or more of the following applies: 1565

(1) The offender was serving a prison term at the time of the 1566  
offense, or the offender previously had served a prison term. 1567

(2) The court finds on the record that the shortest prison 1568  
term will demean the seriousness of the offender's conduct or will 1569  
not adequately protect the public from future crime by the 1570  
offender or others. 1571

(C) Except as provided in division (G) of this section or in 1572  
Chapter 2925. of the Revised Code, the court imposing a sentence 1573  
upon an offender for a felony may impose the longest prison term 1574  
authorized for the offense pursuant to division (A) of this 1575  
section only upon offenders who committed the worst forms of the 1576  
offense, upon offenders who pose the greatest likelihood of 1577  
committing future crimes, upon certain major drug offenders under 1578  
division (D)(3) of this section, and upon certain repeat violent 1579  
offenders in accordance with division (D)(2) of this section. 1580

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1581  
section, if an offender who is convicted of or pleads guilty to a 1582  
felony also is convicted of or pleads guilty to a specification of 1583

the type described in section 2941.141, 2941.144, or 2941.145 of  
the Revised Code, the court shall impose on the offender one of  
the following prison terms:

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

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

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

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

(c) Except as provided in division (D)(1)(e) of this section,  
if an offender who is convicted of or pleads guilty to a violation  
of section 2923.161 of the Revised Code or to a felony that

includes, as an essential element, purposely or knowingly causing 1615  
or attempting to cause the death of or physical harm to another, 1616  
also is convicted of or pleads guilty to a specification of the 1617  
type described in section 2941.146 of the Revised Code that 1618  
charges the offender with committing the offense by discharging a 1619  
firearm from a motor vehicle other than a manufactured home, the 1620  
court, after imposing a prison term on the offender for the 1621  
violation of section 2923.161 of the Revised Code or for the other 1622  
felony offense under division (A), (D)(2), or (D)(3) of this 1623  
section, shall impose an additional prison term of five years upon 1624  
the offender that shall not be reduced pursuant to section 1625  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1626  
or Chapter 5120. of the Revised Code. A court shall not impose 1627  
more than one additional prison term on an offender under division 1628  
(D)(1)(c) of this section for felonies committed as part of the 1629  
same act or transaction. If a court imposes an additional prison 1630  
term on an offender under division (D)(1)(c) of this section 1631  
relative to an offense, the court also shall impose a prison term 1632  
under division (D)(1)(a) of this section relative to the same 1633  
offense, provided the criteria specified in that division for 1634  
imposing an additional prison term are satisfied relative to the 1635  
offender and the offense. 1636

(d) If an offender who is convicted of or pleads guilty to an 1637  
offense of violence that is a felony also is convicted of or 1638  
pleads guilty to a specification of the type described in section 1639  
2941.1411 of the Revised Code that charges the offender with 1640  
wearing or carrying body armor while committing the felony offense 1641  
of violence, the court shall impose on the offender a prison term 1642  
of two years. The prison term so imposed shall not be reduced 1643  
pursuant to section 2929.20, section 2967.193, or any other 1644  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1645  
court shall not impose more than one prison term on an offender 1646

under division (D)(1)(d) of this section for felonies committed as 1647  
part of the same act or transaction. If a court imposes an 1648  
additional prison term under division (D)(1)(a) or (c) of this 1649  
section, the court is not precluded from imposing an additional 1650  
prison term under division (D)(1)(d) of this section. 1651

(e) The court shall not impose any of the prison terms 1652  
described in division (D)(1)(a) of this section or any of the 1653  
additional prison terms described in division (D)(1)(c) of this 1654  
section upon an offender for a violation of section 2923.12 or 1655  
2923.123 of the Revised Code. The court shall not impose any of 1656  
the prison terms described in division (D)(1)(a) of this section 1657  
or any of the additional prison terms described in division 1658  
(D)(1)(c) of this section upon an offender for a violation of 1659  
section 2923.13 of the Revised Code unless all of the following 1660  
apply: 1661

(i) The offender previously has been convicted of aggravated 1662  
murder, murder, or any felony of the first or second degree. 1663

(ii) Less than five years have passed since the offender was 1664  
released from prison or post-release control, whichever is later, 1665  
for the prior offense. 1666

(f) If an offender is convicted of or pleads guilty to a 1667  
felony that includes, as an essential element, causing or 1668  
attempting to cause the death of or physical harm to another and 1669  
also is convicted of or pleads guilty to a specification of the 1670  
type described in section 2941.1412 of the Revised Code that 1671  
charges the offender with committing the offense by discharging a 1672  
firearm at a peace officer as defined in section 2935.01 of the 1673  
Revised Code or a corrections officer as defined in section 1674  
2941.1412 of the Revised Code, the court, after imposing a prison 1675  
term on the offender for the felony offense under division (A), 1676  
(D)(2), or (D)(3) of this section, shall impose an additional 1677

prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (D)(1)(f) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense.

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~~(2)(a) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender division (D)(2)(b) of this section does not apply, the court shall may impose ~~a~~ on an offender, in addition to the longest prison term from the range of terms authorized or required for the offense under division (A) of this section that may be the longest term in the range and that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the court finds that the repeat violent offender, in committing the offense, caused any physical harm that carried a substantial risk of death to a person or that involved substantial permanent incapacity or substantial permanent disfigurement of a person, the court shall impose the longest prison term from the range of terms authorized for the offense under division (A) of this section.~~

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~~(b) If the court imposing a prison term on a repeat violent offender imposes the longest prison term from the range of terms authorized for the offense under division (A) of this section, the court may impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or~~

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~~ten years if the court finds that both of the following apply with  
respect to the prison terms imposed on the offender pursuant to  
division (D)(2)(a) of this section and, if applicable, divisions  
(D)(1) and (3) of this section:~~

~~(i), an additional definite prison term of one, two, three,  
four, five, six, seven, eight, nine, or ten years if all of the  
following criteria are met:~~

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

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

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

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

~~(ii)(v)~~ The terms so imposed court finds that the prison 1741  
terms imposed pursuant to division (D)(2)(a)(iii) of this section 1742  
and, if applicable, division (D)(1) or (3) of this section are 1743  
demeaning to the seriousness of the offense, because one or more 1744  
of the factors under section 2929.12 of the Revised Code 1745  
indicating that the offender's conduct is more serious than 1746  
conduct normally constituting the offense are present, and they 1747  
outweigh the applicable factors under that section indicating that 1748  
the offender's conduct is less serious than conduct normally 1749  
constituting the offense. 1750

(b) The court shall impose on an offender the longest prison 1751  
term authorized or required for the offense and shall impose on 1752  
the offender an additional definite prison term of one, two, 1753  
three, four, five, six, seven, eight, nine, or ten years if all of 1754  
the following criteria are met: 1755

(i) The offender is convicted of or pleads guilty to a 1756  
specification of the type described in section 2941.149 of the 1757  
Revised Code that the offender is a repeat violent offender. 1758

(ii) The offender within the preceding twenty years has been 1759  
convicted of or pleaded guilty to three or more offenses described 1760  
in division (DD)(1) of section 2929.01 of the Revised Code, 1761  
including all offenses described in that division of which the 1762  
offender is convicted or to which the offender pleads guilty in 1763  
the current prosecution and all offenses described in that 1764  
division of which the offender previously has been convicted or to 1765  
which the offender previously pleaded guilty, whether prosecuted 1766  
together or separately. 1767

(iii) The offense or offenses of which the offender currently 1768  
is convicted or to which the offender currently pleads guilty is 1769  
aggravated murder and the court does not impose a sentence of 1770  
death or life imprisonment without parole, murder, terrorism and 1771

the court does not impose a sentence of life imprisonment without 1772  
parole, any felony of the first degree that is an offense of 1773  
violence and the court does not impose a sentence of life 1774  
imprisonment without parole, or any felony of the second degree 1775  
that is an offense of violence and the trier of fact finds that 1776  
the offense involved an attempt to cause or a threat to cause 1777  
serious physical harm to a person or resulted in serious physical 1778  
harm to a person. 1779

(c) For purposes of division (D)(2)(b) of this section, two 1780  
or more offenses committed at the same time or as part of the same 1781  
act or event shall be considered one offense, and that one offense 1782  
shall be the offense with the greatest penalty. 1783

(d) A sentence imposed under division (D)(2)(a) or (b) of 1784  
this section shall not be reduced pursuant to section 2929.20 or 1785  
section 2967.193, or any other provision of Chapter 2967. or 1786  
Chapter 5120. of the Revised Code. The offender shall serve an 1787  
additional prison term imposed under this section consecutively to 1788  
and prior to the prison term imposed for the underlying offense. 1789

(e) When imposing a sentence pursuant to division (D)(2)(a) 1790  
or (b) of this section, the court shall state its findings 1791  
explaining the imposed sentence. 1792

(3)(a) Except when an offender commits a violation of section 1793  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1794  
the violation is life imprisonment or commits a violation of 1795  
section 2903.02 of the Revised Code, if the offender commits a 1796  
violation of section 2925.03 or 2925.11 of the Revised Code and 1797  
that section classifies the offender as a major drug offender and 1798  
requires the imposition of a ten-year prison term on the offender, 1799  
if the offender commits a felony violation of section 2925.02, 1800  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1801  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1802

division (C) of section 4729.51, or division (J) of section 1803  
4729.54 of the Revised Code that includes the sale, offer to sell, 1804  
or possession of a schedule I or II controlled substance, with the 1805  
exception of marihuana, and the court imposing sentence upon the 1806  
offender finds that the offender is guilty of a specification of 1807  
the type described in section 2941.1410 of the Revised Code 1808  
charging that the offender is a major drug offender, if the court 1809  
imposing sentence upon an offender for a felony finds that the 1810  
offender is guilty of corrupt activity with the most serious 1811  
offense in the pattern of corrupt activity being a felony of the 1812  
first degree, or if the offender is guilty of an attempted 1813  
violation of section 2907.02 of the Revised Code and, had the 1814  
offender completed the violation of section 2907.02 of the Revised 1815  
Code that was attempted, the offender would have been subject to a 1816  
sentence of life imprisonment or life imprisonment without parole 1817  
for the violation of section 2907.02 of the Revised Code, the 1818  
court shall impose upon the offender for the felony violation a 1819  
ten-year prison term that cannot be reduced pursuant to section 1820  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1821

(b) The court imposing a prison term on an offender under 1822  
division (D)(3)(a) of this section may impose an additional prison 1823  
term of one, two, three, four, five, six, seven, eight, nine, or 1824  
ten years, if the court, with respect to the term imposed under 1825  
division (D)(3)(a) of this section and, if applicable, divisions 1826  
(D)(1) and (2) of this section, makes both of the findings set 1827  
forth in divisions (D)(2)~~(b)(i)~~(a)(iv) and ~~(i)~~(v) of this 1828  
section. 1829

(4) If the offender is being sentenced for a third or fourth 1830  
degree felony OVI offense under division (G)(2) of section 2929.13 1831  
of the Revised Code, the sentencing court shall impose upon the 1832  
offender a mandatory prison term in accordance with that division. 1833  
In addition to the mandatory prison term, if the offender is being 1834

1835 sentenced for a fourth degree felony OVI offense, the court,  
1836 notwithstanding division (A)(4) of this section, may sentence the  
1837 offender to a definite prison term of not less than six months and  
1838 not more than thirty months, and if the offender is being  
1839 sentenced for a third degree felony OVI offense, the sentencing  
1840 court may sentence the offender to an additional prison term of  
1841 any duration specified in division (A)(3) of this section. In  
1842 either case, the additional prison term imposed shall be reduced  
1843 by the sixty or one hundred twenty days imposed upon the offender  
1844 as the mandatory prison term. The total of the additional prison  
1845 term imposed under division (D)(4) of this section plus the sixty  
1846 or one hundred twenty days imposed as the mandatory prison term  
1847 shall equal a definite term in the range of six months to thirty  
1848 months for a fourth degree felony OVI offense and shall equal one  
1849 of the authorized prison terms specified in division (A)(3) of  
1850 this section for a third degree felony OVI offense. If the court  
1851 imposes an additional prison term under division (D)(4) of this  
1852 section, the offender shall serve the additional prison term after  
1853 the offender has served the mandatory prison term required for the  
1854 offense. In addition to the mandatory prison term or mandatory and  
1855 additional prison term imposed as described in division (D)(4) of  
1856 this section, the court also may sentence the offender to a  
1857 community control sanction under section 2929.16 or 2929.17 of the  
1858 Revised Code, but the offender shall serve all of the prison terms  
1859 so imposed prior to serving the community control sanction.

1860 If the offender is being sentenced for a fourth degree felony  
1861 OVI offense under division (G)(1) of section 2929.13 of the  
1862 Revised Code and the court imposes a mandatory term of local  
1863 incarceration, the court may impose a prison term as described in  
1864 division (A)(1) of that section.

1865 (5) If an offender is convicted of or pleads guilty to a  
1866 violation of division (A)(1) or (2) of section 2903.06 of the

Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1414 of the  
Revised Code that charges that the victim of the offense is a  
peace officer, as defined in section 2935.01 of the Revised Code,  
the court shall impose on the offender a prison term of five  
years. If a court imposes a prison term on an offender under  
division (D)(5) of this section, the prison term shall not be  
reduced pursuant to section 2929.20, section 2967.193, or any  
other provision of Chapter 2967. or Chapter 5120. of the Revised  
Code. A court shall not impose more than one prison term on an  
offender under division (D)(5) of this section for felonies  
committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1415 of the  
Revised Code that charges that the offender previously has been  
convicted of or pleaded guilty to three or more violations of  
division (A) or (B) of section 4511.19 of the Revised Code or an  
equivalent offense, as defined in section 2941.1415 of the Revised  
Code, or three or more violations of any combination of those  
divisions and offenses, the court shall impose on the offender a  
prison term of three years. If a court imposes a prison term on an  
offender under division (D)(6) of this section, the prison term  
shall not be reduced pursuant to section 2929.20, section  
2967.193, or any other provision of Chapter 2967. or Chapter 5120.  
of the Revised Code. A court shall not impose more than one prison  
term on an offender under division (D)(6) of this section for  
felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a  
mandatory prison term is imposed upon an offender pursuant to  
division (D)(1)(a) of this section for having a firearm on or

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

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

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

upon the offender. 1931

(2) If an offender who is an inmate in a jail, prison, or 1932  
other residential detention facility violates section 2917.02, 1933  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1934  
who is under detention at a detention facility commits a felony 1935  
violation of section 2923.131 of the Revised Code, or if an 1936  
offender who is an inmate in a jail, prison, or other residential 1937  
detention facility or is under detention at a detention facility 1938  
commits another felony while the offender is an escapee in 1939  
violation of section 2921.34 of the Revised Code, any prison term 1940  
imposed upon the offender for one of those violations shall be 1941  
served by the offender consecutively to the prison term or term of 1942  
imprisonment the offender was serving when the offender committed 1943  
that offense and to any other prison term previously or 1944  
subsequently imposed upon the offender. 1945

(3) If a prison term is imposed for a violation of division 1946  
(B) of section 2911.01 of the Revised Code, a violation of 1947  
division (A) of section 2913.02 of the Revised Code in which the 1948  
stolen property is a firearm or dangerous ordnance, or a felony 1949  
violation of division (B) of section 2921.331 of the Revised Code, 1950  
the offender shall serve that prison term consecutively to any 1951  
other prison term or mandatory prison term previously or 1952  
subsequently imposed upon the offender. 1953

(4) If multiple prison terms are imposed on an offender for 1954  
convictions of multiple offenses, the court may require the 1955  
offender to serve the prison terms consecutively if the court 1956  
finds that the consecutive service is necessary to protect the 1957  
public from future crime or to punish the offender and that 1958  
consecutive sentences are not disproportionate to the seriousness 1959  
of the offender's conduct and to the danger the offender poses to 1960  
the public, and if the court also finds any of the following: 1961



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

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

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

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

(6) When consecutive prison terms are imposed pursuant to

division (E)(1), (2), (3), (4), or (5) of this section, the term 1993  
to be served is the aggregate of all of the terms so imposed. 1994

(F) If a court imposes a prison term of a type described in 1995  
division (B) of section 2967.28 of the Revised Code, it shall 1996  
include in the sentence a requirement that the offender be subject 1997  
to a period of post-release control after the offender's release 1998  
from imprisonment, in accordance with that division. If a court 1999  
imposes a prison term of a type described in division (C) of that 2000  
section, it shall include in the sentence a requirement that the 2001  
offender be subject to a period of post-release control after the 2002  
offender's release from imprisonment, in accordance with that 2003  
division, if the parole board determines that a period of 2004  
post-release control is necessary. 2005

(G) If a person is convicted of or pleads guilty to a violent 2006  
sex offense or a designated homicide, assault, or kidnapping 2007  
offense and, in relation to that offense, the offender is 2008  
adjudicated a sexually violent predator, the court shall impose 2009  
sentence upon the offender in accordance with section 2971.03 of 2010  
the Revised Code, and Chapter 2971. of the Revised Code applies 2011  
regarding the prison term or term of life imprisonment without 2012  
parole imposed upon the offender and the service of that term of 2013  
imprisonment. 2014

(H) If a person who has been convicted of or pleaded guilty 2015  
to a felony is sentenced to a prison term or term of imprisonment 2016  
under this section, sections 2929.02 to 2929.06 of the Revised 2017  
Code, section 2971.03 of the Revised Code, or any other provision 2018  
of law, section 5120.163 of the Revised Code applies regarding the 2019  
person while the person is confined in a state correctional 2020  
institution. 2021

(I) If an offender who is convicted of or pleads guilty to a 2022  
felony that is an offense of violence also is convicted of or 2023

pleads guilty to a specification of the type described in section 2024  
2941.142 of the Revised Code that charges the offender with having 2025  
committed the felony while participating in a criminal gang, the 2026  
court shall impose upon the offender an additional prison term of 2027  
one, two, or three years. 2028

(J) If an offender who is convicted of or pleads guilty to 2029  
aggravated murder, murder, or a felony of the first, second, or 2030  
third degree that is an offense of violence also is convicted of 2031  
or pleads guilty to a specification of the type described in 2032  
section 2941.143 of the Revised Code that charges the offender 2033  
with having committed the offense in a school safety zone or 2034  
towards a person in a school safety zone, the court shall impose 2035  
upon the offender an additional prison term of two years. The 2036  
offender shall serve the additional two years consecutively to and 2037  
prior to the prison term imposed for the underlying offense. 2038

(K) At the time of sentencing, the court may recommend the 2039  
offender for placement in a program of shock incarceration under 2040  
section 5120.031 of the Revised Code or for placement in an 2041  
intensive program prison under section 5120.032 of the Revised 2042  
Code, disapprove placement of the offender in a program of shock 2043  
incarceration or an intensive program prison of that nature, or 2044  
make no recommendation on placement of the offender. In no case 2045  
shall the department of rehabilitation and correction place the 2046  
offender in a program or prison of that nature unless the 2047  
department determines as specified in section 5120.031 or 5120.032 2048  
of the Revised Code, whichever is applicable, that the offender is 2049  
eligible for the placement. 2050

If the court disapproves placement of the offender in a 2051  
program or prison of that nature, the department of rehabilitation 2052  
and correction shall not place the offender in any program of 2053  
shock incarceration or intensive program prison. 2054

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

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

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

**Sec. 2941.149.** (A) The determination by a court that an offender is a repeat violent offender is precluded unless the indictment, count in the indictment, or information charging the offender specifies that the offender is a repeat violent offender.

The specification shall be stated at the end of the body of the indictment, count, or information, and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender is a repeat violent offender)."

(B) The court shall determine the issue of whether an offender is a repeat violent offender.

(C) At the arraignment of the defendant or as soon thereafter as is practicable, the prosecuting attorney may give notice to the defendant of the prosecuting attorney's intention to use a certified copy of the entry of judgment of a prior conviction as proof of that prior conviction. The defendant must then give notice to the prosecuting attorney of the defendant's intention to object to the use of the entry of judgment. If the defendant pursuant to Criminal Rule 12 does not give notice of that intention to the prosecuting attorney before trial, the defendant waives the objection to the use of an entry of judgment as proof of the defendant's prior conviction, as shown on the entry of judgment.

(D) As used in this section, "repeat violent offender" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 2953.08.** (A) In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds:

(1) The sentence consisted of or included the maximum prison term allowed for the offense by division (A) of section 2929.14 of

the Revised Code, the sentence was not imposed pursuant to 2116  
division (D)(3)(b) of section 2929.14 of the Revised Code, the 2117  
maximum prison term was not required for the offense pursuant to 2118  
Chapter 2925. or any other provision of the Revised Code, and the 2119  
court imposed the sentence under one of the following 2120  
circumstances: 2121

(a) The sentence was imposed for only one offense. 2122

(b) The sentence was imposed for two or more offenses arising 2123  
out of a single incident, and the court imposed the maximum prison 2124  
term for the offense of the highest degree. 2125

(2) The sentence consisted of or included a prison term, the 2126  
offense for which it was imposed is a felony of the fourth or 2127  
fifth degree or is a felony drug offense that is a violation of a 2128  
provision of Chapter 2925. of the Revised Code and that is 2129  
specified as being subject to division (B) of section 2929.13 of 2130  
the Revised Code for purposes of sentencing, and the court did not 2131  
specify at sentencing that it found one or more factors specified 2132  
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 2133  
Code to apply relative to the defendant. If the court specifies 2134  
that it found one or more of those factors to apply relative to 2135  
the defendant, the defendant is not entitled under this division 2136  
to appeal as a matter of right the sentence imposed upon the 2137  
offender. 2138

(3) The person was convicted of or pleaded guilty to a 2139  
violent sex offense or a designated homicide, assault, or 2140  
kidnapping offense, was adjudicated a sexually violent predator in 2141  
relation to that offense, and was sentenced pursuant to division 2142  
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 2143  
of the indefinite term imposed pursuant to division (A)(3) of 2144  
section 2971.03 of the Revised Code is the longest term available 2145  
for the offense from among the range of terms listed in section 2146

2929.14 of the Revised Code. As used in this division, "designated  
homicide, assault, or kidnapping offense" and "violent sex  
offense" have the same meanings as in section 2971.01 of the  
Revised Code. As used in this division, "adjudicated a sexually  
violent predator" has the same meaning as in section 2929.01 of  
the Revised Code, and a person is "adjudicated a sexually violent  
predator" in the same manner and the same circumstances as are  
described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of  
ten years imposed pursuant to division (D)(2)~~(b)~~(a) of section  
2929.14 of the Revised Code.

(6) The sentence consisted of an additional prison term of  
ten years imposed pursuant to division (D)(3)(b) of section  
2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as  
provided in division (D) of this section, a prosecuting attorney,  
a city director of law, village solicitor, or similar chief legal  
officer of a municipal corporation, or the attorney general, if  
one of those persons prosecuted the case, may appeal as a matter  
of right a sentence imposed upon a defendant who is convicted of  
or pleads guilty to a felony or, in the circumstances described in  
division (B)(3) of this section the modification of a sentence  
imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a  
presumption favoring a prison term for the offense for which it  
was imposed, as set forth in section 2929.13 or Chapter 2925. of  
the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of

the Revised Code of a sentence that was imposed for a felony of  
the first or second degree.

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(C)(1) In addition to the right to appeal a sentence granted  
under division (A) or (B) of this section, a defendant who is  
convicted of or pleads guilty to a felony may seek leave to appeal  
a sentence imposed upon the defendant on the basis that the  
sentencing judge has imposed consecutive sentences under division  
(E)(3) or (4) of section 2929.14 of the Revised Code and that the  
consecutive sentences exceed the maximum prison term allowed by  
division (A) of that section for the most serious offense of which  
the defendant was convicted. Upon the filing of a motion under  
this division, the court of appeals may grant leave to appeal the  
sentence if the court determines that the allegation included as  
the basis of the motion is true.

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(2) A defendant may seek leave to appeal an additional  
sentence imposed upon the defendant pursuant to division (D)(2)(a)  
or (b) of section 2929.14 of the Revised Code if the additional  
sentence is for a definite prison term that is longer than five  
years.

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(D)(1) A sentence imposed upon a defendant is not subject to  
review under this section if the sentence is authorized by law,  
has been recommended jointly by the defendant and the prosecution  
in the case, and is imposed by a sentencing judge.

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(2) Except as provided in division (C)(2) of this section, a  
sentence imposed upon a defendant is not subject to review under  
this section if the sentence is imposed pursuant to division  
(D)(2)(b) of section 2929.14 of the Revised Code. Except as  
otherwise provided in this division, a defendant retains all  
rights to appeal as provided under this chapter or any other  
provision of the Revised Code. A defendant has the right to appeal  
under this chapter or any other provision of the Revised Code the

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court's application of division (D)(2)(c) of section 2929.14 of 2208  
the Revised Code. 2209

(3) A sentence imposed for aggravated murder or murder 2210  
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 2211  
subject to review under this section. 2212

(E) A defendant, prosecuting attorney, city director of law, 2213  
village solicitor, or chief municipal legal officer shall file an 2214  
appeal of a sentence under this section to a court of appeals 2215  
within the time limits specified in Rule 4(B) of the Rules of 2216  
Appellate Procedure, provided that if the appeal is pursuant to 2217  
division (B)(3) of this section, the time limits specified in that 2218  
rule shall not commence running until the court grants the motion 2219  
that makes the sentence modification in question. A sentence 2220  
appeal under this section shall be consolidated with any other 2221  
appeal in the case. If no other appeal is filed, the court of 2222  
appeals may review only the portions of the trial record that 2223  
pertain to sentencing. 2224

(F) On the appeal of a sentence under this section, the 2225  
record to be reviewed shall include all of the following, as 2226  
applicable: 2227

(1) Any presentence, psychiatric, or other investigative 2228  
report that was submitted to the court in writing before the 2229  
sentence was imposed. An appellate court that reviews a 2230  
presentence investigation report prepared pursuant to section 2231  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 2232  
connection with the appeal of a sentence under this section shall 2233  
comply with division (D)(3) of section 2951.03 of the Revised Code 2234  
when the appellate court is not using the presentence 2235  
investigation report, and the appellate court's use of a 2236  
presentence investigation report of that nature in connection with 2237  
the appeal of a sentence under this section does not affect the 2238

otherwise confidential character of the contents of that report as 2239  
described in division (D)(1) of section 2951.03 of the Revised 2240  
Code and does not cause that report to become a public record, as 2241  
defined in section 149.43 of the Revised Code, following the 2242  
appellate court's use of the report. 2243

(2) The trial record in the case in which the sentence was 2244  
imposed; 2245

(3) Any oral or written statements made to or by the court at 2246  
the sentencing hearing at which the sentence was imposed; 2247

(4) Any written findings that the court was required to make 2248  
in connection with the modification of the sentence pursuant to a 2249  
judicial release under division (H) of section 2929.20 of the 2250  
Revised Code. 2251

(G)(1) If the sentencing court was required to make the 2252  
findings required by division (B) or (D) of section 2929.13, 2253  
division (D)(2)(e) or (E)(4) of section 2929.14, or division (H) 2254  
of section 2929.20 of the Revised Code relative to the imposition 2255  
or modification of the sentence, and if the sentencing court 2256  
failed to state the required findings on the record, the court 2257  
hearing an appeal under division (A), (B), or (C) of this section 2258  
shall remand the case to the sentencing court and instruct the 2259  
sentencing court to state, on the record, the required findings. 2260

(2) The court hearing an appeal under division (A), (B), or 2261  
(C) of this section shall review the record, including the 2262  
findings underlying the sentence or modification given by the 2263  
sentencing court. 2264

The appellate court may increase, reduce, or otherwise modify 2265  
a sentence that is appealed under this section or may vacate the 2266  
sentence and remand the matter to the sentencing court for 2267  
resentencing. The appellate court's standard for review is not 2268  
whether the sentencing court abused its discretion. The appellate 2269

court may take any action authorized by this division if it 2270  
clearly and convincingly finds either of the following: 2271

(a) That the record does not support the sentencing court's 2272  
findings under division (B) or (D) of section 2929.13, division 2273  
(D)(2)(e) or (E)(4) of section 2929.14, or division (H) of section 2274  
2929.20 of the Revised Code, whichever, if any, is relevant; 2275

(b) That the sentence is otherwise contrary to law. 2276

(H) A judgment or final order of a court of appeals under 2277  
this section may be appealed, by leave of court, to the supreme 2278  
court. 2279

(I)(1) There is hereby established the felony sentence appeal 2280  
cost oversight committee, consisting of eight members. One member 2281  
shall be the chief justice of the supreme court or a 2282  
representative of the court designated by the chief justice, one 2283  
member shall be a member of the senate appointed by the president 2284  
of the senate, one member shall be a member of the house of 2285  
representatives appointed by the speaker of the house of 2286  
representatives, one member shall be the director of budget and 2287  
management or a representative of the office of budget and 2288  
management designated by the director, one member shall be a judge 2289  
of a court of appeals, court of common pleas, municipal court, or 2290  
county court appointed by the chief justice of the supreme court, 2291  
one member shall be the state public defender or a representative 2292  
of the office of the state public defender designated by the state 2293  
public defender, one member shall be a prosecuting attorney 2294  
appointed by the Ohio prosecuting attorneys association, and one 2295  
member shall be a county commissioner appointed by the county 2296  
commissioners association of Ohio. No more than three of the 2297  
appointed members of the committee may be members of the same 2298  
political party. 2299

The president of the senate, the speaker of the house of 2300

representatives, the chief justice of the supreme court, the Ohio  
prosecuting attorneys association, and the county commissioners  
association of Ohio shall make the initial appointments to the  
committee of the appointed members no later than ninety days after  
July 1, 1996. Of those initial appointments to the committee, the  
members appointed by the speaker of the house of representatives  
and the Ohio prosecuting attorneys association shall serve a term  
ending two years after July 1, 1996, the member appointed by the  
chief justice of the supreme court shall serve a term ending three  
years after July 1, 1996, and the members appointed by the  
president of the senate and the county commissioners association  
of Ohio shall serve terms ending four years after July 1, 1996.  
Thereafter, terms of office of the appointed members shall be for  
four years, with each term ending on the same day of the same  
month as did the term that it succeeds. Members may be  
reappointed. Vacancies shall be filled in the same manner provided  
for original appointments. A member appointed to fill a vacancy  
occurring prior to the expiration of the term for which that  
member's predecessor was appointed shall hold office as a member  
for the remainder of the predecessor's term. An appointed member  
shall continue in office subsequent to the expiration date of that  
member's term until that member's successor takes office or until  
a period of sixty days has elapsed, whichever occurs first.

If the chief justice of the supreme court, the director of  
the office of budget and management, or the state public defender  
serves as a member of the committee, that person's term of office  
as a member shall continue for as long as that person holds office  
as chief justice, director of the office of budget and management,  
or state public defender. If the chief justice of the supreme  
court designates a representative of the court to serve as a  
member, the director of budget and management designates a  
representative of the office of budget and management to serve as

a member, or the state public defender designates a representative 2333  
of the office of the state public defender to serve as a member, 2334  
the person so designated shall serve as a member of the commission 2335  
for as long as the official who made the designation holds office 2336  
as chief justice, director of the office of budget and management, 2337  
or state public defender or until that official revokes the 2338  
designation. 2339

The chief justice of the supreme court or the representative 2340  
of the supreme court appointed by the chief justice shall serve as 2341  
chairperson of the committee. The committee shall meet within two 2342  
weeks after all appointed members have been appointed and shall 2343  
organize as necessary. Thereafter, the committee shall meet at 2344  
least once every six months or more often upon the call of the 2345  
chairperson or the written request of three or more members, 2346  
provided that the committee shall not meet unless moneys have been 2347  
appropriated to the judiciary budget administered by the supreme 2348  
court specifically for the purpose of providing financial 2349  
assistance to counties under division (I)(2) of this section and 2350  
the moneys so appropriated then are available for that purpose. 2351

The members of the committee shall serve without 2352  
compensation, but, if moneys have been appropriated to the 2353  
judiciary budget administered by the supreme court specifically 2354  
for the purpose of providing financial assistance to counties 2355  
under division (I)(2) of this section, each member shall be 2356  
reimbursed out of the moneys so appropriated that then are 2357  
available for actual and necessary expenses incurred in the 2358  
performance of official duties as a committee member. 2359

(2) The state criminal sentencing commission periodically 2360  
shall provide to the felony sentence appeal cost oversight 2361  
committee all data the commission collects pursuant to division 2362  
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 2363  
data from the state criminal sentencing commission, the felony 2364

sentence appeal cost oversight committee periodically shall review 2365  
the data; determine whether any money has been appropriated to the 2366  
judiciary budget administered by the supreme court specifically 2367  
for the purpose of providing state financial assistance to 2368  
counties in accordance with this division for the increase in 2369  
expenses the counties experience as a result of the felony 2370  
sentence appeal provisions set forth in this section or as a 2371  
result of a postconviction relief proceeding brought under 2372  
division (A)(2) of section 2953.21 of the Revised Code or an 2373  
appeal of a judgment in that proceeding; if it determines that any 2374  
money has been so appropriated, determine the total amount of 2375  
moneys that have been so appropriated specifically for that 2376  
purpose and that then are available for that purpose; and develop 2377  
a recommended method of distributing those moneys to the counties. 2378  
The committee shall send a copy of its recommendation to the 2379  
supreme court. Upon receipt of the committee's recommendation, the 2380  
supreme court shall distribute to the counties, based upon that 2381  
recommendation, the moneys that have been so appropriated 2382  
specifically for the purpose of providing state financial 2383  
assistance to counties under this division and that then are 2384  
available for that purpose. 2385

**Sec. 3113.31.** (A) As used in this section: 2386

(1) "Domestic violence" means the occurrence of one or more 2387  
of the following acts against a family or household member: 2388

(a) Attempting to cause or recklessly causing bodily injury; 2389

(b) Placing another person by the threat of force in fear of 2390  
imminent serious physical harm or committing a violation of 2391  
section 2903.211 or 2911.211 of the Revised Code; 2392

(c) Committing any act with respect to a child that would 2393  
result in the child being an abused child, as defined in section 2394

2151.031 of the Revised Code.	2395
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.	2396 2397 2398 2399
(3) "Family or household member" means any of the following:	2400
(a) Any of the following who is residing with or has resided with the respondent:	2401 2402
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2403 2404
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	2405 2406
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	2407 2408 2409 2410
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	2411 2412
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	2413 2414 2415 2416 2417 2418
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	2419 2420
<u>(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.</u>	2421 2422
(B) The court has jurisdiction over all proceedings under	2423

this section. The petitioner's right to relief under this section 2424  
is not affected by the petitioner's leaving the residence or 2425  
household to avoid further domestic violence. 2426

(C) A person may seek relief under this section on the 2427  
person's own behalf, or any parent or adult household member may 2428  
seek relief under this section on behalf of any other family or 2429  
household member, by filing a petition with the court. The 2430  
petition shall contain or state: 2431

(1) An allegation that the respondent engaged in domestic 2432  
violence against a family or household member of the respondent, 2433  
including a description of the nature and extent of the domestic 2434  
violence, or committed a sexually oriented offense against the 2435  
petitioner or the victim if other than the petitioner; 2436

(2) The relationship of the respondent to the petitioner, and 2437  
to the victim if other than the petitioner; 2438

(3) A request for relief under this section. 2439

(D)(1) If a person who files a petition pursuant to this 2440  
section requests an ex parte order, the court shall hold an ex 2441  
parte hearing on the same day that the petition is filed. The 2442  
court, for good cause shown at the ex parte hearing, may enter any 2443  
temporary orders, with or without bond, including, but not limited 2444  
to, an order described in division (E)(1)(a), (b), or (c) of this 2445  
section, that the court finds necessary to protect the family or 2446  
household member from domestic violence or to protect the 2447  
petitioner or victim from a sexually oriented offense. Immediate 2448  
and present danger of domestic violence to the family or household 2449  
member or of a sexually oriented offense to the petitioner or 2450  
victim constitutes good cause for purposes of this section. 2451  
Immediate and present danger includes, but is not limited to, 2452  
situations in which the respondent has threatened the family or 2453  
household member with bodily harm, in which the respondent has 2454



threatened the petitioner or victim with a sexually oriented 2455  
offense, or in which the respondent previously has been convicted 2456  
of or pleaded guilty to an offense that constitutes domestic 2457  
violence against the family or household member or a sexually 2458  
oriented offense against the petitioner or victim. 2459

(2)(a) If the court, after an ex parte hearing, issues an 2460  
order described in division (E)(1)(b) or (c) of this section, the 2461  
court shall schedule a full hearing for a date that is within 2462  
seven court days after the ex parte hearing. If any other type of 2463  
protection order that is authorized under division (E) of this 2464  
section is issued by the court after an ex parte hearing, the 2465  
court shall schedule a full hearing for a date that is within ten 2466  
court days after the ex parte hearing. The court shall give the 2467  
respondent notice of, and an opportunity to be heard at, the full 2468  
hearing. The court shall hold the full hearing on the date 2469  
scheduled under this division unless the court grants a 2470  
continuance of the hearing in accordance with this division. Under 2471  
any of the following circumstances or for any of the following 2472  
reasons, the court may grant a continuance of the full hearing to 2473  
a reasonable time determined by the court: 2474

(i) Prior to the date scheduled for the full hearing under 2475  
this division, the respondent has not been served with the 2476  
petition filed pursuant to this section and notice of the full 2477  
hearing. 2478

(ii) The parties consent to the continuance. 2479

(iii) The continuance is needed to allow a party to obtain 2480  
counsel. 2481

(iv) The continuance is needed for other good cause. 2482

(b) An ex parte order issued under this section does not 2483  
expire because of a failure to serve notice of the full hearing 2484  
upon the respondent before the date set for the full hearing under 2485

division (D)(2)(a) of this section or because the court grants a  
continuance under that division.

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

(E)(1) After an ex parte or full hearing, the court may grant  
any protection order, with or without bond, or approve any consent  
agreement to bring about a cessation of domestic violence against  
the family or household members. The order or agreement may:

(a) Direct the respondent to refrain from abusing the family  
or household members, or from committing sexually oriented  
offenses against the petitioner or victim;

(b) Grant possession of the residence or household to the  
petitioner or other family or household member, to the exclusion  
of the respondent, by evicting the respondent, when the residence  
or household is owned or leased solely by the petitioner or other  
family or household member, or by ordering the respondent to  
vacate the premises, when the residence or household is jointly  
owned or leased by the respondent, and the petitioner or other  
family or household member;

(c) When the respondent has a duty to support the petitioner  
or other family or household member living in the residence or  
household and the respondent is the sole owner or lessee of the  
residence or household, grant possession of the residence or  
household to the petitioner or other family or household member,  
to the exclusion of the respondent, by ordering the respondent to  
vacate the premises, or, in the case of a consent agreement, allow  
the respondent to provide suitable, alternative housing;

(d) Temporarily allocate parental rights and responsibilities

for the care of, or establish temporary parenting time rights with  
regard to, minor children, if no other court has determined, or is  
determining, the allocation of parental rights and  
responsibilities for the minor children or parenting time rights;

(e) Require the respondent to maintain support, if the  
respondent customarily provides for or contributes to the support  
of the family or household member, or if the respondent has a duty  
to support the petitioner or family or household member;

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

(g) Require the respondent to refrain from entering the  
residence, school, business, or place of employment of the  
petitioner or family or household member;

(h) Grant other relief that the court considers equitable and  
fair, including, but not limited to, ordering the respondent to  
permit the use of a motor vehicle by the petitioner or other  
family or household member and the apportionment of household and  
family personal property.

(2) If a protection order has been issued pursuant to this  
section in a prior action involving the respondent and the  
petitioner or one or more of the family or household members or  
victims, the court may include in a protection order that it  
issues a prohibition against the respondent returning to the  
residence or household. If it includes a prohibition against the  
respondent returning to the residence or household in the order,  
it also shall include in the order provisions of the type  
described in division (E)(7) of this section. This division does  
not preclude the court from including in a protection order or  
consent agreement, in circumstances other than those described in  
this division, a requirement that the respondent be evicted from  
or vacate the residence or household or refrain from entering the

residence, school, business, or place of employment of the 2548  
petitioner or a family or household member, and, if the court 2549  
includes any requirement of that type in an order or agreement, 2550  
the court also shall include in the order provisions of the type 2551  
described in division (E)(7) of this section. 2552

(3)(a) Any protection order issued or consent agreement 2553  
approved under this section shall be valid until a date certain, 2554  
but not later than five years from the date of its issuance or 2555  
approval. 2556

(b) Subject to the limitation on the duration of an order or 2557  
agreement set forth in division (E)(3)(a) of this section, any 2558  
order under division (E)(1)(d) of this section shall terminate on 2559  
the date that a court in an action for divorce, dissolution of 2560  
marriage, or legal separation brought by the petitioner or 2561  
respondent issues an order allocating parental rights and 2562  
responsibilities for the care of children or on the date that a 2563  
juvenile court in an action brought by the petitioner or 2564  
respondent issues an order awarding legal custody of minor 2565  
children. Subject to the limitation on the duration of an order or 2566  
agreement set forth in division (E)(3)(a) of this section, any 2567  
order under division (E)(1)(e) of this section shall terminate on 2568  
the date that a court in an action for divorce, dissolution of 2569  
marriage, or legal separation brought by the petitioner or 2570  
respondent issues a support order or on the date that a juvenile 2571  
court in an action brought by the petitioner or respondent issues 2572  
a support order. 2573

(c) Any protection order issued or consent agreement approved 2574  
pursuant to this section may be renewed in the same manner as the 2575  
original order or agreement was issued or approved. 2576

(4) A court may not issue a protection order that requires a 2577  
petitioner to do or to refrain from doing an act that the court 2578  
may require a respondent to do or to refrain from doing under 2579

division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this	2580
section unless all of the following apply:	2581
(a) The respondent files a separate petition for a protection	2582
order in accordance with this section.	2583
(b) The petitioner is served notice of the respondent's	2584
petition at least forty-eight hours before the court holds a	2585
hearing with respect to the respondent's petition, or the	2586
petitioner waives the right to receive this notice.	2587
(c) If the petitioner has requested an ex parte order	2588
pursuant to division (D) of this section, the court does not delay	2589
any hearing required by that division beyond the time specified in	2590
that division in order to consolidate the hearing with a hearing	2591
on the petition filed by the respondent.	2592
(d) After a full hearing at which the respondent presents	2593
evidence in support of the request for a protection order and the	2594
petitioner is afforded an opportunity to defend against that	2595
evidence, the court determines that the petitioner has committed	2596
an act of domestic violence or has violated a temporary protection	2597
order issued pursuant to section 2919.26 of the Revised Code, that	2598
both the petitioner and the respondent acted primarily as	2599
aggressors, and that neither the petitioner nor the respondent	2600
acted primarily in self-defense.	2601
(5) No protection order issued or consent agreement approved	2602
under this section shall in any manner affect title to any real	2603
property.	2604
(6)(a) If a petitioner, or the child of a petitioner, who	2605
obtains a protection order or consent agreement pursuant to	2606
division (E)(1) of this section or a temporary protection order	2607
pursuant to section 2919.26 of the Revised Code and is the subject	2608
of a parenting time order issued pursuant to section 3109.051 or	2609
3109.12 of the Revised Code or a visitation or companionship order	2610

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

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

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

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

(7)(a) If a protection order issued or consent agreement  
approved under this section includes a requirement that the  
respondent be evicted from or vacate the residence or household or  
refrain from entering the residence, school, business, or place of  
employment of the petitioner or a family or household member, the  
order or agreement shall state clearly that the order or agreement  
cannot be waived or nullified by an invitation to the respondent  
from the petitioner or other family or household member to enter  
the residence, school, business, or place of employment or by the  
respondent's entry into one of those places otherwise upon the  
consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any  
discretion of a court to determine that a respondent charged with  
a violation of section 2919.27 of the Revised Code, with a  
violation of a municipal ordinance substantially equivalent to

that section, or with contempt of court, which charge is based on 2642  
an alleged violation of a protection order issued or consent 2643  
agreement approved under this section, did not commit the 2644  
violation or was not in contempt of court. 2645

(F)(1) A copy of any protection order, or consent agreement, 2646  
that is issued or approved under this section shall be issued by 2647  
the court to the petitioner, to the respondent, and to all law 2648  
enforcement agencies that have jurisdiction to enforce the order 2649  
or agreement. The court shall direct that a copy of an order be 2650  
delivered to the respondent on the same day that the order is 2651  
entered. 2652

(2) All law enforcement agencies shall establish and maintain 2653  
an index for the protection orders and the approved consent 2654  
agreements delivered to the agencies pursuant to division (F)(1) 2655  
of this section. With respect to each order and consent agreement 2656  
delivered, each agency shall note on the index the date and time 2657  
that it received the order or consent agreement. 2658

(3) Regardless of whether the petitioner has registered the 2659  
order or agreement in the county in which the officer's agency has 2660  
jurisdiction pursuant to division (N) of this section, any officer 2661  
of a law enforcement agency shall enforce a protection order 2662  
issued or consent agreement approved by any court in this state in 2663  
accordance with the provisions of the order or agreement, 2664  
including removing the respondent from the premises, if 2665  
appropriate. 2666

(G) Any proceeding under this section shall be conducted in 2667  
accordance with the Rules of Civil Procedure, except that an order 2668  
under this section may be obtained with or without bond. An order 2669  
issued under this section, other than an ex parte order, that 2670  
grants a protection order or approves a consent agreement, or that 2671  
refuses to grant a protection order or approve a consent 2672

agreement, is a final, appealable order. The remedies and 2673  
procedures provided in this section are in addition to, and not in 2674  
lieu of, any other available civil or criminal remedies. 2675

(H) The filing of proceedings under this section does not 2676  
excuse a person from filing any report or giving any notice 2677  
required by section 2151.421 of the Revised Code or by any other 2678  
law. When a petition under this section alleges domestic violence 2679  
against minor children, the court shall report the fact, or cause 2680  
reports to be made, to a county, township, or municipal peace 2681  
officer under section 2151.421 of the Revised Code. 2682

(I) Any law enforcement agency that investigates a domestic 2683  
dispute shall provide information to the family or household 2684  
members involved regarding the relief available under this section 2685  
and section 2919.26 of the Revised Code. 2686

(J) Notwithstanding any provision of law to the contrary and 2687  
regardless of whether a protection order is issued or a consent 2688  
agreement is approved by a court of another county or a court of 2689  
another state, no court or unit of state or local government shall 2690  
charge any fee, cost, deposit, or money in connection with the 2691  
filing of a petition pursuant to this section or in connection 2692  
with the filing, issuance, registration, or service of a 2693  
protection order or consent agreement, or for obtaining a 2694  
certified copy of a protection order or consent agreement. 2695

(K)(1) The court shall comply with Chapters 3119., 3121., 2696  
3123., and 3125. of the Revised Code when it makes or modifies an 2697  
order for child support under this section. 2698

(2) If any person required to pay child support under an 2699  
order made under this section on or after April 15, 1985, or 2700  
modified under this section on or after December 31, 1986, is 2701  
found in contempt of court for failure to make support payments 2702  
under the order, the court that makes the finding, in addition to 2703



any other penalty or remedy imposed, shall assess all court costs 2704  
arising out of the contempt proceeding against the person and 2705  
require the person to pay any reasonable attorney's fees of any 2706  
adverse party, as determined by the court, that arose in relation 2707  
to the act of contempt. 2708

(L)(1) A person who violates a protection order issued or a 2709  
consent agreement approved under this section is subject to the 2710  
following sanctions: 2711

(a) Criminal prosecution for a violation of section 2919.27 2712  
of the Revised Code, if the violation of the protection order or 2713  
consent agreement constitutes a violation of that section; 2714

(b) Punishment for contempt of court. 2715

(2) The punishment of a person for contempt of court for 2716  
violation of a protection order issued or a consent agreement 2717  
approved under this section does not bar criminal prosecution of 2718  
the person for a violation of section 2919.27 of the Revised Code. 2719  
However, a person punished for contempt of court is entitled to 2720  
credit for the punishment imposed upon conviction of a violation 2721  
of that section, and a person convicted of a violation of that 2722  
section shall not subsequently be punished for contempt of court 2723  
arising out of the same activity. 2724

(M) In all stages of a proceeding under this section, a 2725  
petitioner may be accompanied by a victim advocate. 2726

(N)(1) A petitioner who obtains a protection order or consent 2727  
agreement under this section or a temporary protection order under 2728  
section 2919.26 of the Revised Code may provide notice of the 2729  
issuance or approval of the order or agreement to the judicial and 2730  
law enforcement officials in any county other than the county in 2731  
which the order is issued or the agreement is approved by 2732  
registering that order or agreement in the other county pursuant 2733  
to division (N)(2) of this section and filing a copy of the 2734

registered order or registered agreement with a law enforcement 2735  
agency in the other county in accordance with that division. A 2736  
person who obtains a protection order issued by a court of another 2737  
state may provide notice of the issuance of the order to the 2738  
judicial and law enforcement officials in any county of this state 2739  
by registering the order in that county pursuant to section 2740  
2919.272 of the Revised Code and filing a copy of the registered 2741  
order with a law enforcement agency in that county. 2742

(2) A petitioner may register a temporary protection order, 2743  
protection order, or consent agreement in a county other than the 2744  
county in which the court that issued the order or approved the 2745  
agreement is located in the following manner: 2746

(a) The petitioner shall obtain a certified copy of the order 2747  
or agreement from the clerk of the court that issued the order or 2748  
approved the agreement and present that certified copy to the 2749  
clerk of the court of common pleas or the clerk of a municipal 2750  
court or county court in the county in which the order or 2751  
agreement is to be registered. 2752

(b) Upon accepting the certified copy of the order or 2753  
agreement for registration, the clerk of the court of common 2754  
pleas, municipal court, or county court shall place an endorsement 2755  
of registration on the order or agreement and give the petitioner 2756  
a copy of the order or agreement that bears that proof of 2757  
registration. 2758

(3) The clerk of each court of common pleas, the clerk of 2759  
each municipal court, and the clerk of each county court shall 2760  
maintain a registry of certified copies of temporary protection 2761  
orders, protection orders, or consent agreements that have been 2762  
issued or approved by courts in other counties and that have been 2763  
registered with the clerk. 2764

**Section 2.** That existing sections 2152.17, 2901.08, 2903.11, 2765

2907.01, 2907.03, 2907.05, 2919.26, 2929.01, 2929.13, 2929.14,	2766
2941.149, 2953.08, and 3113.31 of the Revised Code are hereby	2767
repealed.	2768