

**As Passed by the Senate**

**127th General Assembly  
Regular Session  
2007-2008**

**Sub. S. B. No. 220**

**Senator Schuring**

**Cosponsors: Senators Austria, Harris, Padgett, Schaffer**

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**A B I L L**

To amend sections 2929.01, 2929.14, and 2929.24 and 1  
to enact section 2941.1421 of the Revised Code to 2  
authorize a court to impose an additional jail or 3  
prison term on an offender convicted of any one of 4  
certain prostitution, procuring, and soliciting 5  
offenses and of a specification that the offense 6  
was committed in proximity to a school and to 7  
authorize the court to require the offender in 8  
lieu of the additional prison or jail term to wear 9  
a real-time processing, continual tracking 10  
electronic monitoring device for a period of time 11  
that the additional term could have been imposed. 12

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

**Section 1.** That sections 2929.01, 2929.14, and 2929.24 be 13  
amended and section 2941.1421 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 2929.01.** As used in this chapter: 16

(A)(1) "Alternative residential facility" means, subject to 17  
division (A)(2) of this section, any facility other than an 18  
offender's home or residence in which an offender is assigned to 19

live and that satisfies all of the following criteria: 20

(a) It provides programs through which the offender may seek 21  
or maintain employment or may receive education, training, 22  
treatment, or habilitation. 23

(b) It has received the appropriate license or certificate 24  
for any specialized education, training, treatment, habilitation, 25  
or other service that it provides from the government agency that 26  
is responsible for licensing or certifying that type of education, 27  
training, treatment, habilitation, or service. 28

(2) "Alternative residential facility" does not include a 29  
community-based correctional facility, jail, halfway house, or 30  
prison. 31

(B) "Bad time" means the time by which the parole board 32  
administratively extends an offender's stated prison term or terms 33  
pursuant to section 2967.11 of the Revised Code because the parole 34  
board finds by clear and convincing evidence that the offender, 35  
while serving the prison term or terms, committed an act that is a 36  
criminal offense under the law of this state or the United States, 37  
whether or not the offender is prosecuted for the commission of 38  
that act. 39

(C) "Basic probation supervision" means a requirement that 40  
the offender maintain contact with a person appointed to supervise 41  
the offender in accordance with sanctions imposed by the court or 42  
imposed by the parole board pursuant to section 2967.28 of the 43  
Revised Code. "Basic probation supervision" includes basic parole 44  
supervision and basic post-release control supervision. 45

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 46  
"unit dose" have the same meanings as in section 2925.01 of the 47  
Revised Code. 48

(E) "Community-based correctional facility" means a 49  
community-based correctional facility and program or district 50

community-based correctional facility and program developed 51  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 52

(F) "Community control sanction" means a sanction that is not 53  
a prison term and that is described in section 2929.15, 2929.16, 54  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 55  
a jail term and that is described in section 2929.26, 2929.27, or 56  
2929.28 of the Revised Code. "Community control sanction" includes 57  
probation if the sentence involved was imposed for a felony that 58  
was committed prior to July 1, 1996, or if the sentence involved 59  
was imposed for a misdemeanor that was committed prior to January 60  
1, 2004. 61

(G) "Controlled substance," "marihuana," "schedule I," and 62  
"schedule II" have the same meanings as in section 3719.01 of the 63  
Revised Code. 64

(H) "Curfew" means a requirement that an offender during a 65  
specified period of time be at a designated place. 66

(I) "Day reporting" means a sanction pursuant to which an 67  
offender is required each day to report to and leave a center or 68  
other approved reporting location at specified times in order to 69  
participate in work, education or training, treatment, and other 70  
approved programs at the center or outside the center. 71

(J) "Deadly weapon" has the same meaning as in section 72  
2923.11 of the Revised Code. 73

(K) "Drug and alcohol use monitoring" means a program under 74  
which an offender agrees to submit to random chemical analysis of 75  
the offender's blood, breath, or urine to determine whether the 76  
offender has ingested any alcohol or other drugs. 77

(L) "Drug treatment program" means any program under which a 78  
person undergoes assessment and treatment designed to reduce or 79  
completely eliminate the person's physical or emotional reliance 80  
upon alcohol, another drug, or alcohol and another drug and under 81

which the person may be required to receive assessment and 82  
treatment on an outpatient basis or may be required to reside at a 83  
facility other than the person's home or residence while 84  
undergoing assessment and treatment. 85

(M) "Economic loss" means any economic detriment suffered by 86  
a victim as a direct and proximate result of the commission of an 87  
offense and includes any loss of income due to lost time at work 88  
because of any injury caused to the victim, and any property loss, 89  
medical cost, or funeral expense incurred as a result of the 90  
commission of the offense. "Economic loss" does not include 91  
non-economic loss or any punitive or exemplary damages. 92

(N) "Education or training" includes study at, or in 93  
conjunction with a program offered by, a university, college, or 94  
technical college or vocational study and also includes the 95  
completion of primary school, secondary school, and literacy 96  
curricula or their equivalent. 97

(O) "Firearm" has the same meaning as in section 2923.11 of 98  
the Revised Code. 99

(P) "Halfway house" means a facility licensed by the division 100  
of parole and community services of the department of 101  
rehabilitation and correction pursuant to section 2967.14 of the 102  
Revised Code as a suitable facility for the care and treatment of 103  
adult offenders. 104

(Q) "House arrest" means a period of confinement of an 105  
offender that is in the offender's home or in other premises 106  
specified by the sentencing court or by the parole board pursuant 107  
to section 2967.28 of the Revised Code and during which all of the 108  
following apply: 109

(1) The offender is required to remain in the offender's home 110  
or other specified premises for the specified period of 111  
confinement, except for periods of time during which the offender 112

is at the offender's place of employment or at other premises as 113  
authorized by the sentencing court or by the parole board. 114

(2) The offender is required to report periodically to a 115  
person designated by the court or parole board. 116

(3) The offender is subject to any other restrictions and 117  
requirements that may be imposed by the sentencing court or by the 118  
parole board. 119

(R) "Intensive probation supervision" means a requirement 120  
that an offender maintain frequent contact with a person appointed 121  
by the court, or by the parole board pursuant to section 2967.28 122  
of the Revised Code, to supervise the offender while the offender 123  
is seeking or maintaining necessary employment and participating 124  
in training, education, and treatment programs as required in the 125  
court's or parole board's order. "Intensive probation supervision" 126  
includes intensive parole supervision and intensive post-release 127  
control supervision. 128

(S) "Jail" means a jail, workhouse, minimum security jail, or 129  
other residential facility used for the confinement of alleged or 130  
convicted offenders that is operated by a political subdivision or 131  
a combination of political subdivisions of this state. 132

(T) "Jail term" means the term in a jail that a sentencing 133  
court imposes or is authorized to impose pursuant to section 134  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 135  
provision of the Revised Code that authorizes a term in a jail for 136  
a misdemeanor conviction. 137

(U) "Mandatory jail term" means the term in a jail that a 138  
sentencing court is required to impose pursuant to division (G) of 139  
section 1547.99 of the Revised Code, division (E) of section 140  
2903.06 or division (D) of section 2903.08 of the Revised Code, 141  
division (E) of section 2929.24 of the Revised Code, division (B) 142  
of section 4510.14 of the Revised Code, or division (G) of section 143

4511.19 of the Revised Code or pursuant to any other provision of 144  
the Revised Code that requires a term in a jail for a misdemeanor 145  
conviction. 146

(V) "Delinquent child" has the same meaning as in section 147  
2152.02 of the Revised Code. 148

(W) "License violation report" means a report that is made by 149  
a sentencing court, or by the parole board pursuant to section 150  
2967.28 of the Revised Code, to the regulatory or licensing board 151  
or agency that issued an offender a professional license or a 152  
license or permit to do business in this state and that specifies 153  
that the offender has been convicted of or pleaded guilty to an 154  
offense that may violate the conditions under which the offender's 155  
professional license or license or permit to do business in this 156  
state was granted or an offense for which the offender's 157  
professional license or license or permit to do business in this 158  
state may be revoked or suspended. 159

(X) "Major drug offender" means an offender who is convicted 160  
of or pleads guilty to the possession of, sale of, or offer to 161  
sell any drug, compound, mixture, preparation, or substance that 162  
consists of or contains at least one thousand grams of hashish; at 163  
least one hundred grams of crack cocaine; at least one thousand 164  
grams of cocaine that is not crack cocaine; at least two thousand 165  
five hundred unit doses or two hundred fifty grams of heroin; at 166  
least five thousand unit doses of L.S.D. or five hundred grams of 167  
L.S.D. in a liquid concentrate, liquid extract, or liquid 168  
distillate form; or at least one hundred times the amount of any 169  
other schedule I or II controlled substance other than marihuana 170  
that is necessary to commit a felony of the third degree pursuant 171  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 172  
Code that is based on the possession of, sale of, or offer to sell 173  
the controlled substance. 174

(Y) "Mandatory prison term" means any of the following: 175

(1) Subject to division (Y)(2) of this section, the term in 176  
prison that must be imposed for the offenses or circumstances set 177  
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 178  
2929.13 and division (D) of section 2929.14 of the Revised Code. 179  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 180  
and 2925.11 of the Revised Code, unless the maximum or another 181  
specific term is required under section 2929.14 or 2929.142 of the 182  
Revised Code, a mandatory prison term described in this division 183  
may be any prison term authorized for the level of offense. 184

(2) The term of sixty or one hundred twenty days in prison 185  
that a sentencing court is required to impose for a third or 186  
fourth degree felony OVI offense pursuant to division (G)(2) of 187  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 188  
of the Revised Code or the term of one, two, three, four, or five 189  
years in prison that a sentencing court is required to impose 190  
pursuant to division (G)(2) of section 2929.13 of the Revised 191  
Code. 192

(3) The term in prison imposed pursuant to division (A) of 193  
section 2971.03 of the Revised Code for the offenses and in the 194  
circumstances described in division (F)(11) of section 2929.13 of 195  
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 196  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 197  
2971.03 of the Revised Code and that term as modified or 198  
terminated pursuant to section 2971.05 of the Revised Code. 199

(Z) "Monitored time" means a period of time during which an 200  
offender continues to be under the control of the sentencing court 201  
or parole board, subject to no conditions other than leading a 202  
law-abiding life. 203

(AA) "Offender" means a person who, in this state, is 204  
convicted of or pleads guilty to a felony or a misdemeanor. 205

(BB) "Prison" means a residential facility used for the 206

confinement of convicted felony offenders that is under the 207  
control of the department of rehabilitation and correction but 208  
does not include a violation sanction center operated under 209  
authority of section 2967.141 of the Revised Code. 210

(CC) "Prison term" includes any of the following sanctions 211  
for an offender: 212

(1) A stated prison term; 213

(2) A term in a prison shortened by, or with the approval of, 214  
the sentencing court pursuant to section 2929.20, 2967.26, 215  
5120.031, 5120.032, or 5120.073 of the Revised Code; 216

(3) A term in prison extended by bad time imposed pursuant to 217  
section 2967.11 of the Revised Code or imposed for a violation of 218  
post-release control pursuant to section 2967.28 of the Revised 219  
Code. 220

(DD) "Repeat violent offender" means a person about whom both 221  
of the following apply: 222

(1) The person is being sentenced for committing or for 223  
complicity in committing any of the following: 224

(a) Aggravated murder, murder, any felony of the first or 225  
second degree that is an offense of violence, or an attempt to 226  
commit any of these offenses if the attempt is a felony of the 227  
first or second degree; 228

(b) An offense under an existing or former law of this state, 229  
another state, or the United States that is or was substantially 230  
equivalent to an offense described in division (DD)(1)(a) of this 231  
section. 232

(2) The person previously was convicted of or pleaded guilty 233  
to an offense described in division (DD)(1)(a) or (b) of this 234  
section. 235

(EE) "Sanction" means any penalty imposed upon an offender 236



who is convicted of or pleads guilty to an offense, as punishment 237  
for the offense. "Sanction" includes any sanction imposed pursuant 238  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 239  
2929.28 of the Revised Code. 240

(FF) "Sentence" means the sanction or combination of 241  
sanctions imposed by the sentencing court on an offender who is 242  
convicted of or pleads guilty to an offense. 243

(GG) "Stated prison term" means the prison term, mandatory 244  
prison term, or combination of all prison terms and mandatory 245  
prison terms imposed by the sentencing court pursuant to section 246  
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 247  
term" includes any credit received by the offender for time spent 248  
in jail awaiting trial, sentencing, or transfer to prison for the 249  
offense and any time spent under house arrest or house arrest with 250  
electronic monitoring imposed after earning credits pursuant to 251  
section 2967.193 of the Revised Code. 252

(HH) "Victim-offender mediation" means a reconciliation or 253  
mediation program that involves an offender and the victim of the 254  
offense committed by the offender and that includes a meeting in 255  
which the offender and the victim may discuss the offense, discuss 256  
restitution, and consider other sanctions for the offense. 257

(II) "Fourth degree felony OVI offense" means a violation of 258  
division (A) of section 4511.19 of the Revised Code that, under 259  
division (G) of that section, is a felony of the fourth degree. 260

(JJ) "Mandatory term of local incarceration" means the term 261  
of sixty or one hundred twenty days in a jail, a community-based 262  
correctional facility, a halfway house, or an alternative 263  
residential facility that a sentencing court may impose upon a 264  
person who is convicted of or pleads guilty to a fourth degree 265  
felony OVI offense pursuant to division (G)(1) of section 2929.13 266  
of the Revised Code and division (G)(1)(d) or (e) of section 267

4511.19 of the Revised Code.	268
(KK) "Designated homicide, assault, or kidnapping offense,"	269
"violent sex offense," "sexual motivation specification,"	270
"sexually violent offense," "sexually violent predator," and	271
"sexually violent predator specification" have the same meanings	272
as in section 2971.01 of the Revised Code.	273
(LL) "Sexually oriented offense," "child-victim oriented	274
offense," and "tier III sex offender/child-victim offender," have	275
the same meanings as in section 2950.01 of the Revised Code.	276
(MM) An offense is "committed in the vicinity of a child" if	277
the offender commits the offense within thirty feet of or within	278
the same residential unit as a child who is under eighteen years	279
of age, regardless of whether the offender knows the age of the	280
child or whether the offender knows the offense is being committed	281
within thirty feet of or within the same residential unit as the	282
child and regardless of whether the child actually views the	283
commission of the offense.	284
(NN) "Family or household member" has the same meaning as in	285
section 2919.25 of the Revised Code.	286
(OO) "Motor vehicle" and "manufactured home" have the same	287
meanings as in section 4501.01 of the Revised Code.	288
(PP) "Detention" and "detention facility" have the same	289
meanings as in section 2921.01 of the Revised Code.	290
(QQ) "Third degree felony OVI offense" means a violation of	291
division (A) of section 4511.19 of the Revised Code that, under	292
division (G) of that section, is a felony of the third degree.	293
(RR) "Random drug testing" has the same meaning as in section	294
5120.63 of the Revised Code.	295
(SS) "Felony sex offense" has the same meaning as in section	296
2967.28 of the Revised Code.	297

(TT) "Body armor" has the same meaning as in section	298
2941.1411 of the Revised Code.	299
(UU) "Electronic monitoring" means monitoring through the use	300
of an electronic monitoring device.	301
(VV) "Electronic monitoring device" means any of the	302
following:	303
(1) Any device that can be operated by electrical or battery	304
power and that conforms with all of the following:	305
(a) The device has a transmitter that can be attached to a	306
person, that will transmit a specified signal to a receiver of the	307
type described in division (VV)(1)(b) of this section if the	308
transmitter is removed from the person, turned off, or altered in	309
any manner without prior court approval in relation to electronic	310
monitoring or without prior approval of the department of	311
rehabilitation and correction in relation to the use of an	312
electronic monitoring device for an inmate on transitional control	313
or otherwise is tampered with, that can transmit continuously and	314
periodically a signal to that receiver when the person is within a	315
specified distance from the receiver, and that can transmit an	316
appropriate signal to that receiver if the person to whom it is	317
attached travels a specified distance from that receiver.	318
(b) The device has a receiver that can receive continuously	319
the signals transmitted by a transmitter of the type described in	320
division (VV)(1)(a) of this section, can transmit continuously	321
those signals by telephone to a central monitoring computer of the	322
type described in division (VV)(1)(c) of this section, and can	323
transmit continuously an appropriate signal to that central	324
monitoring computer if the receiver is turned off or altered	325
without prior court approval or otherwise tampered with.	326
(c) The device has a central monitoring computer that can	327
receive continuously the signals transmitted by telephone by a	328

receiver of the type described in division (VV)(1)(b) of this 329  
section and can monitor continuously the person to whom an 330  
electronic monitoring device of the type described in division 331  
(VV)(1)(a) of this section is attached. 332

(2) Any device that is not a device of the type described in 333  
division (VV)(1) of this section and that conforms with all of the 334  
following: 335

(a) The device includes a transmitter and receiver that can 336  
monitor and determine the location of a subject person at any 337  
time, or at a designated point in time, through the use of a 338  
central monitoring computer or through other electronic means. 339

(b) The device includes a transmitter and receiver that can 340  
determine at any time, or at a designated point in time, through 341  
the use of a central monitoring computer or other electronic means 342  
the fact that the transmitter is turned off or altered in any 343  
manner without prior approval of the court in relation to the 344  
electronic monitoring or without prior approval of the department 345  
of rehabilitation and correction in relation to the use of an 346  
electronic monitoring device for an inmate on transitional control 347  
or otherwise is tampered with. 348

(3) Any type of technology that can adequately track or 349  
determine the location of a subject person at any time and that is 350  
approved by the director of rehabilitation and correction, 351  
including, but not limited to, any satellite technology, voice 352  
tracking system, or retinal scanning system that is so approved. 353

(WW) "Non-economic loss" means nonpecuniary harm suffered by 354  
a victim of an offense as a result of or related to the commission 355  
of the offense, including, but not limited to, pain and suffering; 356  
loss of society, consortium, companionship, care, assistance, 357  
attention, protection, advice, guidance, counsel, instruction, 358  
training, or education; mental anguish; and any other intangible 359

loss. 360

(XX) "Prosecutor" has the same meaning as in section 2935.01 361  
of the Revised Code. 362

(YY) "Continuous alcohol monitoring" means the ability to 363  
automatically test and periodically transmit alcohol consumption 364  
levels and tamper attempts at least every hour, regardless of the 365  
location of the person who is being monitored. 366

(ZZ) A person is "adjudicated a sexually violent predator" if 367  
the person is convicted of or pleads guilty to a violent sex 368  
offense and also is convicted of or pleads guilty to a sexually 369  
violent predator specification that was included in the 370  
indictment, count in the indictment, or information charging that 371  
violent sex offense or if the person is convicted of or pleads 372  
guilty to a designated homicide, assault, or kidnapping offense 373  
and also is convicted of or pleads guilty to both a sexual 374  
motivation specification and a sexually violent predator 375  
specification that were included in the indictment, count in the 376  
indictment, or information charging that designated homicide, 377  
assault, or kidnapping offense. 378

(AAA) An offense is "committed in proximity to a school" if 379  
the offender commits the offense in a school safety zone or within 380  
five hundred feet of any school building or the boundaries of any 381  
school premises, regardless of whether the offender knows the 382  
offense is being committed in a school safety zone or within five 383  
hundred feet of any school building or the boundaries of any 384  
school premises. 385

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 386  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), (I), (J), or (L) of 387  
this section and except in relation to an offense for which a 388  
sentence of death or life imprisonment is to be imposed, if the 389  
court imposing a sentence upon an offender for a felony elects or 390

is required to impose a prison term on the offender pursuant to 391  
this chapter, the court shall impose a definite prison term that 392  
shall be one of the following: 393

(1) For a felony of the first degree, the prison term shall 394  
be three, four, five, six, seven, eight, nine, or ten years. 395

(2) For a felony of the second degree, the prison term shall 396  
be two, three, four, five, six, seven, or eight years. 397

(3) For a felony of the third degree, the prison term shall 398  
be one, two, three, four, or five years. 399

(4) For a felony of the fourth degree, the prison term shall 400  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 401  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 402

(5) For a felony of the fifth degree, the prison term shall 403  
be six, seven, eight, nine, ten, eleven, or twelve months. 404

(B) Except as provided in division (C), (D)(1), (D)(2), 405  
(D)(3), (D)(5), (D)(6), (G), (I), (J), or (L) of this section, in 406  
section 2907.02 or 2907.05 of the Revised Code, or in Chapter 407  
2925. of the Revised Code, if the court imposing a sentence upon 408  
an offender for a felony elects or is required to impose a prison 409  
term on the offender, the court shall impose the shortest prison 410  
term authorized for the offense pursuant to division (A) of this 411  
section, unless one or more of the following applies: 412

(1) The offender was serving a prison term at the time of the 413  
offense, or the offender previously had served a prison term. 414

(2) The court finds on the record that the shortest prison 415  
term will demean the seriousness of the offender's conduct or will 416  
not adequately protect the public from future crime by the 417  
offender or others. 418

(C) Except as provided in division (G) or (L) of this section 419  
or in Chapter 2925. of the Revised Code, the court imposing a 420

sentence upon an offender for a felony may impose the longest 421  
prison term authorized for the offense pursuant to division (A) of 422  
this section only upon offenders who committed the worst forms of 423  
the offense, upon offenders who pose the greatest likelihood of 424  
committing future crimes, upon certain major drug offenders under 425  
division (D)(3) of this section, and upon certain repeat violent 426  
offenders in accordance with division (D)(2) of this section. 427

(D)(1)(a) Except as provided in division (D)(1)(e) of this 428  
section, if an offender who is convicted of or pleads guilty to a 429  
felony also is convicted of or pleads guilty to a specification of 430  
the type described in section 2941.141, 2941.144, or 2941.145 of 431  
the Revised Code, the court shall impose on the offender one of 432  
the following prison terms: 433

(i) A prison term of six years if the specification is of the 434  
type described in section 2941.144 of the Revised Code that 435  
charges the offender with having a firearm that is an automatic 436  
firearm or that was equipped with a firearm muffler or silencer on 437  
or about the offender's person or under the offender's control 438  
while committing the felony; 439

(ii) A prison term of three years if the specification is of 440  
the type described in section 2941.145 of the Revised Code that 441  
charges the offender with having a firearm on or about the 442  
offender's person or under the offender's control while committing 443  
the offense and displaying the firearm, brandishing the firearm, 444  
indicating that the offender possessed the firearm, or using it to 445  
facilitate the offense; 446

(iii) A prison term of one year if the specification is of 447  
the type described in section 2941.141 of the Revised Code that 448  
charges the offender with having a firearm on or about the 449  
offender's person or under the offender's control while committing 450  
the felony. 451

(b) If a court imposes a prison term on an offender under 452  
division (D)(1)(a) of this section, the prison term shall not be 453  
reduced pursuant to section 2929.20, section 2967.193, or any 454  
other provision of Chapter 2967. or Chapter 5120. of the Revised 455  
Code. A court shall not impose more than one prison term on an 456  
offender under division (D)(1)(a) of this section for felonies 457  
committed as part of the same act or transaction. 458

(c) Except as provided in division (D)(1)(e) of this section, 459  
if an offender who is convicted of or pleads guilty to a violation 460  
of section 2923.161 of the Revised Code or to a felony that 461  
includes, as an essential element, purposely or knowingly causing 462  
or attempting to cause the death of or physical harm to another, 463  
also is convicted of or pleads guilty to a specification of the 464  
type described in section 2941.146 of the Revised Code that 465  
charges the offender with committing the offense by discharging a 466  
firearm from a motor vehicle other than a manufactured home, the 467  
court, after imposing a prison term on the offender for the 468  
violation of section 2923.161 of the Revised Code or for the other 469  
felony offense under division (A), (D)(2), or (D)(3) of this 470  
section, shall impose an additional prison term of five years upon 471  
the offender that shall not be reduced pursuant to section 472  
2929.20, section 2967.193, or any other provision of Chapter 2967. 473  
or Chapter 5120. of the Revised Code. A court shall not impose 474  
more than one additional prison term on an offender under division 475  
(D)(1)(c) of this section for felonies committed as part of the 476  
same act or transaction. If a court imposes an additional prison 477  
term on an offender under division (D)(1)(c) of this section 478  
relative to an offense, the court also shall impose a prison term 479  
under division (D)(1)(a) of this section relative to the same 480  
offense, provided the criteria specified in that division for 481  
imposing an additional prison term are satisfied relative to the 482  
offender and the offense. 483



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

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

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

(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.

(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 516  
also is convicted of or pleads guilty to a specification of the 517  
type described in section 2941.1412 of the Revised Code that 518  
charges the offender with committing the offense by discharging a 519  
firearm at a peace officer as defined in section 2935.01 of the 520  
Revised Code or a corrections officer, as defined in section 521  
2941.1412 of the Revised Code, the court, after imposing a prison 522  
term on the offender for the felony offense under division (A), 523  
(D)(2), or (D)(3) of this section, shall impose an additional 524  
prison term of seven years upon the offender that shall not be 525  
reduced pursuant to section 2929.20, section 2967.193, or any 526  
other provision of Chapter 2967. or Chapter 5120. of the Revised 527  
Code. A court shall not impose more than one additional prison 528  
term on an offender under division (D)(1)(f) of this section for 529  
felonies committed as part of the same act or transaction. If a 530  
court imposes an additional prison term on an offender under 531  
division (D)(1)(f) of this section relative to an offense, the 532  
court shall not impose a prison term under division (D)(1)(a) or 533  
(c) of this section relative to the same offense. 534

(2)(a) If division (D)(2)(b) of this section does not apply, 535  
the court may impose on an offender, in addition to the longest 536  
prison term authorized or required for the offense, an additional 537  
definite prison term of one, two, three, four, five, six, seven, 538  
eight, nine, or ten years if all of the following criteria are 539  
met: 540

(i) The offender is convicted of or pleads guilty to a 541  
specification of the type described in section 2941.149 of the 542  
Revised Code that the offender is a repeat violent offender. 543

(ii) The offense of which the offender currently is convicted 544  
or to which the offender currently pleads guilty is aggravated 545  
murder and the court does not impose a sentence of death or life 546  
imprisonment without parole, murder, terrorism and the court does 547

not impose a sentence of life imprisonment without parole, any 548  
felony of the first degree that is an offense of violence and the 549  
court does not impose a sentence of life imprisonment without 550  
parole, or any felony of the second degree that is an offense of 551  
violence and the trier of fact finds that the offense involved an 552  
attempt to cause or a threat to cause serious physical harm to a 553  
person or resulted in serious physical harm to a person. 554

(iii) The court imposes the longest prison term for the 555  
offense that is not life imprisonment without parole. 556

(iv) The court finds that the prison terms imposed pursuant 557  
to division (D)(2)(a)(iii) of this section and, if applicable, 558  
division (D)(1) or (3) of this section are inadequate to punish 559  
the offender and protect the public from future crime, because the 560  
applicable factors under section 2929.12 of the Revised Code 561  
indicating a greater likelihood of recidivism outweigh the 562  
applicable factors under that section indicating a lesser 563  
likelihood of recidivism. 564

(v) The court finds that the prison terms imposed pursuant to 565  
division (D)(2)(a)(iii) of this section and, if applicable, 566  
division (D)(1) or (3) of this section are demeaning to the 567  
seriousness of the offense, because one or more of the factors 568  
under section 2929.12 of the Revised Code indicating that the 569  
offender's conduct is more serious than conduct normally 570  
constituting the offense are present, and they outweigh the 571  
applicable factors under that section indicating that the 572  
offender's conduct is less serious than conduct normally 573  
constituting the offense. 574

(b) The court shall impose on an offender the longest prison 575  
term authorized or required for the offense and shall impose on 576  
the offender an additional definite prison term of one, two, 577  
three, four, five, six, seven, eight, nine, or ten years if all of 578  
the following criteria are met: 579

(i) The offender is convicted of or pleads guilty to a 580  
specification of the type described in section 2941.149 of the 581  
Revised Code that the offender is a repeat violent offender. 582

(ii) The offender within the preceding twenty years has been 583  
convicted of or pleaded guilty to three or more offenses described 584  
in division (DD)(1) of section 2929.01 of the Revised Code, 585  
including all offenses described in that division of which the 586  
offender is convicted or to which the offender pleads guilty in 587  
the current prosecution and all offenses described in that 588  
division of which the offender previously has been convicted or to 589  
which the offender previously pleaded guilty, whether prosecuted 590  
together or separately. 591

(iii) The offense or offenses of which the offender currently 592  
is convicted or to which the offender currently pleads guilty is 593  
aggravated murder and the court does not impose a sentence of 594  
death or life imprisonment without parole, murder, terrorism and 595  
the court does not impose a sentence of life imprisonment without 596  
parole, any felony of the first degree that is an offense of 597  
violence and the court does not impose a sentence of life 598  
imprisonment without parole, or any felony of the second degree 599  
that is an offense of violence and the trier of fact finds that 600  
the offense involved an attempt to cause or a threat to cause 601  
serious physical harm to a person or resulted in serious physical 602  
harm to a person. 603

(c) For purposes of division (D)(2)(b) of this section, two 604  
or more offenses committed at the same time or as part of the same 605  
act or event shall be considered one offense, and that one offense 606  
shall be the offense with the greatest penalty. 607

(d) A sentence imposed under division (D)(2)(a) or (b) of 608  
this section shall not be reduced pursuant to section 2929.20 or 609  
section 2967.193, or any other provision of Chapter 2967. or 610  
Chapter 5120. of the Revised Code. The offender shall serve an 611

additional prison term imposed under this section consecutively to 612  
and prior to the prison term imposed for the underlying offense. 613

(e) When imposing a sentence pursuant to division (D)(2)(a) 614  
or (b) of this section, the court shall state its findings 615  
explaining the imposed sentence. 616

(3)(a) Except when an offender commits a violation of section 617  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 618  
the violation is life imprisonment or commits a violation of 619  
section 2903.02 of the Revised Code, if the offender commits a 620  
violation of section 2925.03 or 2925.11 of the Revised Code and 621  
that section classifies the offender as a major drug offender and 622  
requires the imposition of a ten-year prison term on the offender, 623  
if the offender commits a felony violation of section 2925.02, 624  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 625  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 626  
division (C) of section 4729.51, or division (J) of section 627  
4729.54 of the Revised Code that includes the sale, offer to sell, 628  
or possession of a schedule I or II controlled substance, with the 629  
exception of marihuana, and the court imposing sentence upon the 630  
offender finds that the offender is guilty of a specification of 631  
the type described in section 2941.1410 of the Revised Code 632  
charging that the offender is a major drug offender, if the court 633  
imposing sentence upon an offender for a felony finds that the 634  
offender is guilty of corrupt activity with the most serious 635  
offense in the pattern of corrupt activity being a felony of the 636  
first degree, or if the offender is guilty of an attempted 637  
violation of section 2907.02 of the Revised Code and, had the 638  
offender completed the violation of section 2907.02 of the Revised 639  
Code that was attempted, the offender would have been subject to a 640  
sentence of life imprisonment or life imprisonment without parole 641  
for the violation of section 2907.02 of the Revised Code, the 642  
court shall impose upon the offender for the felony violation a 643

ten-year prison term that cannot be reduced pursuant to section 644  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 645

(b) The court imposing a prison term on an offender under 646  
division (D)(3)(a) of this section may impose an additional prison 647  
term of one, two, three, four, five, six, seven, eight, nine, or 648  
ten years, if the court, with respect to the term imposed under 649  
division (D)(3)(a) of this section and, if applicable, divisions 650  
(D)(1) and (2) of this section, makes both of the findings set 651  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 652

(4) If the offender is being sentenced for a third or fourth 653  
degree felony OVI offense under division (G)(2) of section 2929.13 654  
of the Revised Code, the sentencing court shall impose upon the 655  
offender a mandatory prison term in accordance with that division. 656  
In addition to the mandatory prison term, if the offender is being 657  
sentenced for a fourth degree felony OVI offense, the court, 658  
notwithstanding division (A)(4) of this section, may sentence the 659  
offender to a definite prison term of not less than six months and 660  
not more than thirty months, and if the offender is being 661  
sentenced for a third degree felony OVI offense, the sentencing 662  
court may sentence the offender to an additional prison term of 663  
any duration specified in division (A)(3) of this section. In 664  
either case, the additional prison term imposed shall be reduced 665  
by the sixty or one hundred twenty days imposed upon the offender 666  
as the mandatory prison term. The total of the additional prison 667  
term imposed under division (D)(4) of this section plus the sixty 668  
or one hundred twenty days imposed as the mandatory prison term 669  
shall equal a definite term in the range of six months to thirty 670  
months for a fourth degree felony OVI offense and shall equal one 671  
of the authorized prison terms specified in division (A)(3) of 672  
this section for a third degree felony OVI offense. If the court 673  
imposes an additional prison term under division (D)(4) of this 674  
section, the offender shall serve the additional prison term after 675

the offender has served the mandatory prison term required for the 676  
offense. In addition to the mandatory prison term or mandatory and 677  
additional prison term imposed as described in division (D)(4) of 678  
this section, the court also may sentence the offender to a 679  
community control sanction under section 2929.16 or 2929.17 of the 680  
Revised Code, but the offender shall serve all of the prison terms 681  
so imposed prior to serving the community control sanction. 682

If the offender is being sentenced for a fourth degree felony 683  
OVI offense under division (G)(1) of section 2929.13 of the 684  
Revised Code and the court imposes a mandatory term of local 685  
incarceration, the court may impose a prison term as described in 686  
division (A)(1) of that section. 687

(5) If an offender is convicted of or pleads guilty to a 688  
violation of division (A)(1) or (2) of section 2903.06 of the 689  
Revised Code and also is convicted of or pleads guilty to a 690  
specification of the type described in section 2941.1414 of the 691  
Revised Code that charges that the victim of the offense is a 692  
peace officer, as defined in section 2935.01 of the Revised Code, 693  
or an investigator of the bureau of criminal identification and 694  
investigation, as defined in section 2903.11 of the Revised Code, 695  
the court shall impose on the offender a prison term of five 696  
years. If a court imposes a prison term on an offender under 697  
division (D)(5) of this section, the prison term shall not be 698  
reduced pursuant to section 2929.20, section 2967.193, or any 699  
other provision of Chapter 2967. or Chapter 5120. of the Revised 700  
Code. A court shall not impose more than one prison term on an 701  
offender under division (D)(5) of this section for felonies 702  
committed as part of the same act. 703

(6) If an offender is convicted of or pleads guilty to a 704  
violation of division (A)(1) or (2) of section 2903.06 of the 705  
Revised Code and also is convicted of or pleads guilty to a 706  
specification of the type described in section 2941.1415 of the 707

Revised Code that charges that the offender previously has been 708  
convicted of or pleaded guilty to three or more violations of 709  
division (A) or (B) of section 4511.19 of the Revised Code or an 710  
equivalent offense, as defined in section 2941.1415 of the Revised 711  
Code, or three or more violations of any combination of those 712  
divisions and offenses, the court shall impose on the offender a 713  
prison term of three years. If a court imposes a prison term on an 714  
offender under division (D)(6) of this section, the prison term 715  
shall not be reduced pursuant to section 2929.20, section 716  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 717  
of the Revised Code. A court shall not impose more than one prison 718  
term on an offender under division (D)(6) of this section for 719  
felonies committed as part of the same act. 720

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 721  
mandatory prison term is imposed upon an offender pursuant to 722  
division (D)(1)(a) of this section for having a firearm on or 723  
about the offender's person or under the offender's control while 724  
committing a felony, if a mandatory prison term is imposed upon an 725  
offender pursuant to division (D)(1)(c) of this section for 726  
committing a felony specified in that division by discharging a 727  
firearm from a motor vehicle, or if both types of mandatory prison 728  
terms are imposed, the offender shall serve any mandatory prison 729  
term imposed under either division consecutively to any other 730  
mandatory prison term imposed under either division or under 731  
division (D)(1)(d) of this section, consecutively to and prior to 732  
any prison term imposed for the underlying felony pursuant to 733  
division (A), (D)(2), or (D)(3) of this section or any other 734  
section of the Revised Code, and consecutively to any other prison 735  
term or mandatory prison term previously or subsequently imposed 736  
upon the offender. 737

(b) If a mandatory prison term is imposed upon an offender 738  
pursuant to division (D)(1)(d) of this section for wearing or 739



carrying body armor while committing an offense of violence that 740  
is a felony, the offender shall serve the mandatory term so 741  
imposed consecutively to any other mandatory prison term imposed 742  
under that division or under division (D)(1)(a) or (c) of this 743  
section, consecutively to and prior to any prison term imposed for 744  
the underlying felony under division (A), (D)(2), or (D)(3) of 745  
this section or any other section of the Revised Code, and 746  
consecutively to any other prison term or mandatory prison term 747  
previously or subsequently imposed upon the offender. 748

(c) If a mandatory prison term is imposed upon an offender 749  
pursuant to division (D)(1)(f) of this section, the offender shall 750  
serve the mandatory prison term so imposed consecutively to and 751  
prior to any prison term imposed for the underlying felony under 752  
division (A), (D)(2), or (D)(3) of this section or any other 753  
section of the Revised Code, and consecutively to any other prison 754  
term or mandatory prison term previously or subsequently imposed 755  
upon the offender. 756

(2) If an offender who is an inmate in a jail, prison, or 757  
other residential detention facility violates section 2917.02, 758  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 759  
who is under detention at a detention facility commits a felony 760  
violation of section 2923.131 of the Revised Code, or if an 761  
offender who is an inmate in a jail, prison, or other residential 762  
detention facility or is under detention at a detention facility 763  
commits another felony while the offender is an escapee in 764  
violation of section 2921.34 of the Revised Code, any prison term 765  
imposed upon the offender for one of those violations shall be 766  
served by the offender consecutively to the prison term or term of 767  
imprisonment the offender was serving when the offender committed 768  
that offense and to any other prison term previously or 769  
subsequently imposed upon the offender. 770

(3) If a prison term is imposed for a violation of division 771

(B) of section 2911.01 of the Revised Code, a violation of 772  
division (A) of section 2913.02 of the Revised Code in which the 773  
stolen property is a firearm or dangerous ordnance, or a felony 774  
violation of division (B) of section 2921.331 of the Revised Code, 775  
the offender shall serve that prison term consecutively to any 776  
other prison term or mandatory prison term previously or 777  
subsequently imposed upon the offender. 778

(4) If multiple prison terms are imposed on an offender for 779  
convictions of multiple offenses, the court may require the 780  
offender to serve the prison terms consecutively if the court 781  
finds that the consecutive service is necessary to protect the 782  
public from future crime or to punish the offender and that 783  
consecutive sentences are not disproportionate to the seriousness 784  
of the offender's conduct and to the danger the offender poses to 785  
the public, and if the court also finds any of the following: 786

(a) The offender committed one or more of the multiple 787  
offenses while the offender was awaiting trial or sentencing, was 788  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 789  
2929.18 of the Revised Code, or was under post-release control for 790  
a prior offense. 791

(b) At least two of the multiple offenses were committed as 792  
part of one or more courses of conduct, and the harm caused by two 793  
or more of the multiple offenses so committed was so great or 794  
unusual that no single prison term for any of the offenses 795  
committed as part of any of the courses of conduct adequately 796  
reflects the seriousness of the offender's conduct. 797

(c) The offender's history of criminal conduct demonstrates 798  
that consecutive sentences are necessary to protect the public 799  
from future crime by the offender. 800

(5) If a mandatory prison term is imposed upon an offender 801  
pursuant to division (D)(5) or (6) of this section, the offender 802

shall serve the mandatory prison term consecutively to and prior 803  
to any prison term imposed for the underlying violation of 804  
division (A)(1) or (2) of section 2903.06 of the Revised Code 805  
pursuant to division (A) of this section or section 2929.142 of 806  
the Revised Code. If a mandatory prison term is imposed upon an 807  
offender pursuant to division (D)(5) of this section, and if a 808  
mandatory prison term also is imposed upon the offender pursuant 809  
to division (D)(6) of this section in relation to the same 810  
violation, the offender shall serve the mandatory prison term 811  
imposed pursuant to division (D)(5) of this section consecutively 812  
to and prior to the mandatory prison term imposed pursuant to 813  
division (D)(6) of this section and consecutively to and prior to 814  
any prison term imposed for the underlying violation of division 815  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 816  
division (A) of this section or section 2929.142 of the Revised 817  
Code. 818

(6) When consecutive prison terms are imposed pursuant to 819  
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 820  
of this section, the term to be served is the aggregate of all of 821  
the terms so imposed. 822

(F)(1) If a court imposes a prison term for a felony of the 823  
first degree, for a felony of the second degree, for a felony sex 824  
offense, or for a felony of the third degree that is not a felony 825  
sex offense and in the commission of which the offender caused or 826  
threatened to cause physical harm to a person, it shall include in 827  
the sentence a requirement that the offender be subject to a 828  
period of post-release control after the offender's release from 829  
imprisonment, in accordance with that division. If a court imposes 830  
a sentence including a prison term of a type described in this 831  
division on or after July 11, 2006, the failure of a court to 832  
include a post-release control requirement in the sentence 833  
pursuant to this division does not negate, limit, or otherwise 834

affect the mandatory period of post-release control that is 835  
required for the offender under division (B) of section 2967.28 of 836  
the Revised Code. Section 2929.191 of the Revised Code applies if, 837  
prior to July 11, 2006, a court imposed a sentence including a 838  
prison term of a type described in this division and failed to 839  
include in the sentence pursuant to this division a statement 840  
regarding post-release control. 841

(2) If a court imposes a prison term for a felony of the 842  
third, fourth, or fifth degree that is not subject to division 843  
(F)(1) of this section, it shall include in the sentence a 844  
requirement that the offender be subject to a period of 845  
post-release control after the offender's release from 846  
imprisonment, in accordance with that division, if the parole 847  
board determines that a period of post-release control is 848  
necessary. Section 2929.191 of the Revised Code applies if, prior 849  
to July 11, 2006, a court imposed a sentence including a prison 850  
term of a type described in this division and failed to include in 851  
the sentence pursuant to this division a statement regarding 852  
post-release control. 853

(G) The court shall impose sentence upon the offender in 854  
accordance with section 2971.03 of the Revised Code, and Chapter 855  
2971. of the Revised Code applies regarding the prison term or 856  
term of life imprisonment without parole imposed upon the offender 857  
and the service of that term of imprisonment if any of the 858  
following apply: 859

(1) A person is convicted of or pleads guilty to a violent 860  
sex offense or a designated homicide, assault, or kidnapping 861  
offense, and, in relation to that offense, the offender is 862  
adjudicated a sexually violent predator. 863

(2) A person is convicted of or pleads guilty to a violation 864  
of division (A)(1)(b) of section 2907.02 of the Revised Code 865  
committed on or after January 2, 2007, and either the court does 866

not impose a sentence of life without parole when authorized 867  
pursuant to division (B) of section 2907.02 of the Revised Code, 868  
or division (B) of section 2907.02 of the Revised Code provides 869  
that the court shall not sentence the offender pursuant to section 870  
2971.03 of the Revised Code. 871

(3) A person is convicted of or pleads guilty to attempted 872  
rape committed on or after January 2, 2007, and a specification of 873  
the type described in section 2941.1418, 2941.1419, or 2941.1420 874  
of the Revised Code. 875

(4) A person is convicted of or pleads guilty to a violation 876  
of section 2905.01 of the Revised Code committed on or after ~~the~~ 877  
~~effective date of this amendment~~ January 1, 2008, and that section 878  
requires the court to sentence the offender pursuant to section 879  
2971.03 of the Revised Code. 880

(5) A person is convicted of or pleads guilty to aggravated 881  
murder committed on or after ~~the effective date of this amendment~~ 882  
January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, 883  
division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), 884  
(D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or 885  
(B) of section 2929.06 of the Revised Code requires the court to 886  
sentence the offender pursuant to division (B)(3) of section 887  
2971.03 of the Revised Code. 888

(6) A person is convicted of or pleads guilty to murder 889  
committed on or after ~~the effective date of this amendment~~ January 890  
1, 2008, and division (B)(2) of section 2929.02 of the Revised 891  
Code requires the court to sentence the offender pursuant to 892  
section 2971.03 of the Revised Code. 893

(H) If a person who has been convicted of or pleaded guilty 894  
to a felony is sentenced to a prison term or term of imprisonment 895  
under this section, sections 2929.02 to 2929.06 of the Revised 896  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 897

Revised Code, or any other provision of law, section 5120.163 of 898  
the Revised Code applies regarding the person while the person is 899  
confined in a state correctional institution. 900

(I) If an offender who is convicted of or pleads guilty to a 901  
felony that is an offense of violence also is convicted of or 902  
pleads guilty to a specification of the type described in section 903  
2941.142 of the Revised Code that charges the offender with having 904  
committed the felony while participating in a criminal gang, the 905  
court shall impose upon the offender an additional prison term of 906  
one, two, or three years. 907

(J)(1) If an offender who is convicted of or pleads guilty to 908  
aggravated murder, murder, or a felony of the first, second, or 909  
third degree that is an offense of violence also is convicted of 910  
or pleads guilty to a specification of the type described in 911  
section 2941.143 of the Revised Code that charges the offender 912  
with having committed the offense in a school safety zone or 913  
towards a person in a school safety zone, the court shall impose 914  
upon the offender an additional prison term of two years. The 915  
offender shall serve the additional two years consecutively to and 916  
prior to the prison term imposed for the underlying offense. 917

(2)(a) If an offender is convicted of or pleads guilty to a 918  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 919  
of the Revised Code and to a specification of the type described 920  
in section 2941.1421 of the Revised Code and if the court imposes 921  
a prison term on the offender for the felony violation, the court 922  
may impose upon the offender an additional prison term as follows: 923

(i) Subject to division (J)(2)(a)(ii) of this section, an 924  
additional prison term of one, two, three, four, five, or six 925  
months; 926

(ii) If the offender previously has been convicted of or 927  
pleaded guilty to one or more felony or misdemeanor violations of 928

section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 929  
Revised Code and also was convicted of or pleaded guilty to a 930  
specification of the type described in section 2941.1421 of the 931  
Revised Code regarding one or more of those violations, an 932  
additional prison term of one, two, three, four, five, six, seven, 933  
eight, nine, ten, eleven, or twelve months. 934

(b) In lieu of imposing an additional prison term under 935  
division (J)(2)(a) of this section, the court may directly impose 936  
on the offender a sanction that requires the offender to wear a 937  
real-time processing, continual tracking electronic monitoring 938  
device during the period of time specified by the court. The 939  
period of time specified by the court shall equal the duration of 940  
an additional prison term that the court could have imposed upon 941  
the offender under division (J)(2)(a) of this section. A sanction 942  
imposed under this division shall commence on the date specified 943  
by the court, provided that the sanction shall not commence until 944  
after the offender has served the prison term imposed for the 945  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 946  
of the Revised Code and any residential sanction imposed for the 947  
violation under section 2929.16 of the Revised Code. A sanction 948  
imposed under this division shall be considered to be a community 949  
control sanction for purposes of section 2929.15 of the Revised 950  
Code, and all provisions of the Revised Code that pertain to 951  
community control sanctions shall apply to a sanction imposed 952  
under this division, except to the extent that they would by their 953  
nature be clearly inapplicable. The offender shall pay all costs 954  
associated with a sanction imposed under this division, including 955  
the cost of the use of the monitoring device. 956

(K) At the time of sentencing, the court may recommend the 957  
offender for placement in a program of shock incarceration under 958  
section 5120.031 of the Revised Code or for placement in an 959  
intensive program prison under section 5120.032 of the Revised 960

Code, disapprove placement of the offender in a program of shock 961  
incarceration or an intensive program prison of that nature, or 962  
make no recommendation on placement of the offender. In no case 963  
shall the department of rehabilitation and correction place the 964  
offender in a program or prison of that nature unless the 965  
department determines as specified in section 5120.031 or 5120.032 966  
of the Revised Code, whichever is applicable, that the offender is 967  
eligible for the placement. 968

If the court disapproves placement of the offender in a 969  
program or prison of that nature, the department of rehabilitation 970  
and correction shall not place the offender in any program of 971  
shock incarceration or intensive program prison. 972

If the court recommends placement of the offender in a 973  
program of shock incarceration or in an intensive program prison, 974  
and if the offender is subsequently placed in the recommended 975  
program or prison, the department shall notify the court of the 976  
placement and shall include with the notice a brief description of 977  
the placement. 978

If the court recommends placement of the offender in a 979  
program of shock incarceration or in an intensive program prison 980  
and the department does not subsequently place the offender in the 981  
recommended program or prison, the department shall send a notice 982  
to the court indicating why the offender was not placed in the 983  
recommended program or prison. 984

If the court does not make a recommendation under this 985  
division with respect to an offender and if the department 986  
determines as specified in section 5120.031 or 5120.032 of the 987  
Revised Code, whichever is applicable, that the offender is 988  
eligible for placement in a program or prison of that nature, the 989  
department shall screen the offender and determine if there is an 990  
available program of shock incarceration or an intensive program 991  
prison for which the offender is suited. If there is an available 992



program of shock incarceration or an intensive program prison for 993  
which the offender is suited, the department shall notify the 994  
court of the proposed placement of the offender as specified in 995  
section 5120.031 or 5120.032 of the Revised Code and shall include 996  
with the notice a brief description of the placement. The court 997  
shall have ten days from receipt of the notice to disapprove the 998  
placement. 999

(L) If a person is convicted of or pleads guilty to 1000  
aggravated vehicular homicide in violation of division (A)(1) of 1001  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 1002  
section applies, the person shall be sentenced pursuant to section 1003  
2929.142 of the Revised Code. 1004

**Sec. 2929.24.** (A) Except as provided in section 2929.22 or 1005  
2929.23 of the Revised Code or division (E) or (F) of this section 1006  
and unless another term is required or authorized pursuant to law, 1007  
if the sentencing court imposing a sentence upon an offender for a 1008  
misdemeanor elects or is required to impose a jail term on the 1009  
offender pursuant to this chapter, the court shall impose a 1010  
definite jail term that shall be one of the following: 1011

(1) For a misdemeanor of the first degree, not more than one 1012  
hundred eighty days; 1013

(2) For a misdemeanor of the second degree, not more than 1014  
ninety days; 1015

(3) For a misdemeanor of the third degree, not more than 1016  
sixty days; 1017

(4) For a misdemeanor of the fourth degree, not more than 1018  
thirty days. 1019

(B) A court that sentences an offender to a jail term under 1020  
this section may permit the offender to serve the sentence in 1021  
intermittent confinement or may authorize a limited release of the 1022

offender as provided in division (B) of section 2929.26 of the Revised Code. 1023  
1024

(C) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to section 5147.30 of the Revised Code, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program. 1025  
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(D) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to section 2929.28 of the Revised Code a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, both of the following apply: 1034  
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(1) The court shall specify both of the following as part of the sentence: 1042  
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(a) If the person is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the person is required to pay the bill in accordance with that section. 1044  
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(b) If the person does not dispute the bill described in division (D)(1)(a) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the person as described in that section. 1048  
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(2) The sentence automatically includes any certificate of 1053

judgment issued as described in division (D)(1)(b) of this 1054  
section. 1055

(E) If an offender who is convicted of or pleads guilty to a 1056  
violation of division (B) of section 4511.19 of the Revised Code 1057  
also is convicted of or also pleads guilty to a specification of 1058  
the type described in section 2941.1416 of the Revised Code and if 1059  
the court imposes a jail term on the offender for the underlying 1060  
offense, the court shall impose upon the offender an additional 1061  
definite jail term of not more than six months. The additional 1062  
jail term shall not be reduced pursuant to any provision of the 1063  
Revised Code. The offender shall serve the additional jail term 1064  
consecutively to and prior to the jail term imposed for the 1065  
underlying offense and consecutively to any other mandatory term 1066  
imposed in relation to the offense. 1067

(F)(1) If an offender is convicted of or pleads guilty to a 1068  
misdemeanor violation of section 2907.23, 2907.24, 2907.241, or 1069  
2907.25 of the Revised Code and to a specification of the type 1070  
described in section 2941.1421 of the Revised Code and if the 1071  
court imposes a jail term on the offender for the misdemeanor 1072  
violation, the court may impose upon the offender an additional 1073  
definite jail term as follows: 1074

(a) Subject to division (F)(1)(b) of this section, an 1075  
additional definite jail term of not more than sixty days; 1076

(b) If the offender previously has been convicted of or 1077  
pleaded guilty to one or more misdemeanor or felony violations of 1078  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 1079  
Revised Code and also was convicted of or pleaded guilty to a 1080  
specification of the type described in section 2941.1421 of the 1081  
Revised Code regarding one or more of those violations, an 1082  
additional definite jail term of not more than one hundred twenty 1083  
days. 1084

(2) In lieu of imposing an additional definite jail term 1085  
under division (F)(1) of this section, the court may directly 1086  
impose on the offender a sanction that requires the offender to 1087  
wear a real-time processing, continual tracking electronic 1088  
monitoring device during the period of time specified by the 1089  
court. The period of time specified by the court shall equal the 1090  
duration of an additional jail term that the court could have 1091  
imposed upon the offender under division (F)(1) of this section. A 1092  
sanction imposed under this division shall commence on the date 1093  
specified by the court, provided that the sanction shall not 1094  
commence until after the offender has served the jail term imposed 1095  
for the misdemeanor violation of section 2907.23, 2907.24, 1096  
2907.241, or 2907.25 of the Revised Code and any residential 1097  
sanction imposed for the violation under section 2929.26 of the 1098  
Revised Code. A sanction imposed under this division shall be 1099  
considered to be a community control sanction for purposes of 1100  
section 2929.25 of the Revised Code, and all provisions of the 1101  
Revised Code that pertain to community control sanctions shall 1102  
apply to a sanction imposed under this division, except to the 1103  
extent that they would by their nature be clearly inapplicable. 1104  
The offender shall pay all costs associated with a sanction 1105  
imposed under this division, including the cost of the use of the 1106  
monitoring device. 1107

**Sec. 2941.1421.** (A) Imposition of an additional prison term 1108  
of one, two, three, four, five, or six months under division 1109  
(J)(2)(a)(i) of section 2929.14 of the Revised Code, an additional 1110  
prison term of one, two, three, four, five, six, seven, eight, 1111  
nine, ten, eleven, or twelve months under division (J)(2)(a)(ii) 1112  
of section 2929.14 of the Revised Code, an additional definite 1113  
jail term of not more than sixty days under division (F)(1)(a) of 1114  
section 2929.24 of the Revised Code, or an additional definite 1115  
jail term of not more than one hundred twenty days under division 1116

(F)(1)(b) of section 2929.24 of the Revised Code is precluded 1117  
unless the indictment, count in the indictment, or information 1118  
charging a felony violation of section 2907.22, 2907.24, 2907.241, 1119  
or 2907.25 of the Revised Code or a misdemeanor violation of 1120  
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 1121  
Code, whichever is applicable, specifies that the violation was 1122  
committed in proximity to a school. The specification shall be 1123  
stated at the end of the body of the indictment, count, or 1124  
information and shall be in substantially the following form: 1125

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1126  
Grand Jurors (or insert the person's or the prosecuting attorney's 1127  
name when appropriate) further find and specify that (set forth 1128  
that the specified offense was committed in proximity to a 1129  
school). 1130

(B) As used in this section, "committed in proximity to a 1131  
school" has the same meaning as in section 2929.01 of the Revised 1132  
Code. 1133

**Section 2.** That existing sections 2929.01, 2929.14, and 1134  
2929.24 of the Revised Code are hereby repealed. 1135