

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. S. B. No. 281**

**Senators Stivers, Padgett, Mumper, Goodman, Austria, Spada, Zurz**

—

**A BILL**

To amend sections 109.761, 109.802, 2921.51, 2929.13, 1  
2929.14, and 2941.1414 to enact new section 2  
109.803, and to repeal section 109.803 of the 3  
Revised Code to mandate up to 24 hours a year of 4  
continuing professional training for peace 5  
officers and state highway patrol troopers, to 6  
provide a mechanism for the granting for a 7  
calendar year because of emergency circumstances 8  
of an extension of the time within which a peace 9  
officer or trooper must complete the required 10  
minimum number of hours of training, to establish 11  
the method by which the Attorney General 12  
reimburses the costs of training programs for 13  
peace officers and troopers of public appointing 14  
authorities, to prohibit impersonating BCII 15  
investigators, to apply the increased penalties 16  
for aggravated vehicular homicide when the victim 17  
is a peace officer to when the victim is a BCII 18  
investigator, and to make an appropriation. 19

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

**Section 1.** That sections 109.761, 109.802, 2921.51, 2929.13, 20  
2929.14, and 2941.1414 be amended and new section 109.803 of the 21

Revised Code be enacted to read as follows: 22

**Sec. 109.761.** (A)(1) Each agency or entity that appoints or 23  
employs one or more peace officers shall report to the Ohio peace 24  
officer training commission all of the following that occur on or 25  
after ~~the effective date of this section~~ February 20, 2002: 26

(a) The appointment or employment of any person to serve the 27  
agency or entity as a peace officer in any full-time, part-time, 28  
reserve, auxiliary, or other capacity; 29

(b) The termination, resignation, felony conviction, or death 30  
of any person who has been appointed to or employed by the agency 31  
or entity as a peace officer in any full-time, part-time, reserve, 32  
auxiliary, or other capacity and is serving the agency or entity 33  
in any of those peace officer capacities. 34

(2) An agency or entity shall make each report required by 35  
this division not later than ten days after the occurrence of the 36  
event being reported. The agency or entity shall make the report 37  
in the manner and format prescribed by the executive director of 38  
the Ohio peace officer training commission. 39

(B) Each agency or entity that appoints or employs one or 40  
more peace officers or state highway patrol troopers shall 41  
annually provide to the Ohio peace officer training commission a 42  
roster of all persons who have been appointed to or employed by 43  
the agency or entity as peace officers or troopers in any 44  
full-time, part-time, reserve, auxiliary, or other capacity and 45  
are serving, or during the year covered by the report have served, 46  
the agency or entity in any of those peace officer or trooper 47  
capacities. The agency or entity shall provide the roster in the 48  
manner and format, and by the date, prescribed by the executive 49  
director of the Ohio peace officer training commission. 50

(C) The Ohio peace officer training commission shall 51

prescribe the manner and format of making reports under division 52  
(A) of this section and providing annual rosters under division 53  
(B) of this section and shall prescribe the date by which the 54  
annual rosters must be provided. 55

**Sec. 109.802.** (A) There is hereby created in the state 56  
treasury the law enforcement assistance fund. The fund shall be 57  
used to pay reimbursements for ~~law enforcement~~ continuing 58  
professional training programs for peace officers and troopers as 59  
provided in this section and section 109.803 of the Revised Code, 60  
the compensation of any employees of the attorney general required 61  
to administer those sections, and any other administrative costs 62  
incurred by the attorney general to administer those sections. 63

(B) The attorney general shall adopt rules in accordance with 64  
Chapter 119. of the Revised Code establishing application 65  
procedures, standards, and guidelines, and prescribing an 66  
application form, for the reimbursement of ~~sheriffs, constables,~~ 67  
~~chiefs of police of organized municipal and township police~~ 68  
~~departments, chiefs of police of township police district police~~ 69  
~~forces, and chiefs of police of university or college police~~ 70  
~~departments for the costs of peace officer basic training~~ 71  
~~programs, advanced peace officer training programs, basic jailer~~ 72  
~~training programs, and firearms requalification programs~~ 73  
~~successfully completed by them or the peace officers under their~~ 74  
~~supervision, for the reimbursement of the superintendent of the~~ 75  
~~state highway patrol and the director of natural resources for the~~ 76  
~~costs of peace officer basic training programs, advanced peace~~ 77  
~~officer training programs, and basic jailer training programs~~ 78  
~~successfully completed by them or the peace officers under their~~ 79  
~~supervision, and for the reimbursement of the chief of the adult~~ 80  
~~parole authority and the chief probation officer of a county~~ 81  
~~probation department, multicounty probation department, and~~ 82

~~municipal court department of probation for the costs of basic~~ 83  
~~firearm training programs and firearms requalification programs~~ 84  
~~successfully completed by them or by parole or probation officers~~ 85  
~~under their supervision~~ public appointing authorities for the cost 86  
of continuing professional training programs for their peace 87  
officers and troopers. The rules shall include, but are not 88  
limited to, all of the following: 89

(1) A requirement that applications for reimbursement be 90  
submitted on a ~~fiscal~~ calendar-year basis; 91

(2) The documentation required to substantiate any costs for 92  
which the applicant seeks reimbursement; 93

(3) ~~The procedure for prorating reimbursements if the amount~~ 94  
~~of money appropriated for reimbursement for any fiscal year is not~~ 95  
~~sufficient to pay all of the costs approved for reimbursement for~~ 96  
~~that fiscal year~~ Procedures for submitting applications for 97  
reimbursement for the cost of continuing professional training 98  
programs completed by a peace officer or trooper for whom the 99  
executive director of the Ohio peace officer training commission 100  
granted pursuant to division (A)(2) of section 109.803 of the 101  
Revised Code an extension of the time for compliance with the 102  
continuing professional training requirement specified in division 103  
(A) of that section and who complied with the requirement prior to 104  
the date on which the extension ends; 105

(4) Any other requirements necessary for the proper 106  
administration of the reimbursement program. 107

(C) The Ohio peace officer training commission shall 108  
administer a program for reimbursing public appointing authorities 109  
for the costs of continuing professional training programs that 110  
are successfully completed by the appointing authority's peace 111  
officers or troopers. The commission shall administer the 112  
reimbursement program in accordance with rules adopted by the 113

attorney general pursuant to division (B) of this section. 114

~~(D) Each sheriff, constable, and chief of police of an 115  
organized municipal or township police department, township police 116  
district police force, or university or college police department 117  
public appointing authority may apply each fiscal calendar year to 118  
the peace officer training commission for reimbursement for the 119  
costs of ~~peace officer basic~~ continuing professional training 120  
programs, ~~advanced peace officer training programs, basic jailer 121  
training programs, and firearms requalification training programs 122  
that are successfully completed by the sheriff, constable, or 123  
chief or a peace officer under the sheriff's, constable's, or 124  
chief's supervision. The superintendent of the state highway 125  
patrol and the director of natural resources may apply each fiscal 126  
year to the peace officer training commission for reimbursement 127  
for the costs of peace officer basic training programs, advanced 128  
peace officer training programs, and basic jailer training 129  
programs successfully completed by the superintendent or director 130  
or the peace officers under the superintendent's or director's 131  
supervision. The chief of the adult parole authority and each 132  
chief probation officer of a county probation department, 133  
multicounty probation department, or municipal court department of 134  
probation may apply each fiscal year to the peace officer training 135  
commission for reimbursement for the costs of basic firearm 136  
training programs and firearms requalification programs 137  
successfully completed by that chief or by parole or probation 138  
officers under the chief's supervision~~ appointing authority's 139  
peace officers or troopers. Each application shall be made in 140  
accordance with, on an application form prescribed in, and be 141  
supported by the documentation required by, the rules adopted by 142  
the attorney general pursuant to division (B) of this section. 143~~

~~(D)~~(E)(1) The Ohio peace officer training commission, in 144  
accordance with rules of the attorney general adopted under 145

division (B) of this section, shall review each application for 146  
reimbursement made under division (D) of this section to determine 147  
if the applicant is entitled to reimbursement for the training 148  
programs for which the applicant seeks reimbursement. Except as 149  
provided in division (E)(2) of this section, a public appointing 150  
authority that applies under division (D) of this section for 151  
reimbursement is entitled to reimbursement only if all of the 152  
appointing authority's peace officers or troopers comply with the 153  
continuing professional training requirement specified in division 154  
(A)(1) of section 109.803 of the Revised Code by completing the 155  
minimum number of hours of training directed by the Ohio peace 156  
officer training commission under that division and with the other 157  
requirements described in that division. 158

(2) If a public appointing authority applies under division 159  
(D) of this section for reimbursement, if one or more of its peace 160  
officers or troopers have not complied with the continuing 161  
professional training requirement specified in division (A)(1) of 162  
section 109.803 of the Revised Code by completing the minimum 163  
number of hours of training directed by the Ohio peace officer 164  
training commission under that division, and if the executive 165  
director of the commission granted pursuant to division (A)(2) of 166  
section 109.803 of the Revised Code an extension of the time 167  
within which each of those peace officers or troopers who have not 168  
complied with the continuing professional training requirement 169  
must comply with that requirement, notwithstanding division (E)(1) 170  
of this section, both of the following apply: 171

(a) If each peace officer or trooper of the public appointing 172  
authority for whom the executive director of the commission did 173  
not grant an extension pursuant to division (A)(2) of section 174  
109.803 of the Revised Code has complied with the continuing 175  
professional training requirement and with the other requirements 176  
described in division (A)(1) of section 109.803 of the Revised 177

Code, the public appointing authority is entitled to reimbursement 178  
for the training programs completed by all of its peace officers 179  
or troopers who have so complied with the continuing professional 180  
training requirement and the other specified requirements. 181

(b) If a peace officer or trooper of the public appointing 182  
authority for whom the executive director of the commission 183  
granted an extension pursuant to division (A)(2) of section 184  
109.803 of the Revised Code complies prior to the date on which 185  
the extension ends with the continuing professional training 186  
requirement, and if the peace officer or trooper also has complied 187  
with the other requirements described in division (A)(1) of 188  
section 109.803 of the Revised Code, the public appointing 189  
authority is entitled to reimbursement for the training programs 190  
completed by that peace officer or trooper. An application for 191  
reimbursement of the type described in this division shall be made 192  
in accordance with rules adopted by the attorney general pursuant 193  
to division (B) of section 109.802 of the Revised Code. 194

(3) If a public appointing authority that applies under 195  
division (D) of this section for reimbursement is entitled to 196  
reimbursement under division (E)(1) or (2) of this section for 197  
each peace officer and trooper who successfully completes a 198  
training program, the commission shall approve reimbursing the 199  
appointing authority for the cost of that program. The actual 200  
amount of reimbursement for each authorized training program shall 201  
be determined by rules adopted by the attorney general under 202  
division (B) of this section. 203

If the public appointing authority is entitled to 204  
reimbursement under division (E)(2)(a) of this section, payment of 205  
the reimbursement shall not be withheld during the period of the 206  
extension granted to the other peace officers or troopers of the 207  
authority pursuant to division (A)(2) of section 109.803 of the 208  
Revised Code, pending their compliance with the requirement. If 209

the public appointing authority is entitled to reimbursement under 210  
division (E)(2)(a) of this section and if one or more of its peace 211  
officers or troopers who were granted an extension pursuant to 212  
division (A)(2) of section 109.803 of the Revised Code fails to 213  
complete prior to the date on which the extension ends the 214  
required minimum number of hours of continuing professional 215  
training set by the commission under division (A)(1) of section 216  
109.803 of the Revised Code, the failure does not affect the 217  
reimbursement made to the public appointing authority, and the 218  
public appointing authority is not required to return the 219  
reimbursement or any portion of it. 220

(F) Each public appointing authority that receives funds 221  
under this section shall keep those funds separate from any other 222  
funds of the appointing authority and shall use those funds only 223  
for paying the cost of continuing professional training programs. 224

(G) As used in this section and section 109.803 of the 225  
Revised Code: 226

(1) "Peace officer" includes a sheriff, deputy sheriff, 227  
marshal, deputy marshal, chief of police and member of a municipal 228  
or township police department, chief of police and member of a 229  
township police district police force, chief of police of a 230  
university or college police department, state university law 231  
enforcement officer appointed under section 3345.04 of the Revised 232  
Code, superintendent of the state highway patrol, state highway 233  
patrol trooper, and employee of the department of natural 234  
resources who is a natural resources law enforcement staff 235  
officer, park officer, forest officer, preserve officer, wildlife 236  
officer, or state watercraft officer has the same meaning as in 237  
section 109.71 of the Revised Code. 238

(2) "Chief of police of an organized municipal police 239  
department" includes the chief of police of a village police 240



department. 241

~~(3) "Chief of police of a village police department" means  
the village marshal.~~ 242  
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~~(4) "Chief of police of a university or college police  
department" means the person who has direct supervisory authority  
over the state university law enforcement officers who are  
appointed for the university or college pursuant to section  
3345.04 of the Revised Code by the board of trustees of the  
university or college "Trooper" means an individual appointed as a  
state highway patrol trooper under section 5503.01 of the Revised  
Code.~~ 244  
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(3) "Appointing authority" means any agency or entity that  
appoints a peace officer or trooper. 252  
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Sec. 109.803. (A)(1) Subject to division (A)(2) of this  
section, every appointing authority shall require each of its  
appointed peace officers and troopers to complete up to  
twenty-four hours of continuing professional training each  
calendar year, as directed by the Ohio peace officer training  
commission. The number of hours directed by the commission, up to  
twenty-four hours, is intended to be a minimum requirement, and  
appointing authorities are encouraged to exceed the number of  
hours the commission directs as the minimum. The commission shall  
set the required minimum number of hours based upon available  
funding for reimbursement as described in this division. If no  
funding for the reimbursement is available, no continuing  
professional training will be required. 254  
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(2) An appointing authority may submit a written request to  
the peace officer training commission that requests for a calendar  
year because of emergency circumstances an extension of the time  
within which one or more of its appointed peace officers or  
troopers must complete the required minimum number of hours of 267  
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continuing professional training set by the commission, as 272  
described in division (A)(1) of this section. A request made under 273  
this division shall set forth the name of each of the appointing 274  
authority's peace officers or troopers for whom an extension is 275  
requested, identify the emergency circumstances related to that 276  
peace officer or trooper, include documentation of those emergency 277  
circumstances, and set forth the date on which the request is 278  
submitted to the commission. A request shall be made under this 279  
division not later than the fifteenth day of December in the 280  
calendar year for which the extension is requested. 281

Upon receipt of a written request made under this division, 282  
the executive director of the commission shall review the request 283  
and the submitted documentation. If the executive director of the 284  
commission is satisfied that emergency circumstances exist for any 285  
peace officer or trooper for whom a request was made under this 286  
division, the executive director may approve the request for that 287  
peace officer or trooper and grant an extension of the time within 288  
which that peace officer or trooper must complete the required 289  
minimum number of hours of continuing professional training set by 290  
the commission. An extension granted under this division may be 291  
for any period of time the executive director believes to be 292  
appropriate, and the executive director shall specify in the 293  
notice granting the extension the date on which the extension 294  
ends. Not later than thirty days after the date on which a request 295  
is submitted to the commission, for each peace officer and trooper 296  
for whom an extension is requested, the executive director either 297  
shall approve the request and grant an extension or deny the 298  
request and deny an extension and shall send to the appointing 299  
authority that submitted the request written notice of the 300  
executive director's decision. 301

If the executive director grants an extension of the time 302  
within which a particular appointed peace officer or trooper of an 303

appointing authority must complete the required minimum number of 304  
hours of continuing professional training set by the commission, 305  
the appointing authority shall require that peace officer or 306  
trooper to complete the required minimum number of hours of 307  
training not later than the date on which the extension ends. 308

(3)(a) If a public appointing authority complies with the 309  
training requirement specified in division (A)(1) of this section 310  
by requiring each of its appointed peace officers and troopers to 311  
complete the number of hours of training the commission directs as 312  
the minimum and with division (B) of section 109.761 of the 313  
Revised Code and if the appointed peace officers and troopers of 314  
the public appointing authority comply with section 109.801 of the 315  
Revised Code to the extent that they are subject to that section 316  
and comply with all other training mandated by the general 317  
assembly or the attorney general, the attorney general shall 318  
reimburse the public appointing authority for the successful 319  
training costs of each of its appointed peace officers and 320  
troopers as provided in section 109.802 of the Revised Code. 321

(b) If the executive director of the Ohio peace officer 322  
training commission grants pursuant to division (A)(2) of this 323  
section an extension of the time within which one or more 324  
appointed peace officers or troopers of a public appointing 325  
authority must complete the required minimum number of hours of 326  
continuing professional training set by the commission, and if the 327  
criteria set forth in division (A)(3)(a) of this section are 328  
satisfied regarding each appointed peace officer or trooper of the 329  
public appointing authority for whom such an extension was not 330  
granted, the attorney general shall reimburse the public 331  
appointing authority for the successful training costs of each of 332  
its appointed peace officers and troopers for whom such an 333  
extension was not granted, as provided in section 109.802 of the 334  
Revised Code. 335

If an appointed peace officer or trooper of a public 336  
appointing authority for whom the executive director granted such 337  
an extension completes prior to the date on which the extension 338  
ends the number of hours of training the commission directs as the 339  
minimum, if the officer or trooper also has complied with section 340  
109.801 of the Revised Code to the extent that the officer or 341  
trooper is subject to that section and has complied with all other 342  
training mandated by the general assembly or the attorney general, 343  
and if the public appointing authority has complied with division 344  
(B) of section 109.761 of the Revised Code, the attorney general 345  
shall reimburse the public appointing authority for the successful 346  
training costs of that peace officer or trooper as provided in 347  
section 109.802 of the Revised Code. 348

(B)(1) Subject to division (B)(2) of this section, no 349  
appointed peace officer or trooper of an appointing authority who 350  
fails to complete in any calendar year the required hours of 351  
continuing professional training the Ohio peace officer training 352  
commission directs pursuant to division (A) of this section as the 353  
minimum number of hours or who fails to comply with section 354  
109.801 of the Revised Code or any other required training shall 355  
carry a firearm during the course of official duties or perform 356  
the functions of a peace officer or trooper until evidence of the 357  
peace officer's or trooper's compliance with those requirements is 358  
filed with the executive director of the Ohio peace officer 359  
training commission. 360

(2) If the executive director of the Ohio peace officer 361  
training commission grants pursuant to division (A)(2) of this 362  
section an extension of the time within which an appointed peace 363  
officer or trooper of an appointing authority must complete the 364  
required minimum number of hours of continuing professional 365  
training set by the commission, during the period of the extension 366  
division (B)(1) of this section does not apply to a peace officer 367

or trooper for whom such an extension was granted, provided that 368  
peace officer or trooper has complied with section 109.801 of the 369  
Revised Code to the extent that the officer or trooper is subject 370  
to that section and has complied with all other required training. 371  
If a peace officer or trooper of an appointing authority for whom 372  
such an extension was granted fails to complete prior to the date 373  
on which the extension ends the required minimum number of hours 374  
of continuing professional training set by the commission, 375  
division (B)(1) of this section applies to that officer or trooper 376  
after the date on which the extension ends. 377

(C) With the advice of the Ohio peace officer training 378  
commission, the attorney general shall adopt in accordance with 379  
Chapter 119. of the Revised Code rules setting forth minimum 380  
standards for continuing professional training for peace officers 381  
and troopers and governing the administration of continuing 382  
professional training programs for peace officers and troopers. 383  
The attorney general shall transmit a certified copy of any rule 384  
adopted under this section to the secretary of state. 385

**Sec. 2921.51.** (A) As used in this section: 386

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 387  
deputy marshal, member of the organized police department of a 388  
municipal corporation, or township constable, who is employed by a 389  
political subdivision of this state, a member of a police force 390  
employed by a metropolitan housing authority under division (D) of 391  
section 3735.31 of the Revised Code, a member of a police force 392  
employed by a regional transit authority under division (Y) of 393  
section 306.35 of the Revised Code, a state university law 394  
enforcement officer appointed under section 3345.04 of the Revised 395  
Code, a veterans' home police officer appointed under section 396  
5907.02 of the Revised Code, a special police officer employed by 397  
a port authority under section 4582.04 or 4582.28 of the Revised 398

Code, or a state highway patrol trooper and whose primary duties  
are to preserve the peace, to protect life and property, and to  
enforce the laws, ordinances, or rules of the state or any of its  
political subdivisions.

(2) "Private police officer" means any security guard,  
special police officer, private detective, or other person who is  
privately employed in a police capacity.

(3) "Impersonate" means to act the part of, assume the  
identity of, wear the uniform or any part of the uniform of, or  
display the identification of a particular person or of a member  
of a class of persons with purpose to make another person believe  
that the actor is that particular person or is a member of that  
class of persons.

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

(B) No person shall impersonate a peace officer ~~or a~~, private  
police officer, or investigator of the bureau of criminal  
identification and investigation.

(C) No person, by impersonating a peace officer ~~or a~~, private  
police officer, or investigator of the bureau of criminal  
identification and investigation, shall arrest or detain any  
person, search any person, or search the property of any person.

(D) No person, with purpose to commit or facilitate the  
commission of an offense, shall impersonate a peace officer, a  
private police officer, ~~or an~~ officer, agent, or employee of the  
state, or investigator of the bureau of criminal identification  
and investigation.

(E) No person shall commit a felony while impersonating a  
peace officer, a private police officer, ~~or an~~ officer, agent, or

employee of the state, or investigator of the bureau of criminal 429  
identification and investigation. 430

(F) It is an affirmative defense to a charge under division 431  
(B) of this section that the impersonation of the peace officer, 432  
private police officer, or investigator of the bureau of criminal 433  
identification and investigation was for a lawful purpose. 434

(G) Whoever violates division (B) of this section is guilty 435  
of a misdemeanor of the fourth degree. Whoever violates division 436  
(C) or (D) of this section is guilty of a misdemeanor of the first 437  
degree. If the purpose of a violation of division (D) of this 438  
section is to commit or facilitate the commission of a felony, a 439  
violation of division (D) is a felony of the fourth degree. 440  
Whoever violates division (E) of this section is guilty of a 441  
felony of the third degree. 442

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 443  
(G) of this section and unless a specific sanction is required to 444  
be imposed or is precluded from being imposed pursuant to law, a 445  
court that imposes a sentence upon an offender for a felony may 446  
impose any sanction or combination of sanctions on the offender 447  
that are provided in sections 2929.14 to 2929.18 of the Revised 448  
Code. The sentence shall not impose an unnecessary burden on state 449  
or local government resources. 450

If the offender is eligible to be sentenced to community 451  
control sanctions, the court shall consider the appropriateness of 452  
imposing a financial sanction pursuant to section 2929.18 of the 453  
Revised Code or a sanction of community service pursuant to 454  
section 2929.17 of the Revised Code as the sole sanction for the 455  
offense. Except as otherwise provided in this division, if the 456  
court is required to impose a mandatory prison term for the 457  
offense for which sentence is being imposed, the court also may 458  
impose a financial sanction pursuant to section 2929.18 of the 459

Revised Code but may not impose any additional sanction or  
combination of sanctions under section 2929.16 or 2929.17 of the  
Revised Code.

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

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

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

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

(a) In committing the offense, the offender caused physical



harm to a person.	491
(b) In committing the offense, the offender attempted to	492
cause or made an actual threat of physical harm to a person with a	493
deadly weapon.	494
(c) In committing the offense, the offender attempted to	495
cause or made an actual threat of physical harm to a person, and	496
the offender previously was convicted of an offense that caused	497
physical harm to a person.	498
(d) The offender held a public office or position of trust	499
and the offense related to that office or position; the offender's	500
position obliged the offender to prevent the offense or to bring	501
those committing it to justice; or the offender's professional	502
reputation or position facilitated the offense or was likely to	503
influence the future conduct of others.	504
(e) The offender committed the offense for hire or as part of	505
an organized criminal activity.	506
(f) The offense is a sex offense that is a fourth or fifth	507
degree felony violation of section 2907.03, 2907.04, 2907.05,	508
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the	509
Revised Code.	510
(g) The offender at the time of the offense was serving, or	511
the offender previously had served, a prison term.	512
(h) The offender committed the offense while under a	513
community control sanction, while on probation, or while released	514
from custody on a bond or personal recognizance.	515
(i) The offender committed the offense while in possession of	516
a firearm.	517
(2)(a) If the court makes a finding described in division	518
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this	519
section and if the court, after considering the factors set forth	520

in section 2929.12 of the Revised Code, finds that a prison term 521  
is consistent with the purposes and principles of sentencing set 522  
forth in section 2929.11 of the Revised Code and finds that the 523  
offender is not amenable to an available community control 524  
sanction, the court shall impose a prison term upon the offender. 525

(b) Except as provided in division (E), (F), or (G) of this 526  
section, if the court does not make a finding described in 527  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 528  
this section and if the court, after considering the factors set 529  
forth in section 2929.12 of the Revised Code, finds that a 530  
community control sanction or combination of community control 531  
sanctions is consistent with the purposes and principles of 532  
sentencing set forth in section 2929.11 of the Revised Code, the 533  
court shall impose a community control sanction or combination of 534  
community control sanctions upon the offender. 535

(C) Except as provided in division (D), (E), (F), or (G) of 536  
this section, in determining whether to impose a prison term as a 537  
sanction for a felony of the third degree or a felony drug offense 538  
that is a violation of a provision of Chapter 2925. of the Revised 539  
Code and that is specified as being subject to this division for 540  
purposes of sentencing, the sentencing court shall comply with the 541  
purposes and principles of sentencing under section 2929.11 of the 542  
Revised Code and with section 2929.12 of the Revised Code. 543

(D)(1) Except as provided in division (E) or (F) of this 544  
section, for a felony of the first or second degree, for a felony 545  
drug offense that is a violation of any provision of Chapter 546  
2925., 3719., or 4729. of the Revised Code for which a presumption 547  
in favor of a prison term is specified as being applicable, and 548  
for a violation of division (A)(4) of section 2907.05 of the 549  
Revised Code for which a presumption in favor of a prison term is 550  
specified as being applicable, it is presumed that a prison term 551  
is necessary in order to comply with the purposes and principles 552

of sentencing under section 2929.11 of the Revised Code. Division 553  
(D)(2) of this section does not apply to a presumption established 554  
under this division for a violation of division (A)(4) of section 555  
2907.05 of the Revised Code. 556

(2) Notwithstanding the presumption established under 557  
division (D)(1) of this section for the offenses listed in that 558  
division other than a violation of division (A)(4) of section 559  
2907.05 of the Revised Code, the sentencing court may impose a 560  
community control sanction or a combination of community control 561  
sanctions instead of a prison term on an offender for a felony of 562  
the first or second degree or for a felony drug offense that is a 563  
violation of any provision of Chapter 2925., 3719., or 4729. of 564  
the Revised Code for which a presumption in favor of a prison term 565  
is specified as being applicable if it makes both of the following 566  
findings: 567

(a) A community control sanction or a combination of 568  
community control sanctions would adequately punish the offender 569  
and protect the public from future crime, because the applicable 570  
factors under section 2929.12 of the Revised Code indicating a 571  
lesser likelihood of recidivism outweigh the applicable factors 572  
under that section indicating a greater likelihood of recidivism. 573

(b) A community control sanction or a combination of 574  
community control sanctions would not demean the seriousness of 575  
the offense, because one or more factors under section 2929.12 of 576  
the Revised Code that indicate that the offender's conduct was 577  
less serious than conduct normally constituting the offense are 578  
applicable, and they outweigh the applicable factors under that 579  
section that indicate that the offender's conduct was more serious 580  
than conduct normally constituting the offense. 581

(E)(1) Except as provided in division (F) of this section, 582  
for any drug offense that is a violation of any provision of 583

Chapter 2925. of the Revised Code and that is a felony of the 584  
third, fourth, or fifth degree, the applicability of a presumption 585  
under division (D) of this section in favor of a prison term or of 586  
division (B) or (C) of this section in determining whether to 587  
impose a prison term for the offense shall be determined as 588  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 589  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 590  
Revised Code, whichever is applicable regarding the violation. 591

(2) If an offender who was convicted of or pleaded guilty to 592  
a felony violates the conditions of a community control sanction 593  
imposed for the offense solely by reason of producing positive 594  
results on a drug test, the court, as punishment for the violation 595  
of the sanction, shall not order that the offender be imprisoned 596  
unless the court determines on the record either of the following: 597

(a) The offender had been ordered as a sanction for the 598  
felony to participate in a drug treatment program, in a drug 599  
education program, or in narcotics anonymous or a similar program, 600  
and the offender continued to use illegal drugs after a reasonable 601  
period of participation in the program. 602

(b) The imprisonment of the offender for the violation is 603  
consistent with the purposes and principles of sentencing set 604  
forth in section 2929.11 of the Revised Code. 605

(F) Notwithstanding divisions (A) to (E) of this section, the 606  
court shall impose a prison term or terms under sections 2929.02 607  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 608  
Code and except as specifically provided in section 2929.20 or 609  
2967.191 of the Revised Code or when parole is authorized for the 610  
offense under section 2967.13 of the Revised Code shall not reduce 611  
the terms pursuant to section 2929.20, section 2967.193, or any 612  
other provision of Chapter 2967. or Chapter 5120. of the Revised 613  
Code for any of the following offenses: 614

- (1) Aggravated murder when death is not imposed or murder; 615
- (2) Any rape, regardless of whether force was involved and 616  
regardless of the age of the victim, or an attempt to commit rape 617  
if, had the offender completed the rape that was attempted, the 618  
offender would have been subject to a sentence of life 619  
imprisonment or life imprisonment without parole for the rape; 620
- (3) Gross sexual imposition or sexual battery, if the victim 621  
is under thirteen years of age and if any of the following 622  
applies: 623
- (a) Regarding gross sexual imposition, the offender 624  
previously was convicted of or pleaded guilty to rape, the former 625  
offense of felonious sexual penetration, gross sexual imposition, 626  
or sexual battery, and the victim of the previous offense was 627  
under thirteen years of age; 628
- (b) Regarding gross sexual imposition, the offense was 629  
committed on or after ~~the effective date of this amendment~~ August 630  
3, 2006, and evidence other than the testimony of the victim was 631  
admitted in the case corroborating the violation. 632
- (c) Regarding sexual battery, either of the following 633  
applies: 634
- (i) The offense was committed prior to ~~the effective date of~~ 635  
~~this amendment~~ August 3, 2006, the offender previously was 636  
convicted of or pleaded guilty to rape, the former offense of 637  
felonious sexual penetration, or sexual battery, and the victim of 638  
the previous offense was under thirteen years of age. 639
- (ii) The offense was committed on or after ~~the effective date~~ 640  
~~of this amendment~~ August 3, 2006. 641
- (4) A felony violation of section 2903.04, 2903.06, 2903.08, 642  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 643  
requires the imposition of a prison term; 644

(5) A first, second, or third degree felony drug offense for 645  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 646  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 647  
4729.99 of the Revised Code, whichever is applicable regarding the 648  
violation, requires the imposition of a mandatory prison term; 649

(6) Any offense that is a first or second degree felony and 650  
that is not set forth in division (F)(1), (2), (3), or (4) of this 651  
section, if the offender previously was convicted of or pleaded 652  
guilty to aggravated murder, murder, any first or second degree 653  
felony, or an offense under an existing or former law of this 654  
state, another state, or the United States that is or was 655  
substantially equivalent to one of those offenses; 656

(7) Any offense that is a third degree felony and either is a 657  
violation of section 2903.04 of the Revised Code or an attempt to 658  
commit a felony of the second degree that is an offense of 659  
violence and involved an attempt to cause serious physical harm to 660  
a person or that resulted in serious physical harm to a person if 661  
the offender previously was convicted of or pleaded guilty to any 662  
of the following offenses: 663

(a) Aggravated murder, murder, involuntary manslaughter, 664  
rape, felonious sexual penetration as it existed under section 665  
2907.12 of the Revised Code prior to September 3, 1996, a felony 666  
of the first or second degree that resulted in the death of a 667  
person or in physical harm to a person, or complicity in or an 668  
attempt to commit any of those offenses; 669

(b) An offense under an existing or former law of this state, 670  
another state, or the United States that is or was substantially 671  
equivalent to an offense listed in division (F)(7)(a) of this 672  
section that resulted in the death of a person or in physical harm 673  
to a person. 674

(8) Any offense, other than a violation of section 2923.12 of 675

the Revised Code, that is a felony, if the offender had a firearm 676  
on or about the offender's person or under the offender's control 677  
while committing the felony, with respect to a portion of the 678  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 679  
of the Revised Code for having the firearm; 680

(9) Any offense of violence that is a felony, if the offender 681  
wore or carried body armor while committing the felony offense of 682  
violence, with respect to the portion of the sentence imposed 683  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 684  
Code for wearing or carrying the body armor; 685

(10) Corrupt activity in violation of section 2923.32 of the 686  
Revised Code when the most serious offense in the pattern of 687  
corrupt activity that is the basis of the offense is a felony of 688  
the first degree; 689

(11) Any violent sex offense or designated homicide, assault, 690  
or kidnapping offense if, in relation to that offense, the 691  
offender is adjudicated a sexually violent predator; 692

(12) A violation of division (A)(1) or (2) of section 2921.36 693  
of the Revised Code, or a violation of division (C) of that 694  
section involving an item listed in division (A)(1) or (2) of that 695  
section, if the offender is an officer or employee of the 696  
department of rehabilitation and correction; 697

(13) A violation of division (A)(1) or (2) of section 2903.06 698  
of the Revised Code if the victim of the offense is a peace 699  
officer, as defined in section 2935.01 of the Revised Code, or an 700  
investigator of the bureau of criminal identification and 701  
investigation, as defined in section 2903.11 of the Revised Code, 702  
with respect to the portion of the sentence imposed pursuant to 703  
division (D)(5) of section 2929.14 of the Revised Code; 704

(14) A violation of division (A)(1) or (2) of section 2903.06 705  
of the Revised Code if the offender has been convicted of or 706

pleaded guilty to three or more violations of division (A) or (B) 707  
of section 4511.19 of the Revised Code or an equivalent offense, 708  
as defined in section 2941.1415 of the Revised Code, or three or 709  
more violations of any combination of those divisions and 710  
offenses, with respect to the portion of the sentence imposed 711  
pursuant to division (D)(6) of section 2929.14 of the Revised 712  
Code. 713

(G) Notwithstanding divisions (A) to (E) of this section, if 714  
an offender is being sentenced for a fourth degree felony OVI 715  
offense or for a third degree felony OVI offense, the court shall 716  
impose upon the offender a mandatory term of local incarceration 717  
or a mandatory prison term in accordance with the following: 718

(1) If the offender is being sentenced for a fourth degree 719  
felony OVI offense and if the offender has not been convicted of 720  
and has not pleaded guilty to a specification of the type 721  
described in section 2941.1413 of the Revised Code, the court may 722  
impose upon the offender a mandatory term of local incarceration 723  
of sixty days or one hundred twenty days as specified in division 724  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 725  
not reduce the term pursuant to section 2929.20, 2967.193, or any 726  
other provision of the Revised Code. The court that imposes a 727  
mandatory term of local incarceration under this division shall 728  
specify whether the term is to be served in a jail, a 729  
community-based correctional facility, a halfway house, or an 730  
alternative residential facility, and the offender shall serve the 731  
term in the type of facility specified by the court. A mandatory 732  
term of local incarceration imposed under division (G)(1) of this 733  
section is not subject to extension under section 2967.11 of the 734  
Revised Code, to a period of post-release control under section 735  
2967.28 of the Revised Code, or to any other Revised Code 736  
provision that pertains to a prison term except as provided in 737  
division (A)(1) of this section. 738



(2) If the offender is being sentenced for a third degree 739  
felony OVI offense, or if the offender is being sentenced for a 740  
fourth degree felony OVI offense and the court does not impose a 741  
mandatory term of local incarceration under division (G)(1) of 742  
this section, the court shall impose upon the offender a mandatory 743  
prison term of one, two, three, four, or five years if the 744  
offender also is convicted of or also pleads guilty to a 745  
specification of the type described in section 2941.1413 of the 746  
Revised Code or shall impose upon the offender a mandatory prison 747  
term of sixty days or one hundred twenty days as specified in 748  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 749  
if the offender has not been convicted of and has not pleaded 750  
guilty to a specification of that type. The court shall not reduce 751  
the term pursuant to section 2929.20, 2967.193, or any other 752  
provision of the Revised Code. The offender shall serve the one-, 753  
two-, three-, four-, or five-year mandatory prison term 754  
consecutively to and prior to the prison term imposed for the 755  
underlying offense and consecutively to any other mandatory prison 756  
term imposed in relation to the offense. In no case shall an 757  
offender who once has been sentenced to a mandatory term of local 758  
incarceration pursuant to division (G)(1) of this section for a 759  
fourth degree felony OVI offense be sentenced to another mandatory 760  
term of local incarceration under that division for any violation 761  
of division (A) of section 4511.19 of the Revised Code. In 762  
addition to the mandatory prison term described in division (G)(2) 763  
of this section, the court may sentence the offender to a 764  
community control sanction under section 2929.16 or 2929.17 of the 765  
Revised Code, but the offender shall serve the prison term prior 766  
to serving the community control sanction. The department of 767  
rehabilitation and correction may place an offender sentenced to a 768  
mandatory prison term under this division in an intensive program 769  
prison established pursuant to section 5120.033 of the Revised 770  
Code if the department gave the sentencing judge prior notice of 771

its intent to place the offender in an intensive program prison 772  
established under that section and if the judge did not notify the 773  
department that the judge disapproved the placement. Upon the 774  
establishment of the initial intensive program prison pursuant to 775  
section 5120.033 of the Revised Code that is privately operated 776  
and managed by a contractor pursuant to a contract entered into 777  
under section 9.06 of the Revised Code, both of the following 778  
apply: 779

(a) The department of rehabilitation and correction shall 780  
make a reasonable effort to ensure that a sufficient number of 781  
offenders sentenced to a mandatory prison term under this division 782  
are placed in the privately operated and managed prison so that 783  
the privately operated and managed prison has full occupancy. 784

(b) Unless the privately operated and managed prison has full 785  
occupancy, the department of rehabilitation and correction shall 786  
not place any offender sentenced to a mandatory prison term under 787  
this division in any intensive program prison established pursuant 788  
to section 5120.033 of the Revised Code other than the privately 789  
operated and managed prison. 790

(H) If an offender is being sentenced for a sexually oriented 791  
offense committed on or after January 1, 1997, the judge shall 792  
require the offender to submit to a DNA specimen collection 793  
procedure pursuant to section 2901.07 of the Revised Code if 794  
either of the following applies: 795

(1) The offense was a violent sex offense or a designated 796  
homicide, assault, or kidnapping offense and, in relation to that 797  
offense, the offender was adjudicated a sexually violent predator. 798

(2) The judge imposing sentence for the sexually oriented 799  
offense determines pursuant to division (B) of section 2950.09 of 800  
the Revised Code that the offender is a sexual predator. 801

(I) If an offender is being sentenced for a sexually oriented 802

offense that is not a registration-exempt sexually oriented 803  
offense or for a child-victim oriented offense committed on or 804  
after January 1, 1997, the judge shall include in the sentence a 805  
summary of the offender's duties imposed under sections 2950.04, 806  
2950.041, 2950.05, and 2950.06 of the Revised Code and the 807  
duration of the duties. The judge shall inform the offender, at 808  
the time of sentencing, of those duties and of their duration and, 809  
if required under division (A)(2) of section 2950.03 of the 810  
Revised Code, shall perform the duties specified in that section. 811

(J)(1) Except as provided in division (J)(2) of this section, 812  
when considering sentencing factors under this section in relation 813  
to an offender who is convicted of or pleads guilty to an attempt 814  
to commit an offense in violation of section 2923.02 of the 815  
Revised Code, the sentencing court shall consider the factors 816  
applicable to the felony category of the violation of section 817  
2923.02 of the Revised Code instead of the factors applicable to 818  
the felony category of the offense attempted. 819

(2) When considering sentencing factors under this section in 820  
relation to an offender who is convicted of or pleads guilty to an 821  
attempt to commit a drug abuse offense for which the penalty is 822  
determined by the amount or number of unit doses of the controlled 823  
substance involved in the drug abuse offense, the sentencing court 824  
shall consider the factors applicable to the felony category that 825  
the drug abuse offense attempted would be if that drug abuse 826  
offense had been committed and had involved an amount or number of 827  
unit doses of the controlled substance that is within the next 828  
lower range of controlled substance amounts than was involved in 829  
the attempt. 830

(K) As used in this section, "drug abuse offense" has the 831  
same meaning as in section 2925.01 of the Revised Code. 832

(L) At the time of sentencing an offender who is a sexual 833

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  
be six, seven, eight, nine, ten, eleven, twelve, thirteen,  
fourteen, fifteen, sixteen, seventeen, or eighteen months.

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

(B) Except as provided in division (C), (D)(1), (D)(2),  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02  
or 2907.05 of the Revised Code, or in Chapter 2925. of the Revised  
Code, if the court imposing a sentence upon an offender for a

felony elects or is required to impose a prison term on the 864  
offender, the court shall impose the shortest prison term 865  
authorized for the offense pursuant to division (A) of this 866  
section, unless one or more of the following applies: 867

(1) The offender was serving a prison term at the time of the 868  
offense, or the offender previously had served a prison term. 869

(2) The court finds on the record that the shortest prison 870  
term will demean the seriousness of the offender's conduct or will 871  
not adequately protect the public from future crime by the 872  
offender or others. 873

(C) Except as provided in division (G) of this section or in 874  
Chapter 2925. of the Revised Code, the court imposing a sentence 875  
upon an offender for a felony may impose the longest prison term 876  
authorized for the offense pursuant to division (A) of this 877  
section only upon offenders who committed the worst forms of the 878  
offense, upon offenders who pose the greatest likelihood of 879  
committing future crimes, upon certain major drug offenders under 880  
division (D)(3) of this section, and upon certain repeat violent 881  
offenders in accordance with division (D)(2) of this section. 882

(D)(1)(a) Except as provided in division (D)(1)(e) of this 883  
section, if an offender who is convicted of or pleads guilty to a 884  
felony also is convicted of or pleads guilty to a specification of 885  
the type described in section 2941.141, 2941.144, or 2941.145 of 886  
the Revised Code, the court shall impose on the offender one of 887  
the following prison terms: 888

(i) A prison term of six years if the specification is of the 889  
type described in section 2941.144 of the Revised Code that 890  
charges the offender with having a firearm that is an automatic 891  
firearm or that was equipped with a firearm muffler or silencer on 892  
or about the offender's person or under the offender's control 893  
while committing the felony; 894

(ii) A prison term of three years if the specification is of 895  
the type described in section 2941.145 of the Revised Code that 896  
charges the offender with having a firearm on or about the 897  
offender's person or under the offender's control while committing 898  
the offense and displaying the firearm, brandishing the firearm, 899  
indicating that the offender possessed the firearm, or using it to 900  
facilitate the offense; 901

(iii) A prison term of one year if the specification is of 902  
the type described in section 2941.141 of the Revised Code that 903  
charges the offender with having a firearm on or about the 904  
offender's person or under the offender's control while committing 905  
the felony. 906

(b) If a court imposes a prison term on an offender under 907  
division (D)(1)(a) of this section, the prison term shall not be 908  
reduced pursuant to section 2929.20, section 2967.193, or any 909  
other provision of Chapter 2967. or Chapter 5120. of the Revised 910  
Code. A court shall not impose more than one prison term on an 911  
offender under division (D)(1)(a) of this section for felonies 912  
committed as part of the same act or transaction. 913

(c) Except as provided in division (D)(1)(e) of this section, 914  
if an offender who is convicted of or pleads guilty to a violation 915  
of section 2923.161 of the Revised Code or to a felony that 916  
includes, as an essential element, purposely or knowingly causing 917  
or attempting to cause the death of or physical harm to another, 918  
also is convicted of or pleads guilty to a specification of the 919  
type described in section 2941.146 of the Revised Code that 920  
charges the offender with committing the offense by discharging a 921  
firearm from a motor vehicle other than a manufactured home, the 922  
court, after imposing a prison term on the offender for the 923  
violation of section 2923.161 of the Revised Code or for the other 924  
felony offense under division (A), (D)(2), or (D)(3) of this 925  
section, shall impose an additional prison term of five years upon 926

the offender that shall not be reduced pursuant to section 927  
2929.20, section 2967.193, or any other provision of Chapter 2967. 928  
or Chapter 5120. of the Revised Code. A court shall not impose 929  
more than one additional prison term on an offender under division 930  
(D)(1)(c) of this section for felonies committed as part of the 931  
same act or transaction. If a court imposes an additional prison 932  
term on an offender under division (D)(1)(c) of this section 933  
relative to an offense, the court also shall impose a prison term 934  
under division (D)(1)(a) of this section relative to the same 935  
offense, provided the criteria specified in that division for 936  
imposing an additional prison term are satisfied relative to the 937  
offender and the offense. 938

(d) If an offender who is convicted of or pleads guilty to an 939  
offense of violence that is a felony also is convicted of or 940  
pleads guilty to a specification of the type described in section 941  
2941.1411 of the Revised Code that charges the offender with 942  
wearing or carrying body armor while committing the felony offense 943  
of violence, the court shall impose on the offender a prison term 944  
of two years. The prison term so imposed shall not be reduced 945  
pursuant to section 2929.20, section 2967.193, or any other 946  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 947  
court shall not impose more than one prison term on an offender 948  
under division (D)(1)(d) of this section for felonies committed as 949  
part of the same act or transaction. If a court imposes an 950  
additional prison term under division (D)(1)(a) or (c) of this 951  
section, the court is not precluded from imposing an additional 952  
prison term under division (D)(1)(d) of this section. 953

(e) The court shall not impose any of the prison terms 954  
described in division (D)(1)(a) of this section or any of the 955  
additional prison terms described in division (D)(1)(c) of this 956  
section upon an offender for a violation of section 2923.12 or 957  
2923.123 of the Revised Code. The court shall not impose any of 958

the prison terms described in division (D)(1)(a) of this section 959  
or any of the additional prison terms described in division 960  
(D)(1)(c) of this section upon an offender for a violation of 961  
section 2923.13 of the Revised Code unless all of the following 962  
apply: 963

(i) The offender previously has been convicted of aggravated 964  
murder, murder, or any felony of the first or second degree. 965

(ii) Less than five years have passed since the offender was 966  
released from prison or post-release control, whichever is later, 967  
for the prior offense. 968

(f) If an offender is convicted of or pleads guilty to a 969  
felony that includes, as an essential element, causing or 970  
attempting to cause the death of or physical harm to another and 971  
also is convicted of or pleads guilty to a specification of the 972  
type described in section 2941.1412 of the Revised Code that 973  
charges the offender with committing the offense by discharging a 974  
firearm at a peace officer as defined in section 2935.01 of the 975  
Revised Code or a corrections officer, as defined in section 976  
2941.1412 of the Revised Code, the court, after imposing a prison 977  
term on the offender for the felony offense under division (A), 978  
(D)(2), or (D)(3) of this section, shall impose an additional 979  
prison term of seven years upon the offender that shall not be 980  
reduced pursuant to section 2929.20, section 2967.193, or any 981  
other provision of Chapter 2967. or Chapter 5120. of the Revised 982  
Code. A court shall not impose more than one additional prison 983  
term on an offender under division (D)(1)(f) of this section for 984  
felonies committed as part of the same act or transaction. If a 985  
court imposes an additional prison term on an offender under 986  
division (D)(1)(f) of this section relative to an offense, the 987  
court shall not impose a prison term under division (D)(1)(a) or 988  
(c) of this section relative to the same offense. 989



(2)(a) If division (D)(2)(b) of this section does not apply, 990  
the court may impose on an offender, in addition to the longest 991  
prison term authorized or required for the offense, an additional 992  
definite prison term of one, two, three, four, five, six, seven, 993  
eight, nine, or ten years if all of the following criteria are 994  
met: 995

(i) The offender is convicted of or pleads guilty to a 996  
specification of the type described in section 2941.149 of the 997  
Revised Code that the offender is a repeat violent offender. 998

(ii) The offense of which the offender currently is convicted 999  
or to which the offender currently pleads guilty is aggravated 1000  
murder and the court does not impose a sentence of death or life 1001  
imprisonment without parole, murder, terrorism and the court does 1002  
not impose a sentence of life imprisonment without parole, any 1003  
felony of the first degree that is an offense of violence and the 1004  
court does not impose a sentence of life imprisonment without 1005  
parole, or any felony of the second degree that is an offense of 1006  
violence and the trier of fact finds that the offense involved an 1007  
attempt to cause or a threat to cause serious physical harm to a 1008  
person or resulted in serious physical harm to a person. 1009

(iii) The court imposes the longest prison term for the 1010  
offense that is not life imprisonment without parole. 1011

(iv) The court finds that the prison terms imposed pursuant 1012  
to division (D)(2)(a)(iii) of this section and, if applicable, 1013  
division (D)(1) or (3) of this section are inadequate to punish 1014  
the offender and protect the public from future crime, because the 1015  
applicable factors under section 2929.12 of the Revised Code 1016  
indicating a greater likelihood of recidivism outweigh the 1017  
applicable factors under that section indicating a lesser 1018  
likelihood of recidivism. 1019

(v) The court finds that the prison terms imposed pursuant to 1020

division (D)(2)(a)(iii) of this section and, if applicable, 1021  
division (D)(1) or (3) of this section are demeaning to the 1022  
seriousness of the offense, because one or more of the factors 1023  
under section 2929.12 of the Revised Code indicating that the 1024  
offender's conduct is more serious than conduct normally 1025  
constituting the offense are present, and they outweigh the 1026  
applicable factors under that section indicating that the 1027  
offender's conduct is less serious than conduct normally 1028  
constituting the offense. 1029

(b) The court shall impose on an offender the longest prison 1030  
term authorized or required for the offense and shall impose on 1031  
the offender an additional definite prison term of one, two, 1032  
three, four, five, six, seven, eight, nine, or ten years if all of 1033  
the following criteria are met: 1034

(i) The offender is convicted of or pleads guilty to a 1035  
specification of the type described in section 2941.149 of the 1036  
Revised Code that the offender is a repeat violent offender. 1037

(ii) The offender within the preceding twenty years has been 1038  
convicted of or pleaded guilty to three or more offenses described 1039  
in division (DD)(1) of section 2929.01 of the Revised Code, 1040  
including all offenses described in that division of which the 1041  
offender is convicted or to which the offender pleads guilty in 1042  
the current prosecution and all offenses described in that 1043  
division of which the offender previously has been convicted or to 1044  
which the offender previously pleaded guilty, whether prosecuted 1045  
together or separately. 1046

(iii) The offense or offenses of which the offender currently 1047  
is convicted or to which the offender currently pleads guilty is 1048  
aggravated murder and the court does not impose a sentence of 1049  
death or life imprisonment without parole, murder, terrorism and 1050  
the court does not impose a sentence of life imprisonment without 1051

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.

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

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

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

(3)(a) Except when an offender commits a violation of section  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for  
the violation is life imprisonment or commits a violation of  
section 2903.02 of the Revised Code, if the offender commits a  
violation of section 2925.03 or 2925.11 of the Revised Code and  
that section classifies the offender as a major drug offender and  
requires the imposition of a ten-year prison term on the offender,  
if the offender commits a felony violation of section 2925.02,  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161,  
4729.37, or 4729.61, division (C) or (D) of section 3719.172,  
division (C) of section 4729.51, or division (J) of section

4729.54 of the Revised Code that includes the sale, offer to sell, 1083  
or possession of a schedule I or II controlled substance, with the 1084  
exception of marihuana, and the court imposing sentence upon the 1085  
offender finds that the offender is guilty of a specification of 1086  
the type described in section 2941.1410 of the Revised Code 1087  
charging that the offender is a major drug offender, if the court 1088  
imposing sentence upon an offender for a felony finds that the 1089  
offender is guilty of corrupt activity with the most serious 1090  
offense in the pattern of corrupt activity being a felony of the 1091  
first degree, or if the offender is guilty of an attempted 1092  
violation of section 2907.02 of the Revised Code and, had the 1093  
offender completed the violation of section 2907.02 of the Revised 1094  
Code that was attempted, the offender would have been subject to a 1095  
sentence of life imprisonment or life imprisonment without parole 1096  
for the violation of section 2907.02 of the Revised Code, the 1097  
court shall impose upon the offender for the felony violation a 1098  
ten-year prison term that cannot be reduced pursuant to section 1099  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1100

(b) The court imposing a prison term on an offender under 1101  
division (D)(3)(a) of this section may impose an additional prison 1102  
term of one, two, three, four, five, six, seven, eight, nine, or 1103  
ten years, if the court, with respect to the term imposed under 1104  
division (D)(3)(a) of this section and, if applicable, divisions 1105  
(D)(1) and (2) of this section, makes both of the findings set 1106  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 1107

(4) If the offender is being sentenced for a third or fourth 1108  
degree felony OVI offense under division (G)(2) of section 2929.13 1109  
of the Revised Code, the sentencing court shall impose upon the 1110  
offender a mandatory prison term in accordance with that division. 1111  
In addition to the mandatory prison term, if the offender is being 1112  
sentenced for a fourth degree felony OVI offense, the court, 1113  
notwithstanding division (A)(4) of this section, may sentence the 1114

offender to a definite prison term of not less than six months and  
not more than thirty months, and if the offender is being  
sentenced for a third degree felony OVI offense, the sentencing  
court may sentence the offender to an additional prison term of  
any duration specified in division (A)(3) of this section. In  
either case, the additional prison term imposed shall be reduced  
by the sixty or one hundred twenty days imposed upon the offender  
as the mandatory prison term. The total of the additional prison  
term imposed under division (D)(4) of this section plus the sixty  
or one hundred twenty days imposed as the mandatory prison term  
shall equal a definite term in the range of six months to thirty  
months for a fourth degree felony OVI offense and shall equal one  
of the authorized prison terms specified in division (A)(3) of  
this section for a third degree felony OVI offense. If the court  
imposes an additional prison term under division (D)(4) of this  
section, the offender shall serve the additional prison term after  
the offender has served the mandatory prison term required for the  
offense. In addition to the mandatory prison term or mandatory and  
additional prison term imposed as described in division (D)(4) of  
this section, the court also may sentence the offender to a  
community control sanction under section 2929.16 or 2929.17 of the  
Revised Code, but the offender shall serve all of the prison terms  
so imposed prior to serving the community control sanction.

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

(5) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1414 of the

Revised Code that charges that the victim of the offense is a  
peace officer, as defined in section 2935.01 of the Revised Code,  
or an investigator of the bureau of criminal identification and  
investigation, as defined in section 2903.11 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. 1211

(2) If an offender who is an inmate in a jail, prison, or 1212  
other residential detention facility violates section 2917.02, 1213  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1214  
who is under detention at a detention facility commits a felony 1215  
violation of section 2923.131 of the Revised Code, or if an 1216  
offender who is an inmate in a jail, prison, or other residential 1217  
detention facility or is under detention at a detention facility 1218  
commits another felony while the offender is an escapee in 1219  
violation of section 2921.34 of the Revised Code, any prison term 1220  
imposed upon the offender for one of those violations shall be 1221  
served by the offender consecutively to the prison term or term of 1222  
imprisonment the offender was serving when the offender committed 1223  
that offense and to any other prison term previously or 1224  
subsequently imposed upon the offender. 1225

(3) If a prison term is imposed for a violation of division 1226  
(B) of section 2911.01 of the Revised Code, a violation of 1227  
division (A) of section 2913.02 of the Revised Code in which the 1228  
stolen property is a firearm or dangerous ordnance, or a felony 1229  
violation of division (B) of section 2921.331 of the Revised Code, 1230  
the offender shall serve that prison term consecutively to any 1231  
other prison term or mandatory prison term previously or 1232  
subsequently imposed upon the offender. 1233

(4) If multiple prison terms are imposed on an offender for 1234  
convictions of multiple offenses, the court may require the 1235  
offender to serve the prison terms consecutively if the court 1236  
finds that the consecutive service is necessary to protect the 1237  
public from future crime or to punish the offender and that 1238  
consecutive sentences are not disproportionate to the seriousness 1239  
of the offender's conduct and to the danger the offender poses to 1240  
the public, and if the court also finds any of the following: 1241



(a) The offender committed one or more of the multiple 1242  
offenses while the offender was awaiting trial or sentencing, was 1243  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1244  
2929.18 of the Revised Code, or was under post-release control for 1245  
a prior offense. 1246

(b) At least two of the multiple offenses were committed as 1247  
part of one or more courses of conduct, and the harm caused by two 1248  
or more of the multiple offenses so committed was so great or 1249  
unusual that no single prison term for any of the offenses 1250  
committed as part of any of the courses of conduct adequately 1251  
reflects the seriousness of the offender's conduct. 1252

(c) The offender's history of criminal conduct demonstrates 1253  
that consecutive sentences are necessary to protect the public 1254  
from future crime by the offender. 1255

(5) If a mandatory prison term is imposed upon an offender 1256  
pursuant to division (D)(5) or (6) of this section, the offender 1257  
shall serve the mandatory prison term consecutively to and prior 1258  
to any prison term imposed for the underlying violation of 1259  
division (A)(1) or (2) of section 2903.06 of the Revised Code 1260  
pursuant to division (A) of this section. If a mandatory prison 1261  
term is imposed upon an offender pursuant to division (D)(5) of 1262  
this section, and if a mandatory prison term also is imposed upon 1263  
the offender pursuant to division (D)(6) of this section in 1264  
relation to the same violation, the offender shall serve the 1265  
mandatory prison term imposed pursuant to division (D)(5) of this 1266  
section consecutively to and prior to the mandatory prison term 1267  
imposed pursuant to division (D)(6) of this section and 1268  
consecutively to and prior to any prison term imposed for the 1269  
underlying violation of division (A)(1) or (2) of section 2903.06 1270  
of the Revised Code pursuant to division (A) of this section. 1271

(6) When consecutive prison terms are imposed pursuant to 1272

division (E)(1), (2), (3), (4), or (5) of this section, the term 1273  
to be served is the aggregate of all of the terms so imposed. 1274

(F)(1) If a court imposes a prison term for a felony of the 1275  
first degree, for a felony of the second degree, for a felony sex 1276  
offense, or for a felony of the third degree that is not a felony 1277  
sex offense and in the commission of which the offender caused or 1278  
threatened to cause physical harm to a person, it shall include in 1279  
the sentence a requirement that the offender be subject to a 1280  
period of post-release control after the offender's release from 1281  
imprisonment, in accordance with that division. If a court imposes 1282  
a sentence including a prison term of a type described in this 1283  
division on or after ~~the effective date of this amendment~~ July 11, 1284  
2006, the failure of a court to include a post-release control 1285  
requirement in the sentence pursuant to this division does not 1286  
negate, limit, or otherwise affect the mandatory period of 1287  
post-release control that is required for the offender under 1288  
division (B) of section 2967.28 of the Revised Code. Section 1289  
2929.191 of the Revised Code applies if, prior to ~~the effective~~ 1290  
~~date of this amendment~~ July 11, 2006, a court imposed a sentence 1291  
including a prison term of a type described in this division and 1292  
failed to include in the sentence pursuant to this division a 1293  
statement regarding post-release control. 1294

(2) If a court imposes a prison term for a felony of the 1295  
third, fourth, or fifth degree that is not subject to division 1296  
(F)(1) of this section, it shall include in the sentence a 1297  
requirement that the offender be subject to a period of 1298  
post-release control after the offender's release from 1299  
imprisonment, in accordance with that division, if the parole 1300  
board determines that a period of post-release control is 1301  
necessary. Section 2929.191 of the Revised Code applies if, prior 1302  
to ~~the effective date of this amendment~~ July 11, 2006, a court 1303  
imposed a sentence including a prison term of a type described in 1304

this division and failed to include in the sentence pursuant to 1305  
this division a statement regarding post-release control. 1306

(G) If a person is convicted of or pleads guilty to a violent 1307  
sex offense or a designated homicide, assault, or kidnapping 1308  
offense and, in relation to that offense, the offender is 1309  
adjudicated a sexually violent predator, the court shall impose 1310  
sentence upon the offender in accordance with section 2971.03 of 1311  
the Revised Code, and Chapter 2971. of the Revised Code applies 1312  
regarding the prison term or term of life imprisonment without 1313  
parole imposed upon the offender and the service of that term of 1314  
imprisonment. 1315

(H) If a person who has been convicted of or pleaded guilty 1316  
to a felony is sentenced to a prison term or term of imprisonment 1317  
under this section, sections 2929.02 to 2929.06 of the Revised 1318  
Code, section 2971.03 of the Revised Code, or any other provision 1319  
of law, section 5120.163 of the Revised Code applies regarding the 1320  
person while the person is confined in a state correctional 1321  
institution. 1322

(I) If an offender who is convicted of or pleads guilty to a 1323  
felony that is an offense of violence also is convicted of or 1324  
pleads guilty to a specification of the type described in section 1325  
2941.142 of the Revised Code that charges the offender with having 1326  
committed the felony while participating in a criminal gang, the 1327  
court shall impose upon the offender an additional prison term of 1328  
one, two, or three years. 1329

(J) If an offender who is convicted of or pleads guilty to 1330  
aggravated murder, murder, or a felony of the first, second, or 1331  
third degree that is an offense of violence also is convicted of 1332  
or pleads guilty to a specification of the type described in 1333  
section 2941.143 of the Revised Code that charges the offender 1334  
with having committed the offense in a school safety zone or 1335  
towards a person in a school safety zone, the court shall impose 1336

upon the offender an additional prison term of two years. The 1337  
offender shall serve the additional two years consecutively to and 1338  
prior to the prison term imposed for the underlying offense. 1339

(K) At the time of sentencing, the court may recommend the 1340  
offender for placement in a program of shock incarceration under 1341  
section 5120.031 of the Revised Code or for placement in an 1342  
intensive program prison under section 5120.032 of the Revised 1343  
Code, disapprove placement of the offender in a program of shock 1344  
incarceration or an intensive program prison of that nature, or 1345  
make no recommendation on placement of the offender. In no case 1346  
shall the department of rehabilitation and correction place the 1347  
offender in a program or prison of that nature unless the 1348  
department determines as specified in section 5120.031 or 5120.032 1349  
of the Revised Code, whichever is applicable, that the offender is 1350  
eligible for the placement. 1351

If the court disapproves placement of the offender in a 1352  
program or prison of that nature, the department of rehabilitation 1353  
and correction shall not place the offender in any program of 1354  
shock incarceration or intensive program prison. 1355

If the court recommends placement of the offender in a 1356  
program of shock incarceration or in an intensive program prison, 1357  
and if the offender is subsequently placed in the recommended 1358  
program or prison, the department shall notify the court of the 1359  
placement and shall include with the notice a brief description of 1360  
the placement. 1361

If the court recommends placement of the offender in a 1362  
program of shock incarceration or in an intensive program prison 1363  
and the department does not subsequently place the offender in the 1364  
recommended program or prison, the department shall send a notice 1365  
to the court indicating why the offender was not placed in the 1366  
recommended program or prison. 1367

If the court does not make a recommendation under this 1368  
division with respect to an offender and if the department 1369  
determines as specified in section 5120.031 or 5120.032 of the 1370  
Revised Code, whichever is applicable, that the offender is 1371  
eligible for placement in a program or prison of that nature, the 1372  
department shall screen the offender and determine if there is an 1373  
available program of shock incarceration or an intensive program 1374  
prison for which the offender is suited. If there is an available 1375  
program of shock incarceration or an intensive program prison for 1376  
which the offender is suited, the department shall notify the 1377  
court of the proposed placement of the offender as specified in 1378  
section 5120.031 or 5120.032 of the Revised Code and shall include 1379  
with the notice a brief description of the placement. The court 1380  
shall have ten days from receipt of the notice to disapprove the 1381  
placement. 1382

**Sec. 2941.1414.** (A) Imposition of a five-year mandatory 1383  
prison term upon an offender under division (D)(5) of section 1384  
2929.14 of the Revised Code is precluded unless the offender is 1385  
convicted of or pleads guilty to violating division (A)(1) or (2) 1386  
of section 2903.06 of the Revised Code and unless the indictment, 1387  
count in the indictment, or information charging the offense 1388  
specifies that the victim of the offense is a peace officer or an 1389  
investigator of the bureau of criminal identification and 1390  
investigation. The specification shall be stated at the end of the 1391  
body of the indictment, count, or information and shall be stated 1392  
in substantially the following form: 1393

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1394  
Grand Jurors (or insert the person's or the prosecuting attorney's 1395  
name when appropriate) further find and specify that (set forth 1396  
that the victim of the offense is a peace officer or an 1397  
investigator of the bureau of criminal identification and 1398

<u>investigation</u> )." 1399	
(B) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 1400-1403	
(C) As used in this section, <del>"peace:</del> 1404	
(1) " <u>Peace</u> officer" has the same meaning as in section 2935.01 of the Revised Code. 1405-1406	
(2) " <u>Investigator of the bureau of criminal identification and investigation</u> " has the same meaning as in section 2903.11 of the Revised Code. 1407-1409	
<b>Section 2.</b> That existing sections 109.761, 109.802, 2921.51, 2929.13, 2929.14, and 2941.1414 and section 109.803 of the Revised Code are hereby repealed. 1410-1412	
<b>Section 3.</b> All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the General Services Fund Group. For all appropriations made in this act, the amounts in the first column are for fiscal year 2006, and the amounts in the second column are for fiscal year 2007. The appropriations made in this act are in addition to any other appropriations made for the 2005-2007 biennium. 1413-1419	
AGO ATTORNEY GENERAL 1420	
General Services Fund Group 1421	
5L5 055-619 Law Enforcement \$ 0 \$ 5,000,000 1422	
Assistance Fund	
TOTAL GSF General Services Fund \$ 0 \$ 5,000,000 1423	
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 5,000,000 1424	
LAW ENFORCEMENT ASSISTANCE FUND 1425	

Notwithstanding section 109.081 of the Revised Code, on the 1426  
effective date of this section, or as soon as practicable 1427  
thereafter, the Director of Budget and Management shall transfer 1428  
\$5,000,000 in cash from the Attorney General Claims Fund (Fund 1429  
419) to the Law Enforcement Assistance Fund (Fund 5L5). The 1430  
foregoing appropriation item 055-619, Law Enforcement Assistance 1431  
Fund, shall be used by the Attorney General pursuant to division 1432  
(A) of section 109.802 of the Revised Code. 1433

**Section 4.** Within the limits set forth in this act, the 1434  
Director of Budget and Management shall establish accounts 1435  
indicating the source and amount of money for each appropriation 1436  
made in this act and shall determine the form and manner in which 1437  
appropriation accounts shall be maintained. Expenditures from 1438  
appropriations contained in this act shall be accounted for as 1439  
though made in Am. Sub. H.B. 66 of the 126th General Assembly. 1440

**Section 5.** The uncodified sections of law contained in this 1441  
act, and the items of law of which the uncodified sections of law 1442  
contained in this act are composed, are not subject to the 1443  
referendum. Therefore, under Ohio Constitution, Article II, 1444  
Section 1d and section 1.471 of the Revised Code, the uncodified 1445  
sections of law contained in this act, and the items of law of 1446  
which the uncodified sections of law contained in this act are 1447  
composed, take effect on the ninety-first day after this act is 1448  
filed with the Secretary of State. 1449