

As Passed by the House

127th General Assembly

Regular Session

2007-2008

Sub. S. B. No. 220

Senator Schuring

Cosponsors: Senators Austria, Harris, Padgett, Schaffer

**Representatives Dyer, Blessing, Book, Boyd, Brady, Brown, Chandler,
DeGeeter, Dolan, Domenick, Evans, Flowers, Foley, Gibbs, Goyal, Harwood,
Hughes, Jones, Letson, Luckie, Mandel, McGregor, J., Nero, Patton,
Raussen, Schneider, Sears, Setzer, Slesnick, Uecker, Williams, B.**

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A B I L L

To amend sections 1545.09, 1545.99, 2929.01, 2929.14, 1
and 2929.24 and to enact section 2941.1421 of the 2
Revised Code to provide increased penalties for 3
violations of a bylaw or rule adopted by a board 4
of park commissioners of a park district in a 5
county, to permit a board of park commissioners to 6
adopt penalties for any such violation provided 7
the penalties do not exceed in severity the 8
penalty designated by state law for a similar 9
violation under state law, to authorize a court to 10
impose an additional jail or prison term on an 11
offender convicted of any one of certain 12
prostitution, procuring, and soliciting offenses 13
and of a specification that the offense was 14
committed in proximity to a school, and to 15
authorize the court to require the offender in 16
lieu of the additional prison or jail term to wear 17
a real-time processing, continual tracking 18
electronic monitoring device for a period of time 19

that the additional term could have been imposed. 20

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

Section 1. That sections 1545.09, 1545.99, 2929.01, 2929.14, 21
and 2929.24 be amended and section 2941.1421 of the Revised Code 22
be enacted to read as follows: 23

Sec. 1545.09. (A) The board of park commissioners shall adopt 24
such bylaws and rules as the board ~~deems~~ considers advisable for 25
the preservation of good order within and adjacent to parks and 26
reservations of land, and for the protection and preservation of 27
the parks, parkways, and other reservations of land under its 28
jurisdiction and control and of property and natural life therein. 29
The board shall also adopt bylaws or rules establishing a 30
procedure for contracting for professional, technical, consulting, 31
and other special services. Any competitive bidding procedures of 32
the board do not apply to the purchase of benefits for park 33
district officers or employees when such benefits are provided 34
through a health and welfare trust fund administered through or in 35
conjunction with a collective bargaining representative of the 36
park district employees, as authorized in section 1545.071 of the 37
Revised Code. The bylaws and rules shall be published as provided 38
in case of ordinances of municipal corporations before taking 39
effect. 40

(B)(1) As used in division (B)(2) of this section, "similar 41
violation under state law" means a violation of any section of the 42
Revised Code, other than division (C) of this section, that is 43
similar to a violation of a bylaw or rule adopted under division 44
(A) of this section. 45

(2) The board of park commissioners may adopt by bylaw a 46
penalty for a violation of any bylaw or rule adopted under 47

division (A) of this section, and any penalty so adopted shall not 48
exceed in severity whichever of the following is applicable: 49

(a) The penalty designated under the Revised Code for a 50
violation of the state law that is similar to the bylaw or rule 51
for which the board adopted the penalty; 52

(b) For a violation of a bylaw or rule adopted under division 53
(A) of this section for which the similar violation under state 54
law does not bear a penalty or for which there is no similar 55
violation under state law, a fine of not more than one hundred 56
fifty dollars for a first offense and not more than one thousand 57
dollars for each subsequent offense. 58

(3) Any bylaw adopted under division (B)(2) of this section 59
shall be published as provided in case of ordinances of municipal 60
corporations before taking effect. 61

(C) No person shall violate any ~~of such~~ bylaws or rules 62
adopted under division (A) of this section. All fines collected 63
for any violation of this section shall be paid into the treasury 64
of such park board. 65

Sec. 1545.99. ~~(A)~~ Whoever violates division (C) of section 66
1545.09 of the Revised Code shall be punished as follows: 67

(A) Except as otherwise provided in division (B) of this 68
section, the offender shall be fined not more than one hundred 69
fifty dollars for a first offense+ and not more than one thousand 70
dollars for each subsequent offense ~~such person shall be fined not~~ 71
~~more than five hundred dollars.~~ 72

(B) If the board of park commissioners that adopted the bylaw 73
or rule that the offender violated and that was the basis of the 74
offender's violation of division (C) of section 1545.09 of the 75
Revised Code has adopted a penalty for the violation under 76
division (B) of that section, the offender shall be penalized in 77

accordance with the penalty so adopted for the violation. 78

Sec. 2929.01. As used in this chapter: 79

(A)(1) "Alternative residential facility" means, subject to 80
division (A)(2) of this section, any facility other than an 81
offender's home or residence in which an offender is assigned to 82
live and that satisfies all of the following criteria: 83

(a) It provides programs through which the offender may seek 84
or maintain employment or may receive education, training, 85
treatment, or habilitation. 86

(b) It has received the appropriate license or certificate 87
for any specialized education, training, treatment, habilitation, 88
or other service that it provides from the government agency that 89
is responsible for licensing or certifying that type of education, 90
training, treatment, habilitation, or service. 91

(2) "Alternative residential facility" does not include a 92
community-based correctional facility, jail, halfway house, or 93
prison. 94

(B) "Bad time" means the time by which the parole board 95
administratively extends an offender's stated prison term or terms 96
pursuant to section 2967.11 of the Revised Code because the parole 97
board finds by clear and convincing evidence that the offender, 98
while serving the prison term or terms, committed an act that is a 99
criminal offense under the law of this state or the United States, 100
whether or not the offender is prosecuted for the commission of 101
that act. 102

(C) "Basic probation supervision" means a requirement that 103
the offender maintain contact with a person appointed to supervise 104
the offender in accordance with sanctions imposed by the court or 105
imposed by the parole board pursuant to section 2967.28 of the 106
Revised Code. "Basic probation supervision" includes basic parole 107

supervision and basic post-release control supervision. 108

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 109
"unit dose" have the same meanings as in section 2925.01 of the 110
Revised Code. 111

(E) "Community-based correctional facility" means a 112
community-based correctional facility and program or district 113
community-based correctional facility and program developed 114
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 115

(F) "Community control sanction" means a sanction that is not 116
a prison term and that is described in section 2929.15, 2929.16, 117
2929.17, or 2929.18 of the Revised Code or a sanction that is not 118
a jail term and that is described in section 2929.26, 2929.27, or 119
2929.28 of the Revised Code. "Community control sanction" includes 120
probation if the sentence involved was imposed for a felony that 121
was committed prior to July 1, 1996, or if the sentence involved 122
was imposed for a misdemeanor that was committed prior to January 123
1, 2004. 124

(G) "Controlled substance," "marihuana," "schedule I," and 125
"schedule II" have the same meanings as in section 3719.01 of the 126
Revised Code. 127

(H) "Curfew" means a requirement that an offender during a 128
specified period of time be at a designated place. 129

(I) "Day reporting" means a sanction pursuant to which an 130
offender is required each day to report to and leave a center or 131
other approved reporting location at specified times in order to 132
participate in work, education or training, treatment, and other 133
approved programs at the center or outside the center. 134

(J) "Deadly weapon" has the same meaning as in section 135
2923.11 of the Revised Code. 136

(K) "Drug and alcohol use monitoring" means a program under 137

which an offender agrees to submit to random chemical analysis of 138
the offender's blood, breath, or urine to determine whether the 139
offender has ingested any alcohol or other drugs. 140

(L) "Drug treatment program" means any program under which a 141
person undergoes assessment and treatment designed to reduce or 142
completely eliminate the person's physical or emotional reliance 143
upon alcohol, another drug, or alcohol and another drug and under 144
which the person may be required to receive assessment and 145
treatment on an outpatient basis or may be required to reside at a 146
facility other than the person's home or residence while 147
undergoing assessment and treatment. 148

(M) "Economic loss" means any economic detriment suffered by 149
a victim as a direct and proximate result of the commission of an 150
offense and includes any loss of income due to lost time at work 151
because of any injury caused to the victim, and any property loss, 152
medical cost, or funeral expense incurred as a result of the 153
commission of the offense. "Economic loss" does not include 154
non-economic loss or any punitive or exemplary damages. 155

(N) "Education or training" includes study at, or in 156
conjunction with a program offered by, a university, college, or 157
technical college or vocational study and also includes the 158
completion of primary school, secondary school, and literacy 159
curricula or their equivalent. 160

(O) "Firearm" has the same meaning as in section 2923.11 of 161
the Revised Code. 162

(P) "Halfway house" means a facility licensed by the division 163
of parole and community services of the department of 164
rehabilitation and correction pursuant to section 2967.14 of the 165
Revised Code as a suitable facility for the care and treatment of 166
adult offenders. 167

(Q) "House arrest" means a period of confinement of an 168

offender that is in the offender's home or in other premises 169
specified by the sentencing court or by the parole board pursuant 170
to section 2967.28 of the Revised Code and during which all of the 171
following apply: 172

(1) The offender is required to remain in the offender's home 173
or other specified premises for the specified period of 174
confinement, except for periods of time during which the offender 175
is at the offender's place of employment or at other premises as 176
authorized by the sentencing court or by the parole board. 177

(2) The offender is required to report periodically to a 178
person designated by the court or parole board. 179

(3) The offender is subject to any other restrictions and 180
requirements that may be imposed by the sentencing court or by the 181
parole board. 182

(R) "Intensive probation supervision" means a requirement 183
that an offender maintain frequent contact with a person appointed 184
by the court, or by the parole board pursuant to section 2967.28 185
of the Revised Code, to supervise the offender while the offender 186
is seeking or maintaining necessary employment and participating 187
in training, education, and treatment programs as required in the 188
court's or parole board's order. "Intensive probation supervision" 189
includes intensive parole supervision and intensive post-release 190
control supervision. 191

(S) "Jail" means a jail, workhouse, minimum security jail, or 192
other residential facility used for the confinement of alleged or 193
convicted offenders that is operated by a political subdivision or 194
a combination of political subdivisions of this state. 195

(T) "Jail term" means the term in a jail that a sentencing 196
court imposes or is authorized to impose pursuant to section 197
2929.24 or 2929.25 of the Revised Code or pursuant to any other 198
provision of the Revised Code that authorizes a term in a jail for 199

a misdemeanor conviction. 200

(U) "Mandatory jail term" means the term in a jail that a 201
sentencing court is required to impose pursuant to division (G) of 202
section 1547.99 of the Revised Code, division (E) of section 203
2903.06 or division (D) of section 2903.08 of the Revised Code, 204
division (E) of section 2929.24 of the Revised Code, division (B) 205
of section 4510.14 of the Revised Code, or division (G) of section 206
4511.19 of the Revised Code or pursuant to any other provision of 207
the Revised Code that requires a term in a jail for a misdemeanor 208
conviction. 209

(V) "Delinquent child" has the same meaning as in section 210
2152.02 of the Revised Code. 211

(W) "License violation report" means a report that is made by 212
a sentencing court, or by the parole board pursuant to section 213
2967.28 of the Revised Code, to the regulatory or licensing board 214
or agency that issued an offender a professional license or a 215
license or permit to do business in this state and that specifies 216
that the offender has been convicted of or pleaded guilty to an 217
offense that may violate the conditions under which the offender's 218
professional license or license or permit to do business in this 219
state was granted or an offense for which the offender's 220
professional license or license or permit to do business in this 221
state may be revoked or suspended. 222

(X) "Major drug offender" means an offender who is convicted 223
of or pleads guilty to the possession of, sale of, or offer to 224
sell any drug, compound, mixture, preparation, or substance that 225
consists of or contains at least one thousand grams of hashish; at 226
least one hundred grams of crack cocaine; at least one thousand 227
grams of cocaine that is not crack cocaine; at least two thousand 228
five hundred unit doses or two hundred fifty grams of heroin; at 229
least five thousand unit doses of L.S.D. or five hundred grams of 230
L.S.D. in a liquid concentrate, liquid extract, or liquid 231

distillate form; or at least one hundred times the amount of any 232
other schedule I or II controlled substance other than marihuana 233
that is necessary to commit a felony of the third degree pursuant 234
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 235
Code that is based on the possession of, sale of, or offer to sell 236
the controlled substance. 237

(Y) "Mandatory prison term" means any of the following: 238

(1) Subject to division (Y)(2) of this section, the term in 239
prison that must be imposed for the offenses or circumstances set 240
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 241
2929.13 and division (D) of section 2929.14 of the Revised Code. 242
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 243
and 2925.11 of the Revised Code, unless the maximum or another 244
specific term is required under section 2929.14 or 2929.142 of the 245
Revised Code, a mandatory prison term described in this division 246
may be any prison term authorized for the level of offense. 247

(2) The term of sixty or one hundred twenty days in prison 248
that a sentencing court is required to impose for a third or 249
fourth degree felony OVI offense pursuant to division (G)(2) of 250
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 251
of the Revised Code or the term of one, two, three, four, or five 252
years in prison that a sentencing court is required to impose 253
pursuant to division (G)(2) of section 2929.13 of the Revised 254
Code. 255

(3) The term in prison imposed pursuant to division (A) of 256
section 2971.03 of the Revised Code for the offenses and in the 257
circumstances described in division (F)(11) of section 2929.13 of 258
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 259
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 260
2971.03 of the Revised Code and that term as modified or 261
terminated pursuant to section 2971.05 of the Revised Code. 262

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

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

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

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

(1) A stated prison term;

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

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

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

(1) The person is being sentenced for committing or for complicity in committing any of the following:

(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;

(b) An offense under an existing or former law of this state,

another state, or the United States that is or was substantially 293
equivalent to an offense described in division (DD)(1)(a) of this 294
section. 295

(2) The person previously was convicted of or pleaded guilty 296
to an offense described in division (DD)(1)(a) or (b) of this 297
section. 298

(EE) "Sanction" means any penalty imposed upon an offender 299
who is convicted of or pleads guilty to an offense, as punishment 300
for the offense. "Sanction" includes any sanction imposed pursuant 301
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 302
2929.28 of the Revised Code. 303

(FF) "Sentence" means the sanction or combination of 304
sanctions imposed by the sentencing court on an offender who is 305
convicted of or pleads guilty to an offense. 306

(GG) "Stated prison term" means the prison term, mandatory 307
prison term, or combination of all prison terms and mandatory 308
prison terms imposed by the sentencing court pursuant to section 309
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 310
term" includes any credit received by the offender for time spent 311
in jail awaiting trial, sentencing, or transfer to prison for the 312
offense and any time spent under house arrest or house arrest with 313
electronic monitoring imposed after earning credits pursuant to 314
section 2967.193 of the Revised Code. 315

(HH) "Victim-offender mediation" means a reconciliation or 316
mediation program that involves an offender and the victim of the 317
offense committed by the offender and that includes a meeting in 318
which the offender and the victim may discuss the offense, discuss 319
restitution, and consider other sanctions for the offense. 320

(II) "Fourth degree felony OVI offense" means a violation of 321
division (A) of section 4511.19 of the Revised Code that, under 322
division (G) of that section, is a felony of the fourth degree. 323

(JJ) "Mandatory term of local incarceration" means the term 324
of sixty or one hundred twenty days in a jail, a community-based 325
correctional facility, a halfway house, or an alternative 326
residential facility that a sentencing court may impose upon a 327
person who is convicted of or pleads guilty to a fourth degree 328
felony OVI offense pursuant to division (G)(1) of section 2929.13 329
of the Revised Code and division (G)(1)(d) or (e) of section 330
4511.19 of the Revised Code. 331

(KK) "Designated homicide, assault, or kidnapping offense," 332
"violent sex offense," "sexual motivation specification," 333
"sexually violent offense," "sexually violent predator," and 334
"sexually violent predator specification" have the same meanings 335
as in section 2971.01 of the Revised Code. 336

(LL) "Sexually oriented offense," "child-victim oriented 337
offense," and "tier III sex offender/child-victim offender," have 338
the same meanings as in section 2950.01 of the Revised Code. 339

(MM) An offense is "committed in the vicinity of a child" if 340
the offender commits the offense within thirty feet of or within 341
the same residential unit as a child who is under eighteen years 342
of age, regardless of whether the offender knows the age of the 343
child or whether the offender knows the offense is being committed 344
within thirty feet of or within the same residential unit as the 345
child and regardless of whether the child actually views the 346
commission of the offense. 347

(NN) "Family or household member" has the same meaning as in 348
section 2919.25 of the Revised Code. 349

(OO) "Motor vehicle" and "manufactured home" have the same 350
meanings as in section 4501.01 of the Revised Code. 351

(PP) "Detention" and "detention facility" have the same 352
meanings as in section 2921.01 of the Revised Code. 353

(QQ) "Third degree felony OVI offense" means a violation of 354

division (A) of section 4511.19 of the Revised Code that, under 355
division (G) of that section, is a felony of the third degree. 356

(RR) "Random drug testing" has the same meaning as in section 357
5120.63 of the Revised Code. 358

(SS) "Felony sex offense" has the same meaning as in section 359
2967.28 of the Revised Code. 360

(TT) "Body armor" has the same meaning as in section 361
2941.1411 of the Revised Code. 362

(UU) "Electronic monitoring" means monitoring through the use 363
of an electronic monitoring device. 364

(VV) "Electronic monitoring device" means any of the 365
following: 366

(1) Any device that can be operated by electrical or battery 367
power and that conforms with all of the following: 368

(a) The device has a transmitter that can be attached to a 369
person, that will transmit a specified signal to a receiver of the 370
type described in division (VV)(1)(b) of this section if the 371
transmitter is removed from the person, turned off, or altered in 372
any manner without prior court approval in relation to electronic 373
monitoring or without prior approval of the department of 374
rehabilitation and correction in relation to the use of an 375
electronic monitoring device for an inmate on transitional control 376
or otherwise is tampered with, that can transmit continuously and 377
periodically a signal to that receiver when the person is within a 378
specified distance from the receiver, and that can transmit an 379
appropriate signal to that receiver if the person to whom it is 380
attached travels a specified distance from that receiver. 381

(b) The device has a receiver that can receive continuously 382
the signals transmitted by a transmitter of the type described in 383
division (VV)(1)(a) of this section, can transmit continuously 384

those signals by telephone to a central monitoring computer of the 385
type described in division (VV)(1)(c) of this section, and can 386
transmit continuously an appropriate signal to that central 387
monitoring computer if the receiver is turned off or altered 388
without prior court approval or otherwise tampered with. 389

(c) The device has a central monitoring computer that can 390
receive continuously the signals transmitted by telephone by a 391
receiver of the type described in division (VV)(1)(b) of this 392
section and can monitor continuously the person to whom an 393
electronic monitoring device of the type described in division 394
(VV)(1)(a) of this section is attached. 395

(2) Any device that is not a device of the type described in 396
division (VV)(1) of this section and that conforms with all of the 397
following: 398

(a) The device includes a transmitter and receiver that can 399
monitor and determine the location of a subject person at any 400
time, or at a designated point in time, through the use of a 401
central monitoring computer or through other electronic means. 402

(b) The device includes a transmitter and receiver that can 403
determine at any time, or at a designated point in time, through 404
the use of a central monitoring computer or other electronic means 405
the fact that the transmitter is turned off or altered in any 406
manner without prior approval of the court in relation to the 407
electronic monitoring or without prior approval of the department 408
of rehabilitation and correction in relation to the use of an 409
electronic monitoring device for an inmate on transitional control 410
or otherwise is tampered with. 411

(3) Any type of technology that can adequately track or 412
determine the location of a subject person at any time and that is 413
approved by the director of rehabilitation and correction, 414
including, but not limited to, any satellite technology, voice 415

tracking system, or retinal scanning system that is so approved. 416

(WW) "Non-economic loss" means nonpecuniary harm suffered by 417
a victim of an offense as a result of or related to the commission 418
of the offense, including, but not limited to, pain and suffering; 419
loss of society, consortium, companionship, care, assistance, 420
attention, protection, advice, guidance, counsel, instruction, 421
training, or education; mental anguish; and any other intangible 422
loss. 423

(XX) "Prosecutor" has the same meaning as in section 2935.01 424
of the Revised Code. 425

(YY) "Continuous alcohol monitoring" means the ability to 426
automatically test and periodically transmit alcohol consumption 427
levels and tamper attempts at least every hour, regardless of the 428
location of the person who is being monitored. 429

(ZZ) A person is "adjudicated a sexually violent predator" if 430
the person is convicted of or pleads guilty to a violent sex 431
offense and also is convicted of or pleads guilty to a sexually 432
violent predator specification that was included in the 433
indictment, count in the indictment, or information charging that 434
violent sex offense or if the person is convicted of or pleads 435
guilty to a designated homicide, assault, or kidnapping offense 436
and also is convicted of or pleads guilty to both a sexual 437
motivation specification and a sexually violent predator 438
specification that were included in the indictment, count in the 439
indictment, or information charging that designated homicide, 440
assault, or kidnapping offense. 441

(AAA) An offense is "committed in proximity to a school" if 442
the offender commits the offense in a school safety zone or within 443
five hundred feet of any school building or the boundaries of any 444
school premises, regardless of whether the offender knows the 445
offense is being committed in a school safety zone or within five 446

hundred feet of any school building or the boundaries of any 447
school premises. 448

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 449
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), (I), (J), or (L) of 450
this section and except in relation to an offense for which a 451
sentence of death or life imprisonment is to be imposed, if the 452
court imposing a sentence upon an offender for a felony elects or 453
is required to impose a prison term on the offender pursuant to 454
this chapter, the court shall impose a definite prison term that 455
shall be one of the following: 456

(1) For a felony of the first degree, the prison term shall 457
be three, four, five, six, seven, eight, nine, or ten years. 458

(2) For a felony of the second degree, the prison term shall 459
be two, three, four, five, six, seven, or eight years. 460

(3) For a felony of the third degree, the prison term shall 461
be one, two, three, four, or five years. 462

(4) For a felony of the fourth degree, the prison term shall 463
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 464
fourteen, fifteen, sixteen, seventeen, or eighteen months. 465

(5) For a felony of the fifth degree, the prison term shall 466
be six, seven, eight, nine, ten, eleven, or twelve months. 467

(B) Except as provided in division (C), (D)(1), (D)(2), 468
(D)(3), (D)(5), (D)(6), (G), (I), (J), or (L) of this section, in 469
section 2907.02 or 2907.05 of the Revised Code, or in Chapter 470
2925. of the Revised Code, if the court imposing a sentence upon 471
an offender for a felony elects or is required to impose a prison 472
term on the offender, the court shall impose the shortest prison 473
term authorized for the offense pursuant to division (A) of this 474
section, unless one or more of the following applies: 475

(1) The offender was serving a prison term at the time of the 476

offense, or the offender previously had served a prison term. 477

(2) The court finds on the record that the shortest prison 478
term will demean the seriousness of the offender's conduct or will 479
not adequately protect the public from future crime by the 480
offender or others. 481

(C) Except as provided in division (G) or (L) of this section 482
or in Chapter 2925. of the Revised Code, the court imposing a 483
sentence upon an offender for a felony may impose the longest 484
prison term authorized for the offense pursuant to division (A) of 485
this section only upon offenders who committed the worst forms of 486
the offense, upon offenders who pose the greatest likelihood of 487
committing future crimes, upon certain major drug offenders under 488
division (D)(3) of this section, and upon certain repeat violent 489
offenders in accordance with division (D)(2) of this section. 490

(D)(1)(a) Except as provided in division (D)(1)(e) of this 491
section, if an offender who is convicted of or pleads guilty to a 492
felony also is convicted of or pleads guilty to a specification of 493
the type described in section 2941.141, 2941.144, or 2941.145 of 494
the Revised Code, the court shall impose on the offender one of 495
the following prison terms: 496

(i) A prison term of six years if the specification is of the 497
type described in section 2941.144 of the Revised Code that 498
charges the offender with having a firearm that is an automatic 499
firearm or that was equipped with a firearm muffler or silencer on 500
or about the offender's person or under the offender's control 501
while committing the felony; 502

(ii) A prison term of three years if the specification is of 503
the type described in section 2941.145 of the Revised Code that 504
charges the offender with having a firearm on or about the 505
offender's person or under the offender's control while committing 506
the offense and displaying the firearm, brandishing the firearm, 507

indicating that the offender possessed the firearm, or using it to 508
facilitate the offense; 509

(iii) A prison term of one year if the specification is of 510
the type described in section 2941.141 of the Revised Code that 511
charges the offender with having a firearm on or about the 512
offender's person or under the offender's control while committing 513
the felony. 514

(b) If a court imposes a prison term on an offender under 515
division (D)(1)(a) of this section, the prison term shall not be 516
reduced pursuant to section 2929.20, section 2967.193, or any 517
other provision of Chapter 2967. or Chapter 5120. of the Revised 518
Code. A court shall not impose more than one prison term on an 519
offender under division (D)(1)(a) of this section for felonies 520
committed as part of the same act or transaction. 521

(c) Except as provided in division (D)(1)(e) of this section, 522
if an offender who is convicted of or pleads guilty to a violation 523
of section 2923.161 of the Revised Code or to a felony that 524
includes, as an essential element, purposely or knowingly causing 525
or attempting to cause the death of or physical harm to another, 526
also is convicted of or pleads guilty to a specification of the 527
type described in section 2941.146 of the Revised Code that 528
charges the offender with committing the offense by discharging a 529
firearm from a motor vehicle other than a manufactured home, the 530
court, after imposing a prison term on the offender for the 531
violation of section 2923.161 of the Revised Code or for the other 532
felony offense under division (A), (D)(2), or (D)(3) of this 533
section, shall impose an additional prison term of five years upon 534
the offender that shall not be reduced pursuant to section 535
2929.20, section 2967.193, or any other provision of Chapter 2967. 536
or Chapter 5120. of the Revised Code. A court shall not impose 537
more than one additional prison term on an offender under division 538
(D)(1)(c) of this section for felonies committed as part of the 539

same act or transaction. If a court imposes an additional prison 540
term on an offender under division (D)(1)(c) of this section 541
relative to an offense, the court also shall impose a prison term 542
under division (D)(1)(a) of this section relative to the same 543
offense, provided the criteria specified in that division for 544
imposing an additional prison term are satisfied relative to the 545
offender and the offense. 546

(d) If an offender who is convicted of or pleads guilty to an 547
offense of violence that is a felony also is convicted of or 548
pleads guilty to a specification of the type described in section 549
2941.1411 of the Revised Code that charges the offender with 550
wearing or carrying body armor while committing the felony offense 551
of violence, the court shall impose on the offender a prison term 552
of two years. The prison term so imposed shall not be reduced 553
pursuant to section 2929.20, section 2967.193, or any other 554
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 555
court shall not impose more than one prison term on an offender 556
under division (D)(1)(d) of this section for felonies committed as 557
part of the same act or transaction. If a court imposes an 558
additional prison term under division (D)(1)(a) or (c) of this 559
section, the court is not precluded from imposing an additional 560
prison term under division (D)(1)(d) of this section. 561

(e) The court shall not impose any of the prison terms 562
described in division (D)(1)(a) of this section or any of the 563
additional prison terms described in division (D)(1)(c) of this 564
section upon an offender for a violation of section 2923.12 or 565
2923.123 of the Revised Code. The court shall not impose any of 566
the prison terms described in division (D)(1)(a) of this section 567
or any of the additional prison terms described in division 568
(D)(1)(c) of this section upon an offender for a violation of 569
section 2923.13 of the Revised Code unless all of the following 570
apply: 571

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree. 572
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(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense. 574
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(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (D)(1)(f) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense. 577
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(2)(a) If division (D)(2)(b) of this section does not apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense, an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met: 598
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(i) The offender is convicted of or pleads guilty to a 604
specification of the type described in section 2941.149 of the 605
Revised Code that the offender is a repeat violent offender. 606

(ii) The offense of which the offender currently is convicted 607
or to which the offender currently pleads guilty is aggravated 608
murder and the court does not impose a sentence of death or life 609
imprisonment without parole, murder, terrorism and the court does 610
not impose a sentence of life imprisonment without parole, any 611
felony of the first degree that is an offense of violence and the 612
court does not impose a sentence of life imprisonment without 613
parole, or any felony of the second degree that is an offense of 614
violence and the trier of fact finds that the offense involved an 615
attempt to cause or a threat to cause serious physical harm to a 616
person or resulted in serious physical harm to a person. 617

(iii) The court imposes the longest prison term for the 618
offense that is not life imprisonment without parole. 619

(iv) The court finds that the prison terms imposed pursuant 620
to division (D)(2)(a)(iii) of this section and, if applicable, 621
division (D)(1) or (3) of this section are inadequate to punish 622
the offender and protect the public from future crime, because the 623
applicable factors under section 2929.12 of the Revised Code 624
indicating a greater likelihood of recidivism outweigh the 625
applicable factors under that section indicating a lesser 626
likelihood of recidivism. 627

(v) The court finds that the prison terms imposed pursuant to 628
division (D)(2)(a)(iii) of this section and, if applicable, 629
division (D)(1) or (3) of this section are demeaning to the 630
seriousness of the offense, because one or more of the factors 631
under section 2929.12 of the Revised Code indicating that the 632
offender's conduct is more serious than conduct normally 633
constituting the offense are present, and they outweigh the 634
applicable factors under that section indicating that the 635

offender's conduct is less serious than conduct normally 636
constituting the offense. 637

(b) The court shall impose on an offender the longest prison 638
term authorized or required for the offense and shall impose on 639
the offender an additional definite prison term of one, two, 640
three, four, five, six, seven, eight, nine, or ten years if all of 641
the following criteria are met: 642

(i) The offender is convicted of or pleads guilty to a 643
specification of the type described in section 2941.149 of the 644
Revised Code that the offender is a repeat violent offender. 645

(ii) The offender within the preceding twenty years has been 646
convicted of or pleaded guilty to three or more offenses described 647
in division (DD)(1) of section 2929.01 of the Revised Code, 648
including all offenses described in that division of which the 649
offender is convicted or to which the offender pleads guilty in 650
the current prosecution and all offenses described in that 651
division of which the offender previously has been convicted or to 652
which the offender previously pleaded guilty, whether prosecuted 653
together or separately. 654

(iii) The offense or offenses of which the offender currently 655
is convicted or to which the offender currently pleads guilty is 656
aggravated murder and the court does not impose a sentence of 657
death or life imprisonment without parole, murder, terrorism and 658
the court does not impose a sentence of life imprisonment without 659
parole, any felony of the first degree that is an offense of 660
violence and the court does not impose a sentence of life 661
imprisonment without parole, or any felony of the second degree 662
that is an offense of violence and the trier of fact finds that 663
the offense involved an attempt to cause or a threat to cause 664
serious physical harm to a person or resulted in serious physical 665
harm to a person. 666

(c) For purposes of division (D)(2)(b) of this section, two 667
or more offenses committed at the same time or as part of the same 668
act or event shall be considered one offense, and that one offense 669
shall be the offense with the greatest penalty. 670

(d) A sentence imposed under division (D)(2)(a) or (b) of 671
this section shall not be reduced pursuant to section 2929.20 or 672
section 2967.193, or any other provision of Chapter 2967. or 673
Chapter 5120. of the Revised Code. The offender shall serve an 674
additional prison term imposed under this section consecutively to 675
and prior to the prison term imposed for the underlying offense. 676

(e) When imposing a sentence pursuant to division (D)(2)(a) 677
or (b) of this section, the court shall state its findings 678
explaining the imposed sentence. 679

(3)(a) Except when an offender commits a violation of section 680
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 681
the violation is life imprisonment or commits a violation of 682
section 2903.02 of the Revised Code, if the offender commits a 683
violation of section 2925.03 or 2925.11 of the Revised Code and 684
that section classifies the offender as a major drug offender and 685
requires the imposition of a ten-year prison term on the offender, 686
if the offender commits a felony violation of section 2925.02, 687
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 688
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 689
division (C) of section 4729.51, or division (J) of section 690
4729.54 of the Revised Code that includes the sale, offer to sell, 691
or possession of a schedule I or II controlled substance, with the 692
exception of marihuana, and the court imposing sentence upon the 693
offender finds that the offender is guilty of a specification of 694
the type described in section 2941.1410 of the Revised Code 695
charging that the offender is a major drug offender, if the court 696
imposing sentence upon an offender for a felony finds that the 697
offender is guilty of corrupt activity with the most serious 698

offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

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

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the 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 731
or one hundred twenty days imposed as the mandatory prison term 732
shall equal a definite term in the range of six months to thirty 733
months for a fourth degree felony OVI offense and shall equal one 734
of the authorized prison terms specified in division (A)(3) of 735
this section for a third degree felony OVI offense. If the court 736
imposes an additional prison term under division (D)(4) of this 737
section, the offender shall serve the additional prison term after 738
the offender has served the mandatory prison term required for the 739
offense. In addition to the mandatory prison term or mandatory and 740
additional prison term imposed as described in division (D)(4) of 741
this section, the court also may sentence the offender to a 742
community control sanction under section 2929.16 or 2929.17 of the 743
Revised Code, but the offender shall serve all of the prison terms 744
so imposed prior to serving the community control sanction. 745

If the offender is being sentenced for a fourth degree felony 746
OVI offense under division (G)(1) of section 2929.13 of the 747
Revised Code and the court imposes a mandatory term of local 748
incarceration, the court may impose a prison term as described in 749
division (A)(1) of that section. 750

(5) If an offender is convicted of or pleads guilty to a 751
violation of division (A)(1) or (2) of section 2903.06 of the 752
Revised Code and also is convicted of or pleads guilty to a 753
specification of the type described in section 2941.1414 of the 754
Revised Code that charges that the victim of the offense is a 755
peace officer, as defined in section 2935.01 of the Revised Code, 756
or an investigator of the bureau of criminal identification and 757
investigation, as defined in section 2903.11 of the Revised Code, 758
the court shall impose on the offender a prison term of five 759
years. If a court imposes a prison term on an offender under 760
division (D)(5) of this section, the prison term shall not be 761
reduced pursuant to section 2929.20, section 2967.193, or any 762

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 795
any prison term imposed for the underlying felony pursuant to 796
division (A), (D)(2), or (D)(3) of this section or any other 797
section of the Revised Code, and consecutively to any other prison 798
term or mandatory prison term previously or subsequently imposed 799
upon the offender. 800

(b) If a mandatory prison term is imposed upon an offender 801
pursuant to division (D)(1)(d) of this section for wearing or 802
carrying body armor while committing an offense of violence that 803
is a felony, the offender shall serve the mandatory term so 804
imposed consecutively to any other mandatory prison term imposed 805
under that division or under division (D)(1)(a) or (c) of this 806
section, consecutively to and prior to any prison term imposed for 807
the underlying felony under division (A), (D)(2), or (D)(3) of 808
this section or any other section of the Revised Code, and 809
consecutively to any other prison term or mandatory prison term 810
previously or subsequently imposed upon the offender. 811

(c) If a mandatory prison term is imposed upon an offender 812
pursuant to division (D)(1)(f) of this section, the offender shall 813
serve the mandatory prison term so imposed consecutively to and 814
prior to any prison term imposed for the underlying felony under 815
division (A), (D)(2), or (D)(3) of this section or any other 816
section of the Revised Code, and consecutively to any other prison 817
term or mandatory prison term previously or subsequently imposed 818
upon the offender. 819

(2) If an offender who is an inmate in a jail, prison, or 820
other residential detention facility violates section 2917.02, 821
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 822
who is under detention at a detention facility commits a felony 823
violation of section 2923.131 of the Revised Code, or if an 824
offender who is an inmate in a jail, prison, or other residential 825
detention facility or is under detention at a detention facility 826

commits another felony while the offender is an escapee in 827
violation of section 2921.34 of the Revised Code, any prison term 828
imposed upon the offender for one of those violations shall be 829
served by the offender consecutively to the prison term or term of 830
imprisonment the offender was serving when the offender committed 831
that offense and to any other prison term previously or 832
subsequently imposed upon the offender. 833

(3) If a prison term is imposed for a violation of division 834
(B) of section 2911.01 of the Revised Code, a violation of 835
division (A) of section 2913.02 of the Revised Code in which the 836
stolen property is a firearm or dangerous ordnance, or a felony 837
violation of division (B) of section 2921.331 of the Revised Code, 838
the offender shall serve that prison term consecutively to any 839
other prison term or mandatory prison term previously or 840
subsequently imposed upon the offender. 841

(4) If multiple prison terms are imposed on an offender for 842
convictions of multiple offenses, the court may require the 843
offender to serve the prison terms consecutively if the court 844
finds that the consecutive service is necessary to protect the 845
public from future crime or to punish the offender and that 846
consecutive sentences are not disproportionate to the seriousness 847
of the offender's conduct and to the danger the offender poses to 848
the public, and if the court also finds any of the following: 849

(a) The offender committed one or more of the multiple 850
offenses while the offender was awaiting trial or sentencing, was 851
under a sanction imposed pursuant to section 2929.16, 2929.17, or 852
2929.18 of the Revised Code, or was under post-release control for 853
a prior offense. 854

(b) At least two of the multiple offenses were committed as 855
part of one or more courses of conduct, and the harm caused by two 856
or more of the multiple offenses so committed was so great or 857
unusual that no single prison term for any of the offenses 858

committed as part of any of the courses of conduct adequately 859
reflects the seriousness of the offender's conduct. 860

(c) The offender's history of criminal conduct demonstrates 861
that consecutive sentences are necessary to protect the public 862
from future crime by the offender. 863

(5) If a mandatory prison term is imposed upon an offender 864
pursuant to division (D)(5) or (6) of this section, the offender 865
shall serve the mandatory prison term consecutively to and prior 866
to any prison term imposed for the underlying violation of 867
division (A)(1) or (2) of section 2903.06 of the Revised Code 868
pursuant to division (A) of this section or section 2929.142 of 869
the Revised Code. If a mandatory prison term is imposed upon an 870
offender pursuant to division (D)(5) of this section, and if a 871
mandatory prison term also is imposed upon the offender pursuant 872
to division (D)(6) of this section in relation to the same 873
violation, the offender shall serve the mandatory prison term 874
imposed pursuant to division (D)(5) of this section consecutively 875
to and prior to the mandatory prison term imposed pursuant to 876
division (D)(6) of this section and consecutively to and prior to 877
any prison term imposed for the underlying violation of division 878
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 879
division (A) of this section or section 2929.142 of the Revised 880
Code. 881

(6) When consecutive prison terms are imposed pursuant to 882
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 883
of this section, the term to be served is the aggregate of all of 884
the terms so imposed. 885

(F)(1) If a court imposes a prison term for a felony of the 886
first degree, for a felony of the second degree, for a felony sex 887
offense, or for a felony of the third degree that is not a felony 888
sex offense and in the commission of which the offender caused or 889
threatened to cause physical harm to a person, it shall include in 890

the sentence a requirement that the offender be subject to a 891
period of post-release control after the offender's release from 892
imprisonment, in accordance with that division. If a court imposes 893
a sentence including a prison term of a type described in this 894
division on or after July 11, 2006, the failure of a court to 895
include a post-release control requirement in the sentence 896
pursuant to this division does not negate, limit, or otherwise 897
affect the mandatory period of post-release control that is 898
required for the offender under division (B) of section 2967.28 of 899
the Revised Code. Section 2929.191 of the Revised Code applies if, 900
prior to July 11, 2006, a court imposed a sentence including a 901
prison term of a type described in this division and failed to 902
include in the sentence pursuant to this division a statement 903
regarding post-release control. 904

(2) If a court imposes a prison term for a felony of the 905
third, fourth, or fifth degree that is not subject to division 906
(F)(1) of this section, it shall include in the sentence a 907
requirement that the offender be subject to a period of 908
post-release control after the offender's release from 909
imprisonment, in accordance with that division, if the parole 910
board determines that a period of post-release control is 911
necessary. Section 2929.191 of the Revised Code applies if, prior 912
to July 11, 2006, a court imposed a sentence including a prison 913
term of a type described in this division and failed to include in 914
the sentence pursuant to this division a statement regarding 915
post-release control. 916

(G) The court shall impose sentence upon the offender in 917
accordance with section 2971.03 of the Revised Code, and Chapter 918
2971. of the Revised Code applies regarding the prison term or 919
term of life imprisonment without parole imposed upon the offender 920
and the service of that term of imprisonment if any of the 921
following apply: 922

(1) A person is convicted of or pleads guilty to a violent 923
sex offense or a designated homicide, assault, or kidnapping 924
offense, and, in relation to that offense, the offender is 925
adjudicated a sexually violent predator. 926

(2) A person is convicted of or pleads guilty to a violation 927
of division (A)(1)(b) of section 2907.02 of the Revised Code 928
committed on or after January 2, 2007, and either the court does 929
not impose a sentence of life without parole when authorized 930
pursuant to division (B) of section 2907.02 of the Revised Code, 931
or division (B) of section 2907.02 of the Revised Code provides 932
that the court shall not sentence the offender pursuant to section 933
2971.03 of the Revised Code. 934

(3) A person is convicted of or pleads guilty to attempted 935
rape committed on or after January 2, 2007, and a specification of 936
the type described in section 2941.1418, 2941.1419, or 2941.1420 937
of the Revised Code. 938

(4) A person is convicted of or pleads guilty to a violation 939
of section 2905.01 of the Revised Code committed on or after ~~the~~ 940
~~effective date of this amendment~~ January 1, 2008, and that section 941
requires the court to sentence the offender pursuant to section 942
2971.03 of the Revised Code. 943

(5) A person is convicted of or pleads guilty to aggravated 944
murder committed on or after ~~the effective date of this amendment~~ 945
January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, 946
division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), 947
(D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or 948
(B) of section 2929.06 of the Revised Code requires the court to 949
sentence the offender pursuant to division (B)(3) of section 950
2971.03 of the Revised Code. 951

(6) A person is convicted of or pleads guilty to murder 952
committed on or after ~~the effective date of this amendment~~ January 953

1, 2008, and division (B)(2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(H) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

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

(J)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court

may impose upon the offender an additional prison term as follows: 986

(i) Subject to division (J)(2)(a)(ii) of this section, an 987
additional prison term of one, two, three, four, five, or six 988
months; 989

(ii) If the offender previously has been convicted of or 990
pleaded guilty to one or more felony or misdemeanor violations of 991
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 992
Revised Code and also was convicted of or pleaded guilty to a 993
specification of the type described in section 2941.1421 of the 994
Revised Code regarding one or more of those violations, an 995
additional prison term of one, two, three, four, five, six, seven, 996
eight, nine, ten, eleven, or twelve months. 997

(b) In lieu of imposing an additional prison term under 998
division (J)(2)(a) of this section, the court may directly impose 999
on the offender a sanction that requires the offender to wear a 1000
real-time processing, continual tracking electronic monitoring 1001
device during the period of time specified by the court. The 1002
period of time specified by the court shall equal the duration of 1003
an additional prison term that the court could have imposed upon 1004
the offender under division (J)(2)(a) of this section. A sanction 1005
imposed under this division shall commence on the date specified 1006
by the court, provided that the sanction shall not commence until 1007
after the offender has served the prison term imposed for the 1008
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 1009
of the Revised Code and any residential sanction imposed for the 1010
violation under section 2929.16 of the Revised Code. A sanction 1011
imposed under this division shall be considered to be a community 1012
control sanction for purposes of section 2929.15 of the Revised 1013
Code, and all provisions of the Revised Code that pertain to 1014
community control sanctions shall apply to a sanction imposed 1015
under this division, except to the extent that they would by their 1016
nature be clearly inapplicable. The offender shall pay all costs 1017

associated with a sanction imposed under this division, including 1018
the cost of the use of the monitoring device. 1019

(K) At the time of sentencing, the court may recommend the 1020
offender for placement in a program of shock incarceration under 1021
section 5120.031 of the Revised Code or for placement in an 1022
intensive program prison under section 5120.032 of the Revised 1023
Code, disapprove placement of the offender in a program of shock 1024
incarceration or an intensive program prison of that nature, or 1025
make no recommendation on placement of the offender. In no case 1026
shall the department of rehabilitation and correction place the 1027
offender in a program or prison of that nature unless the 1028
department determines as specified in section 5120.031 or 5120.032 1029
of the Revised Code, whichever is applicable, that the offender is 1030
eligible for the placement. 1031

If the court disapproves placement of the offender in a 1032
program or prison of that nature, the department of rehabilitation 1033
and correction shall not place the offender in any program of 1034
shock incarceration or intensive program prison. 1035

If the court recommends placement of the offender in a 1036
program of shock incarceration or in an intensive program prison, 1037
and if the offender is subsequently placed in the recommended 1038
program or prison, the department shall notify the court of the 1039
placement and shall include with the notice a brief description of 1040
the placement. 1041

If the court recommends placement of the offender in a 1042
program of shock incarceration or in an intensive program prison 1043
and the department does not subsequently place the offender in the 1044
recommended program or prison, the department shall send a notice 1045
to the court indicating why the offender was not placed in the 1046
recommended program or prison. 1047

If the court does not make a recommendation under this 1048

division with respect to an offender and if the department 1049
determines as specified in section 5120.031 or 5120.032 of the 1050
Revised Code, whichever is applicable, that the offender is 1051
eligible for placement in a program or prison of that nature, the 1052
department shall screen the offender and determine if there is an 1053
available program of shock incarceration or an intensive program 1054
prison for which the offender is suited. If there is an available 1055
program of shock incarceration or an intensive program prison for 1056
which the offender is suited, the department shall notify the 1057
court of the proposed placement of the offender as specified in 1058
section 5120.031 or 5120.032 of the Revised Code and shall include 1059
with the notice a brief description of the placement. The court 1060
shall have ten days from receipt of the notice to disapprove the 1061
placement. 1062

(L) If a person is convicted of or pleads guilty to 1063
aggravated vehicular homicide in violation of division (A)(1) of 1064
section 2903.06 of the Revised Code and division (B)(2)(c) of that 1065
section applies, the person shall be sentenced pursuant to section 1066
2929.142 of the Revised Code. 1067

Sec. 2929.24. (A) Except as provided in section 2929.22 or 1068
2929.23 of the Revised Code or division (E) or (F) of this section 1069
and unless another term is required or authorized pursuant to law, 1070
if the sentencing court imposing a sentence upon an offender for a 1071
misdemeanor elects or is required to impose a jail term on the 1072
offender pursuant to this chapter, the court shall impose a 1073
definite jail term that shall be one of the following: 1074

(1) For a misdemeanor of the first degree, not more than one 1075
hundred eighty days; 1076

(2) For a misdemeanor of the second degree, not more than 1077
ninety days; 1078

(3) For a misdemeanor of the third degree, not more than 1079

sixty days; 1080

(4) For a misdemeanor of the fourth degree, not more than 1081
thirty days. 1082

(B) A court that sentences an offender to a jail term under 1083
this section may permit the offender to serve the sentence in 1084
intermittent confinement or may authorize a limited release of the 1085
offender as provided in division (B) of section 2929.26 of the 1086
Revised Code. 1087

(C) If a court sentences an offender to a jail term under 1088
this section and the court assigns the offender to a county jail 1089
that has established a county jail industry program pursuant to 1090
section 5147.30 of the Revised Code, the court shall specify, as 1091
part of the sentence, whether the offender may be considered for 1092
participation in the program. During the offender's term in the 1093
county jail, the court retains jurisdiction to modify its 1094
specification regarding the offender's participation in the county 1095
jail industry program. 1096

(D) If a person is sentenced to a jail term pursuant to this 1097
section, the court may impose as part of the sentence pursuant to 1098
section 2929.28 of the Revised Code a reimbursement sanction, and, 1099
if the local detention facility in which the term is to be served 1100
is covered by a policy adopted pursuant to section 307.93, 341.14, 1101
341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 1102
2947.19 of the Revised Code and section 2929.37 of the Revised 1103
Code, both of the following apply: 1104

(1) The court shall specify both of the following as part of 1105
the sentence: 1106

(a) If the person is presented with an itemized bill pursuant 1107
to section 2929.37 of the Revised Code for payment of the costs of 1108
confinement, the person is required to pay the bill in accordance 1109
with that section. 1110

(b) If the person does not dispute the bill described in 1111
division (D)(1)(a) of this section and does not pay the bill by 1112
the times specified in section 2929.37 of the Revised Code, the 1113
clerk of the court may issue a certificate of judgment against the 1114
person as described in that section. 1115

(2) The sentence automatically includes any certificate of 1116
judgment issued as described in division (D)(1)(b) of this 1117
section. 1118

(E) If an offender who is convicted of or pleads guilty to a 1119
violation of division (B) of section 4511.19 of the Revised Code 1120
also is convicted of or also pleads guilty to a specification of 1121
the type described in section 2941.1416 of the Revised Code and if 1122
the court imposes a jail term on the offender for the underlying 1123
offense, the court shall impose upon the offender an additional 1124
definite jail term of not more than six months. The additional 1125
jail term shall not be reduced pursuant to any provision of the 1126
Revised Code. The offender shall serve the additional jail term 1127
consecutively to and prior to the jail term imposed for the 1128
underlying offense and consecutively to any other mandatory term 1129
imposed in relation to the offense. 1130

(F)(1) If an offender is convicted of or pleads guilty to a 1131
misdemeanor violation of section 2907.23, 2907.24, 2907.241, or 1132
2907.25 of the Revised Code and to a specification of the type 1133
described in section 2941.1421 of the Revised Code and if the 1134
court imposes a jail term on the offender for the misdemeanor 1135
violation, the court may impose upon the offender an additional 1136
definite jail term as follows: 1137

(a) Subject to division (F)(1)(b) of this section, an 1138
additional definite jail term of not more than sixty days; 1139

(b) If the offender previously has been convicted of or 1140
pleaded guilty to one or more misdemeanor or felony violations of 1141

section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 1142
Revised Code and also was convicted of or pleaded guilty to a 1143
specification of the type described in section 2941.1421 of the 1144
Revised Code regarding one or more of those violations, an 1145
additional definite jail term of not more than one hundred twenty 1146
days. 1147

(2) In lieu of imposing an additional definite jail term 1148
under division (F)(1) of this section, the court may directly 1149
impose on the offender a sanction that requires the offender to 1150
wear a real-time processing, continual tracking electronic 1151
monitoring device during the period of time specified by the 1152
court. The period of time specified by the court shall equal the 1153
duration of an additional jail term that the court could have 1154
imposed upon the offender under division (F)(1) of this section. A 1155
sanction imposed under this division shall commence on the date 1156
specified by the court, provided that the sanction shall not 1157
commence until after the offender has served the jail term imposed 1158
for the misdemeanor violation of section 2907.23, 2907.24, 1159
2907.241, or 2907.25 of the Revised Code and any residential 1160
sanction imposed for the violation under section 2929.26 of the 1161
Revised Code. A sanction imposed under this division shall be 1162
considered to be a community control sanction for purposes of 1163
section 2929.25 of the Revised Code, and all provisions of the 1164
Revised Code that pertain to community control sanctions shall 1165
apply to a sanction imposed under this division, except to the 1166
extent that they would by their nature be clearly inapplicable. 1167
The offender shall pay all costs associated with a sanction 1168
imposed under this division, including the cost of the use of the 1169
monitoring device. 1170

Sec. 2941.1421. (A) Imposition of an additional prison term 1171
of one, two, three, four, five, or six months under division 1172
(J)(2)(a)(i) of section 2929.14 of the Revised Code, an additional 1173

prison term of one, two, three, four, five, six, seven, eight, 1174
nine, ten, eleven, or twelve months under division (J)(2)(a)(ii) 1175
of section 2929.14 of the Revised Code, an additional definite 1176
jail term of not more than sixty days under division (F)(1)(a) of 1177
section 2929.24 of the Revised Code, or an additional definite 1178
jail term of not more than one hundred twenty days under division 1179
(F)(1)(b) of section 2929.24 of the Revised Code is precluded 1180
unless the indictment, count in the indictment, or information 1181
charging a felony violation of section 2907.22, 2907.24, 2907.241, 1182
or 2907.25 of the Revised Code or a misdemeanor violation of 1183
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 1184
Code, whichever is applicable, specifies that the violation was 1185
committed in proximity to a school. The specification shall be 1186
stated at the end of the body of the indictment, count, or 1187
information and shall be in substantially the following form: 1188

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1189
Grand Jurors (or insert the person's or the prosecuting attorney's 1190
name when appropriate) further find and specify that (set forth 1191
that the specified offense was committed in proximity to a 1192
school). 1193

(B) As used in this section, "committed in proximity to a 1194
school" has the same meaning as in section 2929.01 of the Revised 1195
Code. 1196

Section 2. That existing sections 1545.09, 1545.99, 2929.01, 1197
2929.14, and 2929.24 of the Revised Code are hereby repealed. 1198