

**As Reported by the House Criminal Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

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

**Senator Schuring**

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

**Representative Dyer**

—

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

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

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

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

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

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

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 Code that is based on the possession of, sale of, or offer to sell the controlled substance.

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

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

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

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

(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.	266
(AA) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.	267 268
(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.	269 270 271 272 273
(CC) "Prison term" includes any of the following sanctions for an offender:	274 275
(1) A stated prison term;	276
(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;	277 278 279
(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.	280 281 282 283
(DD) "Repeat violent offender" means a person about whom both of the following apply:	284 285
(1) The person is being sentenced for committing or for complicity in committing any of the following:	286 287
(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;	288 289 290 291
(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (DD)(1)(a) of this section.	292 293 294 295

(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 572  
murder, murder, or any felony of the first or second degree. 573

(ii) Less than five years have passed since the offender was 574

released from prison or post-release control, whichever is later, 575  
for the prior offense. 576

(f) If an offender is convicted of or pleads guilty to a 577  
felony that includes, as an essential element, causing or 578  
attempting to cause the death of or physical harm to another and 579  
also is convicted of or pleads guilty to a specification of the 580  
type described in section 2941.1412 of the Revised Code that 581  
charges the offender with committing the offense by discharging a 582  
firearm at a peace officer as defined in section 2935.01 of the 583  
Revised Code or a corrections officer, as defined in section 584  
2941.1412 of the Revised Code, the court, after imposing a prison 585  
term on the offender for the felony offense under division (A), 586  
(D)(2), or (D)(3) of this section, shall impose an additional 587  
prison term of seven years upon the offender that shall not be 588  
reduced pursuant to section 2929.20, section 2967.193, or any 589  
other provision of Chapter 2967. or Chapter 5120. of the Revised 590  
Code. A court shall not impose more than one additional prison 591  
term on an offender under division (D)(1)(f) of this section for 592  
felonies committed as part of the same act or transaction. If a 593  
court imposes an additional prison term on an offender under 594  
division (D)(1)(f) of this section relative to an offense, the 595  
court shall not impose a prison term under division (D)(1)(a) or 596  
(c) of this section relative to the same offense. 597

(2)(a) If division (D)(2)(b) of this section does not apply, 598  
the court may impose on an offender, in addition to the longest 599  
prison term authorized or required for the offense, an additional 600  
definite prison term of one, two, three, four, five, six, seven, 601  
eight, nine, or ten years if all of the following criteria are 602  
met: 603

(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 699  
first degree, or if the offender is guilty of an attempted 700  
violation of section 2907.02 of the Revised Code and, had the 701  
offender completed the violation of section 2907.02 of the Revised 702

Code that was attempted, the offender would have been subject to a 703  
sentence of life imprisonment or life imprisonment without parole 704  
for the violation of section 2907.02 of the Revised Code, the 705  
court shall impose upon the offender for the felony violation a 706  
ten-year prison term that cannot be reduced pursuant to section 707  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 708

(b) The court imposing a prison term on an offender under 709  
division (D)(3)(a) of this section may impose an additional prison 710  
term of one, two, three, four, five, six, seven, eight, nine, or 711  
ten years, if the court, with respect to the term imposed under 712  
division (D)(3)(a) of this section and, if applicable, divisions 713  
(D)(1) and (2) of this section, makes both of the findings set 714  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 715

(4) If the offender is being sentenced for a third or fourth 716  
degree felony OVI offense under division (G)(2) of section 2929.13 717  
of the Revised Code, the sentencing court shall impose upon the 718  
offender a mandatory prison term in accordance with that division. 719  
In addition to the mandatory prison term, if the offender is being 720  
sentenced for a fourth degree felony OVI offense, the court, 721  
notwithstanding division (A)(4) of this section, may sentence the 722  
offender to a definite prison term of not less than six months and 723  
not more than thirty months, and if the offender is being 724  
sentenced for a third degree felony OVI offense, the sentencing 725  
court may sentence the offender to an additional prison term of 726  
any duration specified in division (A)(3) of this section. In 727  
either case, the additional prison term imposed shall be reduced 728  
by the sixty or one hundred twenty days imposed upon the offender 729  
as the mandatory prison term. The total of the additional prison 730  
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 763  
Code. A court shall not impose more than one prison term on an 764  
offender under division (D)(5) of this section for felonies 765  
committed as part of the same act. 766

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

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

upon the offender. 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 954  
Code requires the court to sentence the offender pursuant to 955  
section 2971.03 of the Revised Code. 956

(H) If a person who has been convicted of or pleaded guilty 957

to a felony is sentenced to a prison term or term of imprisonment 958  
under this section, sections 2929.02 to 2929.06 of the Revised 959  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 960  
Revised Code, or any other provision of law, section 5120.163 of 961  
the Revised Code applies regarding the person while the person is 962  
confined in a state correctional institution. 963

(I) If an offender who is convicted of or pleads guilty to a 964  
felony that is an offense of violence also is convicted of or 965  
pleads guilty to a specification of the type described in section 966  
2941.142 of the Revised Code that charges the offender with having 967  
committed the felony while participating in a criminal gang, the 968  
court shall impose upon the offender an additional prison term of 969  
one, two, or three years. 970

(J)(1) If an offender who is convicted of or pleads guilty to 971  
aggravated murder, murder, or a felony of the first, second, or 972  
third degree that is an offense of violence also is convicted of 973  
or pleads guilty to a specification of the type described in 974  
section 2941.143 of the Revised Code that charges the offender 975  
with having committed the offense in a school safety zone or 976  
towards a person in a school safety zone, the court shall impose 977  
upon the offender an additional prison term of two years. The 978  
offender shall serve the additional two years consecutively to and 979  
prior to the prison term imposed for the underlying offense. 980

(2)(a) If an offender is convicted of or pleads guilty to a 981  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 982  
of the Revised Code and to a specification of the type described 983  
in section 2941.1421 of the Revised Code and if the court imposes 984  
a prison term on the offender for the felony violation, the court 985  
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