

**As Introduced**

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

**S. B. No. 348**

**Senator Kearney**

**Cosponsors: Senators Morano, Fedor, Cafaro**

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**A B I L L**

To amend sections 2152.17, 2152.72, 2929.14, and 1  
5103.0319 and to enact section 2941.1421 of the 2  
Revised Code to require the imposition of a 3  
ten-year prison term upon a person who discharges 4  
a firearm while committing an offense and causes 5  
injury or death to a child. 6

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

**Section 1.** That sections 2152.17, 2152.72, 2929.14, and 7  
5103.0319 be amended and section 2941.1421 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 2152.17.** (A) Subject to division (D) of this section, if 10  
a child is adjudicated a delinquent child for committing an act, 11  
other than a violation of section 2923.12 of the Revised Code, 12  
that would be a felony if committed by an adult and if the court 13  
determines that, if the child was an adult, the child would be 14  
guilty of a specification of the type set forth in section 15  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, ~~or~~ 16  
2941.1415, or 2941.1421 of the Revised Code, in addition to any 17  
commitment or other disposition the court imposes for the 18  
underlying delinquent act, all of the following apply: 19

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

(2) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.145 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child would be guilty of a specification of the type set forth in section 2941.1415 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than three years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

(3) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.144, 2941.146, ~~or~~ 2941.1412, or 2941.1421 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child would be guilty of a specification of the type set forth in section 2941.1414 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than five years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

(B) Division (A) of this section also applies to a child who is an accomplice to the same extent the firearm specifications would apply to an adult accomplice in a criminal proceeding.

(C) If a child is adjudicated a delinquent child for

committing an act that would be aggravated murder, murder, or a 52  
first, second, or third degree felony offense of violence if 53  
committed by an adult and if the court determines that, if the 54  
child was an adult, the child would be guilty of a specification 55  
of the type set forth in section 2941.142 of the Revised Code in 56  
relation to the act for which the child was adjudicated a 57  
delinquent child, the court shall commit the child for the 58  
specification to the legal custody of the department of youth 59  
services for institutionalization in a secure facility for a 60  
definite period of not less than one and not more than three 61  
years, subject to division (D)(2) of this section, and the court 62  
also shall commit the child to the department for the underlying 63  
delinquent act. 64

(D)(1) If the child is adjudicated a delinquent child for 65  
committing an act that would be an offense of violence that is a 66  
felony if committed by an adult and is committed to the legal 67  
custody of the department of youth services pursuant to division 68  
(A)(1) of section 2152.16 of the Revised Code and if the court 69  
determines that the child, if the child was an adult, would be 70  
guilty of a specification of the type set forth in section 71  
2941.1411 of the Revised Code in relation to the act for which the 72  
child was adjudicated a delinquent child, the court may commit the 73  
child to the custody of the department of youth services for 74  
institutionalization in a secure facility for up to two years, 75  
subject to division (D)(2) of this section. 76

(2) A court that imposes a period of commitment under 77  
division (A) of this section is not precluded from imposing an 78  
additional period of commitment under division (C) or (D)(1) of 79  
this section, a court that imposes a period of commitment under 80  
division (C) of this section is not precluded from imposing an 81  
additional period of commitment under division (A) or (D)(1) of 82  
this section, and a court that imposes a period of commitment 83

under division (D)(1) of this section is not precluded from 84  
imposing an additional period of commitment under division (A) or 85  
(C) of this section. 86

(E) The court shall not commit a child to the legal custody 87  
of the department of youth services for a specification pursuant 88  
to this section for a period that exceeds five years for any one 89  
delinquent act. Any commitment imposed pursuant to division (A), 90  
(B), (C), or (D)(1) of this section shall be in addition to, and 91  
shall be served consecutively with and prior to, a period of 92  
commitment ordered under this chapter for the underlying 93  
delinquent act, and each commitment imposed pursuant to division 94  
(A), (B), (C), or (D)(1) of this section shall be in addition to, 95  
and shall be served consecutively with, any other period of 96  
commitment imposed under those divisions. If a commitment is 97  
imposed under division (A) or (B) of this section and a commitment 98  
also is imposed under division (C) of this section, the period 99  
imposed under division (A) or (B) of this section shall be served 100  
prior to the period imposed under division (C) of this section. 101

In each case in which a court makes a disposition under this 102  
section, the court retains control over the commitment for the 103  
entire period of the commitment. 104

The total of all the periods of commitment imposed for any 105  
specification under this section and for the underlying offense 106  
shall not exceed the child's attainment of twenty-one years of 107  
age. 108

(F) If a child is adjudicated a delinquent child for 109  
committing two or more acts that would be felonies if committed by 110  
an adult and if the court entering the delinquent child 111  
adjudication orders the commitment of the child for two or more of 112  
those acts to the legal custody of the department of youth 113  
services for institutionalization in a secure facility pursuant to 114  
section 2152.13 or 2152.16 of the Revised Code, the court may 115

order that all of the periods of commitment imposed under those 116  
sections for those acts be served consecutively in the legal 117  
custody of the department of youth services, provided that those 118  
periods of commitment shall be in addition to and commence 119  
immediately following the expiration of a period of commitment 120  
that the court imposes pursuant to division (A), (B), (C), or 121  
(D)(1) of this section. A court shall not commit a delinquent 122  
child to the legal custody of the department of youth services 123  
under this division for a period that exceeds the child's 124  
attainment of twenty-one years of age. 125

**Sec. 2152.72.** (A) This section applies only to a child who is 126  
or previously has been adjudicated a delinquent child for an act 127  
to which any of the following applies: 128

(1) The act is a violation of section 2903.01, 2903.02, 129  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 130  
2907.05 of the Revised Code. 131

(2) The act is a violation of section 2923.01 of the Revised 132  
Code and involved an attempt to commit aggravated murder or 133  
murder. 134

(3) The act would be a felony if committed by an adult, and 135  
the court determined that the child, if an adult, would be guilty 136  
of a specification found in section 2941.141, 2941.144, ~~or~~ 137  
2941.145, or 2941.1421 of the Revised Code or in another section 138  
of the Revised Code that relates to the possession or use of a 139  
firearm during the commission of the act for which the child was 140  
adjudicated a delinquent child. 141

(4) The act would be an offense of violence that is a felony 142  
if committed by an adult, and the court determined that the child, 143  
if an adult, would be guilty of a specification found in section 144  
2941.1411 of the Revised Code or in another section of the Revised 145  
Code that relates to the wearing or carrying of body armor during 146

the commission of the act for which the child was adjudicated a delinquent child. 147  
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(B)(1) Except as provided in division (E) of this section, a public children services agency, private child placing agency, private noncustodial agency, or court, the department of youth services, or another private or government entity shall not place a child in a certified foster home or for adoption until it provides the foster caregivers or prospective adoptive parents with all of the following: 149  
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(a) A written report describing the child's social history; 156

(b) A written report describing all the acts committed by the child the entity knows of that resulted in the child being adjudicated a delinquent child and the disposition made by the court, unless the records pertaining to the acts have been sealed pursuant to section 2151.356 of the Revised Code; 157  
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(c) A written report describing any other violent act committed by the child of which the entity is aware; 162  
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(d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if no psychological or psychiatric examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by an independent social worker, social worker, professional clinical counselor, or professional counselor licensed under that chapter. The entity shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination to the foster caregivers or prospective adoptive parents other than the substantial and material conclusions. 164  
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(2) Notwithstanding sections 2151.356 to 2151.358 of the 177

Revised Code, if records of an adjudication that a child is a delinquent child have been sealed pursuant to those sections and an entity knows the records have been sealed, the entity shall provide the foster caregivers or prospective adoptive parents a written statement that the records of a prior adjudication have been sealed.

(C)(1) The entity that places the child in a certified foster home or for adoption shall conduct a psychological examination of the child unless either of the following applies:

(a) An entity is not required to conduct the examination if an examination was conducted no more than one year prior to the child's placement, and division (C)(1)(b) of this section does not apply.

(b) An entity is not required to conduct the examination if a foster caregiver seeks to adopt the foster caregiver's foster child, and an examination was conducted no more than two years prior to the date the foster caregiver seeks to adopt the child.

(2) No later than sixty days after placing the child, the entity shall provide the foster caregiver or prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.

(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the expenses of conducting the examinations and preparing the reports and assessment required by division (B) or (C) of this section shall be paid by the entity that places the child in the certified foster home or for adoption.

(2) When a juvenile court grants temporary or permanent custody of a child pursuant to any section of the Revised Code, including section 2151.33, 2151.353, 2151.354, or 2152.19 of the Revised Code, to a public children services agency or private

child placing agency, the court shall provide the agency the 209  
information described in division (B) of this section, pay the 210  
expenses of preparing that information, and, if a new examination 211  
is required to be conducted, pay the expenses of conducting the 212  
examination described in division (C) of this section. On receipt 213  
of the information described in division (B) of this section, the 214  
agency shall provide to the court written acknowledgment that the 215  
agency received the information. The court shall keep the 216  
acknowledgment and provide a copy to the agency. On the motion of 217  
the agency, the court may terminate the order granting temporary 218  
or permanent custody of the child to that agency, if the court 219  
does not provide the information described in division (B) of this 220  
section. 221

(3) If one of the following entities is placing a child in a 222  
certified foster home or for adoption with the assistance of or by 223  
contracting with a public children services agency, private child 224  
placing agency, or a private noncustodial agency, the entity shall 225  
provide the agency with the information described in division (B) 226  
of this section, pay the expenses of preparing that information, 227  
and, if a new examination is required to be conducted, pay the 228  
expenses of conducting the examination described in division (C) 229  
of this section: 230

(a) The department of youth services if the placement is 231  
pursuant to any section of the Revised Code including section 232  
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 233  
Code; 234

(b) A juvenile court with temporary or permanent custody of a 235  
child pursuant to section 2151.354 or 2152.19 of the Revised Code; 236

(c) A public children services agency or private child 237  
placing agency with temporary or permanent custody of the child. 238

The agency receiving the information described in division 239



(B) of this section shall provide the entity described in division 240  
(D)(3)(a) to (c) of this section that sent the information written 241  
acknowledgment that the agency received the information and 242  
provided it to the foster caregivers or prospective adoptive 243  
parents. The entity shall keep the acknowledgment and provide a 244  
copy to the agency. An entity that places a child in a certified 245  
foster home or for adoption with the assistance of or by 246  
contracting with an agency remains responsible to provide the 247  
information described in division (B) of this section to the 248  
foster caregivers or prospective adoptive parents unless the 249  
entity receives written acknowledgment that the agency provided 250  
the information. 251

(E) If a child is placed in a certified foster home as a 252  
result of an emergency removal of the child from home pursuant to 253  
division (D) of section 2151.31 of the Revised Code, an emergency 254  
change in the child's case plan pursuant to division (E)(3) of 255  
section 2151.412 of the Revised Code, or an emergency placement by 256  
the department of youth services pursuant to this chapter or 257  
Chapter 5139. of the Revised Code, the entity that places the 258  
child in the certified foster home shall provide the information 259  
described in division (B) of this section no later than ninety-six 260  
hours after the child is placed in the certified foster home. 261

(F) On receipt of the information described in divisions (B) 262  
and (C) of this section, the foster caregiver or prospective 263  
adoptive parents shall provide to the entity that places the child 264  
in the foster caregiver's or prospective adoptive parents' home a 265  
written acknowledgment that the foster caregiver or prospective 266  
adoptive parents received the information. The entity shall keep 267  
the acknowledgment and provide a copy to the foster caregiver or 268  
prospective adoptive parents. 269

(G) No person employed by an entity subject to this section 270  
and made responsible by that entity for the child's placement in a 271

certified foster home or for adoption shall fail to provide the 272  
foster caregivers or prospective adoptive parents with the 273  
information required by divisions (B) and (C) of this section. 274

(H) It is not a violation of any duty of confidentiality 275  
provided for in the Revised Code or a code of professional 276  
responsibility for a person or government entity to provide the 277  
substantial and material conclusions and recommendations of a 278  
psychiatric or psychological examination, or an examination to 279  
detect mental and emotional disorders, in accordance with division 280  
(B)(1)(d) or (C) of this section. 281

(I) As used in this section: 282

(1) "Body armor" has the same meaning as in section 2941.1411 283  
of the Revised Code. 284

(2) "Firearm" has the same meaning as in section 2923.11 of 285  
the Revised Code. 286

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 287  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (G), or (L) of 288  
this section and except in relation to an offense for which a 289  
sentence of death or life imprisonment is to be imposed, if the 290  
court imposing a sentence upon an offender for a felony elects or 291  
is required to impose a prison term on the offender pursuant to 292  
this chapter, the court shall impose a definite prison term that 293  
shall be one of the following: 294

(1) For a felony of the first degree, the prison term shall 295  
be three, four, five, six, seven, eight, nine, or ten years. 296

(2) For a felony of the second degree, the prison term shall 297  
be two, three, four, five, six, seven, or eight years. 298

(3) For a felony of the third degree, the prison term shall 299  
be one, two, three, four, or five years. 300

(4) For a felony of the fourth degree, the prison term shall 301

be six, seven, eight, nine, ten, eleven, twelve, thirteen, 302  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 303

(5) For a felony of the fifth degree, the prison term shall 304  
be six, seven, eight, nine, ten, eleven, or twelve months. 305

(B) Except as provided in division (C), (D)(1), (D)(2), 306  
(D)(3), (D)(5), (D)(6), (D)(7), (G), or (L) of this section, in 307  
section 2907.02 or 2907.05 of the Revised Code, or in Chapter 308  
2925. of the Revised Code, if the court imposing a sentence upon 309  
an offender for a felony elects or is required to impose a prison 310  
term on the offender, the court shall impose the shortest prison 311  
term authorized for the offense pursuant to division (A) of this 312  
section, unless one or more of the following applies: 313

(1) The offender was serving a prison term at the time of the 314  
offense, or the offender previously had served a prison term. 315

(2) The court finds on the record that the shortest prison 316  
term will demean the seriousness of the offender's conduct or will 317  
not adequately protect the public from future crime by the 318  
offender or others. 319

(C) Except as provided in division (G) or (L) of this section 320  
or in Chapter 2925. of the Revised Code, the court imposing a 321  
sentence upon an offender for a felony may impose the longest 322  
prison term authorized for the offense pursuant to division (A) of 323  
this section only upon offenders who committed the worst forms of 324  
the offense, upon offenders who pose the greatest likelihood of 325  
committing future crimes, upon certain major drug offenders under 326  
division (D)(3) of this section, and upon certain repeat violent 327  
offenders in accordance with division (D)(2) of this section. 328

(D)(1)(a) Except as provided in division (D)(1)(e) of this 329  
section, if an offender who is convicted of or pleads guilty to a 330  
felony also is convicted of or pleads guilty to a specification of 331  
the type described in section 2941.141, 2941.144, or 2941.145 of 332

the Revised Code, the court shall impose on the offender one of 333  
the following prison terms: 334

(i) A prison term of six years if the specification is of the 335  
type described in section 2941.144 of the Revised Code that 336  
charges the offender with having a firearm that is an automatic 337  
firearm or that was equipped with a firearm muffler or silencer on 338  
or about the offender's person or under the offender's control 339  
while committing the felony; 340

(ii) A prison term of three years if the specification is of 341  
the type described in section 2941.145 of the Revised Code that 342  
charges the offender with having a firearm on or about the 343  
offender's person or under the offender's control while committing 344  
the offense and displaying the firearm, brandishing the firearm, 345  
indicating that the offender possessed the firearm, or using it to 346  
facilitate the offense; 347

(iii) A prison term of one year if the specification is of 348  
the type described in section 2941.141 of the Revised Code that 349  
charges the offender with having a firearm on or about the 350  
offender's person or under the offender's control while committing 351  
the felony. 352

(b) If a court imposes a prison term on an offender under 353  
division (D)(1)(a) of this section, the prison term shall not be 354  
reduced pursuant to section 2929.20, section 2967.193, or any 355  
other provision of Chapter 2967. or Chapter 5120. of the Revised 356  
Code. A court shall not impose more than one prison term on an 357  
offender under division (D)(1)(a) of this section for felonies 358  
committed as part of the same act or transaction. 359

(c) Except as provided in division (D)(1)(e) of this section, 360  
if an offender who is convicted of or pleads guilty to a violation 361  
of section 2923.161 of the Revised Code or to a felony that 362  
includes, as an essential element, purposely or knowingly causing 363

or attempting to cause the death of or physical harm to another, 364  
also is convicted of or pleads guilty to a specification of the 365  
type described in section 2941.146 of the Revised Code that 366  
charges the offender with committing the offense by discharging a 367  
firearm from a motor vehicle other than a manufactured home, the 368  
court, after imposing a prison term on the offender for the 369  
violation of section 2923.161 of the Revised Code or for the other 370  
felony offense under division (A), (D)(2), or (D)(3) of this 371  
section, shall impose an additional prison term of five years upon 372  
the offender that shall not be reduced pursuant to section 373  
2929.20, section 2967.193, or any other provision of Chapter 2967. 374  
or Chapter 5120. of the Revised Code. A court shall not impose 375  
more than one additional prison term on an offender under division 376  
(D)(1)(c) of this section for felonies committed as part of the 377  
same act or transaction. If a court imposes an additional prison 378  
term on an offender under division (D)(1)(c) of this section 379  
relative to an offense, the court also shall impose a prison term 380  
under division (D)(1)(a) of this section relative to the same 381  
offense, provided the criteria specified in that division for 382  
imposing an additional prison term are satisfied relative to the 383  
offender and the offense. 384

(d) If an offender who is convicted of or pleads guilty to an 385  
offense of violence that is a felony also is convicted of or 386  
pleads guilty to a specification of the type described in section 387  
2941.1411 of the Revised Code that charges the offender with 388  
wearing or carrying body armor while committing the felony offense 389  
of violence, the court shall impose on the offender a prison term 390  
of two years. The prison term so imposed shall not be reduced 391  
pursuant to section 2929.20, section 2967.193, or any other 392  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 393  
court shall not impose more than one prison term on an offender 394  
under division (D)(1)(d) of this section for felonies committed as 395  
part of the same act or transaction. If a court imposes an 396

additional prison term under division (D)(1)(a) or (c) of this 397  
section, the court is not precluded from imposing an additional 398  
prison term under division (D)(1)(d) of this section. 399

(e) The court shall not impose any of the prison terms 400  
described in division (D)(1)(a) of this section or any of the 401  
additional prison terms described in division (D)(1)(c) of this 402  
section upon an offender for a violation of section 2923.12 or 403  
2923.123 of the Revised Code. The court shall not impose any of 404  
the prison terms described in division (D)(1)(a) of this section 405  
or any of the additional prison terms described in division 406  
(D)(1)(c) of this section upon an offender for a violation of 407  
section 2923.13 of the Revised Code unless all of the following 408  
apply: 409

(i) The offender previously has been convicted of aggravated 410  
murder, murder, or any felony of the first or second degree. 411

(ii) Less than five years have passed since the offender was 412  
released from prison or post-release control, whichever is later, 413  
for the prior offense. 414

(f) If an offender is convicted of or pleads guilty to a 415  
felony that includes, as an essential element, causing or 416  
attempting to cause the death of or physical harm to another and 417  
also is convicted of or pleads guilty to a specification of the 418  
type described in section 2941.1412 of the Revised Code that 419  
charges the offender with committing the offense by discharging a 420  
firearm at a peace officer as defined in section 2935.01 of the 421  
Revised Code or a corrections officer, as defined in section 422  
2941.1412 of the Revised Code, the court, after imposing a prison 423  
term on the offender for the felony offense under division (A), 424  
(D)(2), or (D)(3) of this section, shall impose an additional 425  
prison term of seven years upon the offender that shall not be 426  
reduced pursuant to section 2929.20, section 2967.193, or any 427  
other provision of Chapter 2967. or Chapter 5120. of the Revised 428

Code. A court shall not impose more than one additional prison 429  
term on an offender under division (D)(1)(f) of this section for 430  
felonies committed as part of the same act or transaction. If a 431  
court imposes an additional prison term on an offender under 432  
division (D)(1)(f) of this section relative to an offense, the 433  
court shall not impose a prison term under division (D)(1)(a) or 434  
(c) of this section relative to the same offense. 435

(2)(a) If division (D)(2)(b) of this section does not apply, 436  
the court may impose on an offender, in addition to the longest 437  
prison term authorized or required for the offense, an additional 438  
definite prison term of one, two, three, four, five, six, seven, 439  
eight, nine, or ten years if all of the following criteria are 440  
met: 441

(i) The offender is convicted of or pleads guilty to a 442  
specification of the type described in section 2941.149 of the 443  
Revised Code that the offender is a repeat violent offender. 444

(ii) The offense of which the offender currently is convicted 445  
or to which the offender currently pleads guilty is aggravated 446  
murder and the court does not impose a sentence of death or life 447  
imprisonment without parole, murder, terrorism and the court does 448  
not impose a sentence of life imprisonment without parole, any 449  
felony of the first degree that is an offense of violence and the 450  
court does not impose a sentence of life imprisonment without 451  
parole, or any felony of the second degree that is an offense of 452  
violence and the trier of fact finds that the offense involved an 453  
attempt to cause or a threat to cause serious physical harm to a 454  
person or resulted in serious physical harm to a person. 455

(iii) The court imposes the longest prison term for the 456  
offense that is not life imprisonment without parole. 457

(iv) The court finds that the prison terms imposed pursuant 458  
to division (D)(2)(a)(iii) of this section and, if applicable, 459

division (D)(1) or (3) of this section are inadequate to punish 460  
the offender and protect the public from future crime, because the 461  
applicable factors under section 2929.12 of the Revised Code 462  
indicating a greater likelihood of recidivism outweigh the 463  
applicable factors under that section indicating a lesser 464  
likelihood of recidivism. 465

(v) The court finds that the prison terms imposed pursuant to 466  
division (D)(2)(a)(iii) of this section and, if applicable, 467  
division (D)(1) or (3) of this section are demeaning to the 468  
seriousness of the offense, because one or more of the factors 469  
under section 2929.12 of the Revised Code indicating that the 470  
offender's conduct is more serious than conduct normally 471  
constituting the offense are present, and they outweigh the 472  
applicable factors under that section indicating that the 473  
offender's conduct is less serious than conduct normally 474  
constituting the offense. 475

(b) The court shall impose on an offender the longest prison 476  
term authorized or required for the offense and shall impose on 477  
the offender an additional definite prison term of one, two, 478  
three, four, five, six, seven, eight, nine, or ten years if all of 479  
the following criteria are met: 480

(i) The offender is convicted of or pleads guilty to a 481  
specification of the type described in section 2941.149 of the 482  
Revised Code that the offender is a repeat violent offender. 483

(ii) The offender within the preceding twenty years has been 484  
convicted of or pleaded guilty to three or more offenses described 485  
in division (DD)(1) of section 2929.01 of the Revised Code, 486  
including all offenses described in that division of which the 487  
offender is convicted or to which the offender pleads guilty in 488  
the current prosecution and all offenses described in that 489  
division of which the offender previously has been convicted or to 490  
which the offender previously pleaded guilty, whether prosecuted 491



together or separately. 492

(iii) The offense or offenses of which the offender currently 493  
is convicted or to which the offender currently pleads guilty is 494  
aggravated murder and the court does not impose a sentence of 495  
death or life imprisonment without parole, murder, terrorism and 496  
the court does not impose a sentence of life imprisonment without 497  
parole, any felony of the first degree that is an offense of 498  
violence and the court does not impose a sentence of life 499  
imprisonment without parole, or any felony of the second degree 500  
that is an offense of violence and the trier of fact finds that 501  
the offense involved an attempt to cause or a threat to cause 502  
serious physical harm to a person or resulted in serious physical 503  
harm to a person. 504

(c) For purposes of division (D)(2)(b) of this section, two 505  
or more offenses committed at the same time or as part of the same 506  
act or event shall be considered one offense, and that one offense 507  
shall be the offense with the greatest penalty. 508

(d) A sentence imposed under division (D)(2)(a) or (b) of 509  
this section shall not be reduced pursuant to section 2929.20 or 510  
section 2967.193, or any other provision of Chapter 2967. or 511  
Chapter 5120. of the Revised Code. The offender shall serve an 512  
additional prison term imposed under this section consecutively to 513  
and prior to the prison term imposed for the underlying offense. 514

(e) When imposing a sentence pursuant to division (D)(2)(a) 515  
or (b) of this section, the court shall state its findings 516  
explaining the imposed sentence. 517

(3)(a) Except when an offender commits a violation of section 518  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 519  
the violation is life imprisonment or commits a violation of 520  
section 2903.02 of the Revised Code, if the offender commits a 521  
violation of section 2925.03 or 2925.11 of the Revised Code and 522

that section classifies the offender as a major drug offender and 523  
requires the imposition of a ten-year prison term on the offender, 524  
if the offender commits a felony violation of section 2925.02, 525  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 526  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 527  
division (C) of section 4729.51, or division (J) of section 528  
4729.54 of the Revised Code that includes the sale, offer to sell, 529  
or possession of a schedule I or II controlled substance, with the 530  
exception of marihuana, and the court imposing sentence upon the 531  
offender finds that the offender is guilty of a specification of 532  
the type described in section 2941.1410 of the Revised Code 533  
charging that the offender is a major drug offender, if the court 534  
imposing sentence upon an offender for a felony finds that the 535  
offender is guilty of corrupt activity with the most serious 536  
offense in the pattern of corrupt activity being a felony of the 537  
first degree, or if the offender is guilty of an attempted 538  
violation of section 2907.02 of the Revised Code and, had the 539  
offender completed the violation of section 2907.02 of the Revised 540  
Code that was attempted, the offender would have been subject to a 541  
sentence of life imprisonment or life imprisonment without parole 542  
for the violation of section 2907.02 of the Revised Code, the 543  
court shall impose upon the offender for the felony violation a 544  
ten-year prison term that cannot be reduced pursuant to section 545  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 546

(b) The court imposing a prison term on an offender under 547  
division (D)(3)(a) of this section may impose an additional prison 548  
term of one, two, three, four, five, six, seven, eight, nine, or 549  
ten years, if the court, with respect to the term imposed under 550  
division (D)(3)(a) of this section and, if applicable, divisions 551  
(D)(1) and (2) of this section, makes both of the findings set 552  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 553

(4) If the offender is being sentenced for a third or fourth 554

degree felony OVI offense under division (G)(2) of section 2929.13 555  
of the Revised Code, the sentencing court shall impose upon the 556  
offender a mandatory prison term in accordance with that division. 557  
In addition to the mandatory prison term, if the offender is being 558  
sentenced for a fourth degree felony OVI offense, the court, 559  
notwithstanding division (A)(4) of this section, may sentence the 560  
offender to a definite prison term of not less than six months and 561  
not more than thirty months, and if the offender is being 562  
sentenced for a third degree felony OVI offense, the sentencing 563  
court may sentence the offender to an additional prison term of 564  
any duration specified in division (A)(3) of this section. In 565  
either case, the additional prison term imposed shall be reduced 566  
by the sixty or one hundred twenty days imposed upon the offender 567  
as the mandatory prison term. The total of the additional prison 568  
term imposed under division (D)(4) of this section plus the sixty 569  
or one hundred twenty days imposed as the mandatory prison term 570  
shall equal a definite term in the range of six months to thirty 571  
months for a fourth degree felony OVI offense and shall equal one 572  
of the authorized prison terms specified in division (A)(3) of 573  
this section for a third degree felony OVI offense. If the court 574  
imposes an additional prison term under division (D)(4) of this 575  
section, the offender shall serve the additional prison term after 576  
the offender has served the mandatory prison term required for the 577  
offense. In addition to the mandatory prison term or mandatory and 578  
additional prison term imposed as described in division (D)(4) of 579  
this section, the court also may sentence the offender to a 580  
community control sanction under section 2929.16 or 2929.17 of the 581  
Revised Code, but the offender shall serve all of the prison terms 582  
so imposed prior to serving the community control sanction. 583

If the offender is being sentenced for a fourth degree felony 584  
OVI offense under division (G)(1) of section 2929.13 of the 585  
Revised Code and the court imposes a mandatory term of local 586  
incarceration, the court may impose a prison term as described in 587

division (A)(1) of that section. 588

(5) If an offender is convicted of or pleads guilty to a 589  
violation of division (A)(1) or (2) of section 2903.06 of the 590  
Revised Code and also is convicted of or pleads guilty to a 591  
specification of the type described in section 2941.1414 of the 592  
Revised Code that charges that the victim of the offense is a 593  
peace officer, as defined in section 2935.01 of the Revised Code, 594  
or an investigator of the bureau of criminal identification and 595  
investigation, as defined in section 2903.11 of the Revised Code, 596  
the court shall impose on the offender a prison term of five 597  
years. If a court imposes a prison term on an offender under 598  
division (D)(5) of this section, the prison term shall not be 599  
reduced pursuant to section 2929.20, section 2967.193, or any 600  
other provision of Chapter 2967. or Chapter 5120. of the Revised 601  
Code. A court shall not impose more than one prison term on an 602  
offender under division (D)(5) of this section for felonies 603  
committed as part of the same act. 604

(6) If an offender is convicted of or pleads guilty to a 605  
violation of division (A)(1) or (2) of section 2903.06 of the 606  
Revised Code and also is convicted of or pleads guilty to a 607  
specification of the type described in section 2941.1415 of the 608  
Revised Code that charges that the offender previously has been 609  
convicted of or pleaded guilty to three or more violations of 610  
division (A) or (B) of section 4511.19 of the Revised Code or an 611  
equivalent offense, as defined in section 2941.1415 of the Revised 612  
Code, or three or more violations of any combination of those 613  
divisions and offenses, the court shall impose on the offender a 614  
prison term of three years. If a court imposes a prison term on an 615  
offender under division (D)(6) of this section, the prison term 616  
shall not be reduced pursuant to section 2929.20, section 617  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 618  
of the Revised Code. A court shall not impose more than one prison 619

term on an offender under division (D)(6) of this section for 620  
felonies committed as part of the same act. 621

(7) If an offender is convicted of or pleads guilty to a 622  
felony and also is convicted of or pleads guilty to a 623  
specification of the type described in section 2941.1421 of the 624  
Revised Code that charges that the offender discharged a firearm 625  
while committing the offense and that the discharge of the firearm 626  
caused injury or death to a child who was under the age of 627  
eighteen years at the time of the commission of the offense, the 628  
court shall impose on the offender a prison term of ten years. If 629  
a court imposes a prison term on an offender under division (D)(7) 630  
of this section, the prison term shall not be reduced pursuant to 631  
section 2929.20, section 2967.193, or any other provision of 632  
Chapter 2967. or Chapter 5120. of the Revised Code. A court shall 633  
not impose more than one prison term on an offender under division 634  
(D)(7) of this section for felonies committed as part of the same 635  
act. 636

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 637  
mandatory prison term is imposed upon an offender pursuant to 638  
division (D)(1)(a) of this section for having a firearm on or 639  
about the offender's person or under the offender's control while 640  
committing a felony, if a mandatory prison term is imposed upon an 641  
offender pursuant to division (D)(1)(c) of this section for 642  
committing a felony specified in that division by discharging a 643  
firearm from a motor vehicle, or if both types of mandatory prison 644  
terms are imposed, the offender shall serve any mandatory prison 645  
term imposed under either division consecutively to any other 646  
mandatory prison term imposed under either division or under 647  
division (D)(1)(d) of this section, consecutively to and prior to 648  
any prison term imposed for the underlying felony pursuant to 649  
division (A), (D)(2), or (D)(3) of this section or any other 650  
section of the Revised Code, and consecutively to any other prison 651

term or mandatory prison term previously or subsequently imposed 652  
upon the offender. 653

(b) If a mandatory prison term is imposed upon an offender 654  
pursuant to division (D)(1)(d) of this section for wearing or 655  
carrying body armor while committing an offense of violence that 656  
is a felony, the offender shall serve the mandatory term so 657  
imposed consecutively to any other mandatory prison term imposed 658  
under that division or under division (D)(1)(a) or (c) of this 659  
section, consecutively to and prior to any prison term imposed for 660  
the underlying felony under division (A), (D)(2), or (D)(3) of 661  
this section or any other section of the Revised Code, and 662  
consecutively to any other prison term or mandatory prison term 663  
previously or subsequently imposed upon the offender. 664

(c) If a mandatory prison term is imposed upon an offender 665  
pursuant to division (D)(1)(f) of this section, the offender shall 666  
serve the mandatory prison term so imposed consecutively to and 667  
prior to any prison term imposed for the underlying felony under 668  
division (A), (D)(2), or (D)(3) of this section or any other 669  
section of the Revised Code, and consecutively to any other prison 670  
term or mandatory prison term previously or subsequently imposed 671  
upon the offender. 672

(2) If an offender who is an inmate in a jail, prison, or 673  
other residential detention facility violates section 2917.02, 674  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 675  
who is under detention at a detention facility commits a felony 676  
violation of section 2923.131 of the Revised Code, or if an 677  
offender who is an inmate in a jail, prison, or other residential 678  
detention facility or is under detention at a detention facility 679  
commits another felony while the offender is an escapee in 680  
violation of section 2921.34 of the Revised Code, any prison term 681  
imposed upon the offender for one of those violations shall be 682  
served by the offender consecutively to the prison term or term of 683

imprisonment the offender was serving when the offender committed 684  
that offense and to any other prison term previously or 685  
subsequently imposed upon the offender. 686

(3) If a prison term is imposed for a violation of division 687  
(B) of section 2911.01 of the Revised Code, a violation of 688  
division (A) of section 2913.02 of the Revised Code in which the 689  
stolen property is a firearm or dangerous ordnance, or a felony 690  
violation of division (B) of section 2921.331 of the Revised Code, 691  
the offender shall serve that prison term consecutively to any 692  
other prison term or mandatory prison term previously or 693  
subsequently imposed upon the offender. 694

(4) If multiple prison terms are imposed on an offender for 695  
convictions of multiple offenses, the court may require the 696  
offender to serve the prison terms consecutively if the court 697  
finds that the consecutive service is necessary to protect the 698  
public from future crime or to punish the offender and that 699  
consecutive sentences are not disproportionate to the seriousness 700  
of the offender's conduct and to the danger the offender poses to 701  
the public, and if the court also finds any of the following: 702

(a) The offender committed one or more of the multiple 703  
offenses while the offender was awaiting trial or sentencing, was 704  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 705  
2929.18 of the Revised Code, or was under post-release control for 706  
a prior offense. 707

(b) At least two of the multiple offenses were committed as 708  
part of one or more courses of conduct, and the harm caused by two 709  
or more of the multiple offenses so committed was so great or 710  
unusual that no single prison term for any of the offenses 711  
committed as part of any of the courses of conduct adequately 712  
reflects the seriousness of the offender's conduct. 713

(c) The offender's history of criminal conduct demonstrates 714

that consecutive sentences are necessary to protect the public 715  
from future crime by the offender. 716

(5) If a mandatory prison term is imposed upon an offender 717  
pursuant to division (D)(5) or (6) of this section, the offender 718  
shall serve the mandatory prison term consecutively to and prior 719  
to any prison term imposed for the underlying violation of 720  
division (A)(1) or (2) of section 2903.06 of the Revised Code 721  
pursuant to division (A) of this section or section 2929.142 of 722  
the Revised Code. If a mandatory prison term is imposed upon an 723  
offender pursuant to division (D)(5) of this section, and if a 724  
mandatory prison term also is imposed upon the offender pursuant 725  
to division (D)(6) of this section in relation to the same 726  
violation, the offender shall serve the mandatory prison term 727  
imposed pursuant to division (D)(5) of this section consecutively 728  
to and prior to the mandatory prison term imposed pursuant to 729  
division (D)(6) of this section and consecutively to and prior to 730  
any prison term imposed for the underlying violation of division 731  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 732  
division (A) of this section or section 2929.142 of the Revised 733  
Code. 734

(6) If a mandatory prison term is imposed upon an offender 735  
pursuant to division (D)(7) of this section, the offender shall 736  
serve the mandatory prison term consecutively to and prior to any 737  
prison term imposed for the underlying offense. 738

(7) When consecutive prison terms are imposed pursuant to 739  
division (E)(1), (2), (3), (4), ~~or (5)~~, or (6) of this section, 740  
the term to be served is the aggregate of all of the terms so 741  
imposed. 742

(F)(1) If a court imposes a prison term for a felony of the 743  
first degree, for a felony of the second degree, for a felony sex 744  
offense, or for a felony of the third degree that is not a felony 745  
sex offense and in the commission of which the offender caused or 746



threatened to cause physical harm to a person, it shall include in 747  
the sentence a requirement that the offender be subject to a 748  
period of post-release control after the offender's release from 749  
imprisonment, in accordance with that division. If a court imposes 750  
a sentence including a prison term of a type described in this 751  
division on or after July 11, 2006, the failure of a court to 752  
include a post-release control requirement in the sentence 753  
pursuant to this division does not negate, limit, or otherwise 754  
affect the mandatory period of post-release control that is 755  
required for the offender under division (B) of section 2967.28 of 756  
the Revised Code. Section 2929.191 of the Revised Code applies if, 757  
prior to July 11, 2006, a court imposed a sentence including a 758  
prison term of a type described in this division and failed to 759  
include in the sentence pursuant to this division a statement 760  
regarding post-release control. 761

(2) If a court imposes a prison term for a felony of the 762  
third, fourth, or fifth degree that is not subject to division 763  
(F)(1) of this section, it shall include in the sentence a 764  
requirement that the offender be subject to a period of 765  
post-release control after the offender's release from 766  
imprisonment, in accordance with that division, if the parole 767  
board determines that a period of post-release control is 768  
necessary. Section 2929.191 of the Revised Code applies if, prior 769  
to July 11, 2006, a court imposed a sentence including a prison 770  
term of a type described in this division and failed to include in 771  
the sentence pursuant to this division a statement regarding 772  
post-release control. 773

(G) The court shall impose sentence upon the offender in 774  
accordance with section 2971.03 of the Revised Code, and Chapter 775  
2971. of the Revised Code applies regarding the prison term or 776  
term of life imprisonment without parole imposed upon the offender 777  
and the service of that term of imprisonment if any of the 778

following apply:	779
(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.	780 781 782 783
(2) A person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.	784 785 786 787 788 789 790 791
(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.	792 793 794 795
(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after <del>the effective date of this amendment</del> <u>January 1, 2008</u> , and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	796 797 798 799 800
(5) A person is convicted of or pleads guilty to aggravated murder committed on or after <del>the effective date of this amendment</del> <u>January 1, 2008</u> , and division (A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code.	801 802 803 804 805 806 807 808
(6) A person is convicted of or pleads guilty to murder	809

committed on or after ~~the effective date of this amendment~~ January 810  
1, 2008, and division (B)(2) of section 2929.02 of the Revised 811  
Code requires the court to sentence the offender pursuant to 812  
section 2971.03 of the Revised Code. 813

(H) If a person who has been convicted of or pleaded guilty 814  
to a felony is sentenced to a prison term or term of imprisonment 815  
under this section, sections 2929.02 to 2929.06 of the Revised 816  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 817  
Revised Code, or any other provision of law, section 5120.163 of 818  
the Revised Code applies regarding the person while the person is 819  
confined in a state correctional institution. 820

(I) If an offender who is convicted of or pleads guilty to a 821  
felony that is an offense of violence also is convicted of or 822  
pleads guilty to a specification of the type described in section 823  
2941.142 of the Revised Code that charges the offender with having 824  
committed the felony while participating in a criminal gang, the 825  
court shall impose upon the offender an additional prison term of 826  
one, two, or three years. 827

(J) If an offender who is convicted of or pleads guilty to 828  
aggravated murder, murder, or a felony of the first, second, or 829  
third degree that is an offense of violence also is convicted of 830  
or pleads guilty to a specification of the type described in 831  
section 2941.143 of the Revised Code that charges the offender 832  
with having committed the offense in a school safety zone or 833  
towards a person in a school safety zone, the court shall impose 834  
upon the offender an additional prison term of two years. The 835  
offender shall serve the additional two years consecutively to and 836  
prior to the prison term imposed for the underlying offense. 837

(K) At the time of sentencing, the court may recommend the 838  
offender for placement in a program of shock incarceration under 839  
section 5120.031 of the Revised Code or for placement in an 840  
intensive program prison under section 5120.032 of the Revised 841

Code, disapprove placement of the offender in a program of shock 842  
incarceration or an intensive program prison of that nature, or 843  
make no recommendation on placement of the offender. In no case 844  
shall the department of rehabilitation and correction place the 845  
offender in a program or prison of that nature unless the 846  
department determines as specified in section 5120.031 or 5120.032 847  
of the Revised Code, whichever is applicable, that the offender is 848  
eligible for the placement. 849

If the court disapproves placement of the offender in a 850  
program or prison of that nature, the department of rehabilitation 851  
and correction shall not place the offender in any program of 852  
shock incarceration or intensive program prison. 853

If the court recommends placement of the offender in a 854  
program of shock incarceration or in an intensive program prison, 855  
and if the offender is subsequently placed in the recommended 856  
program or prison, the department shall notify the court of the 857  
placement and shall include with the notice a brief description of 858  
the placement. 859

If the court recommends placement of the offender in a 860  
program of shock incarceration or in an intensive program prison 861  
and the department does not subsequently place the offender in the 862  
recommended program or prison, the department shall send a notice 863  
to the court indicating why the offender was not placed in the 864  
recommended program or prison. 865

If the court does not make a recommendation under this 866  
division with respect to an offender and if the department 867  
determines as specified in section 5120.031 or 5120.032 of the 868  
Revised Code, whichever is applicable, that the offender is 869  
eligible for placement in a program or prison of that nature, the 870  
department shall screen the offender and determine if there is an 871  
available program of shock incarceration or an intensive program 872  
prison for which the offender is suited. If there is an available 873

program of shock incarceration or an intensive program prison for 874  
which the offender is suited, the department shall notify the 875  
court of the proposed placement of the offender as specified in 876  
section 5120.031 or 5120.032 of the Revised Code and shall include 877  
with the notice a brief description of the placement. The court 878  
shall have ten days from receipt of the notice to disapprove the 879  
placement. 880

(L) If a person is convicted of or pleads guilty to 881  
aggravated vehicular homicide in violation of division (A)(1) of 882  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 883  
section applies, the person shall be sentenced pursuant to section 884  
2929.142 of the Revised Code. 885

Sec. 2941.1421. (A) Imposition of a ten-year mandatory prison 886  
term upon an offender under division (D)(7) of section 2929.14 of 887  
the Revised Code is precluded unless the indictment, count in the 888  
indictment, or information charging the offense specifies that the 889  
offender discharged a firearm while committing the offense and the 890  
discharge of the firearm caused injury or death to a child who was 891  
under the age of eighteen years at the time of the commission of 892  
the offense. The specification shall be stated at the end of the 893  
body of the indictment, count, or information and shall be in 894  
substantially the following form: 895

"SPECIFICATION (or, SPECIFICATION OF THE FIRST COUNT). 896

The Grand Jurors (or insert the person's or the prosecuting 897  
attorney's name when appropriate) further find and specify that 898  
(set forth that the offender discharged a firearm while committing 899  
the offense and the discharge of the firearm caused injury or 900  
death to a child who was under the age of eighteen years at the 901  
time of the commission of the offense)." 902

(B) The specification described in division (A) of this 903  
section may be used in a delinquent child proceeding in the manner 904

and for the purpose described in section 2152.17 of the Revised Code. 905  
906

(C) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code. 907  
908

**Sec. 5103.0319.** (A) No foster caregiver or prospective foster 909  
caregiver shall fail to notify the recommending agency that 910  
recommended or is recommending the foster caregiver or prospective 911  
foster caregiver for certification in writing if a person at least 912  
twelve years of age but less than eighteen years of age residing 913  
with the foster caregiver or prospective foster caregiver has been 914  
convicted of or pleaded guilty to any of the following or has been 915  
adjudicated to be a delinquent child for committing an act that if 916  
committed by an adult would have constituted such a violation: 917

(1) A violation of section 2903.01, 2903.02, 2903.03, 918  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 919  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 920  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 921  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 922  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 923  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 924  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 925  
violation of section 2905.04 of the Revised Code as it existed 926  
prior to July 1, 1996, a violation of section 2919.23 of the 927  
Revised Code that would have been a violation of section 2905.04 928  
of the Revised Code as it existed prior to July 1, 1996, had the 929  
violation been committed prior to that date, a violation of 930  
section 2925.11 of the Revised Code that is not a minor drug 931  
possession offense, a violation of section 2923.01 of the Revised 932  
Code that involved an attempt to commit aggravated murder or 933  
murder, or felonious sexual penetration in violation of former 934  
section 2907.12 of the Revised Code; 935

(2) An offense that would be a felony if committed by an 936  
adult and the court determined that the child, if an adult, would 937  
be guilty of a specification found in section 2941.141, 2941.144, 938  
~~or~~ 2941.145, or 2941.1421 of the Revised Code or in another 939  
section of the Revised Code that relates to the possession or use 940  
of a firearm, as defined in section 2923.11 of the Revised Code, 941  
during the commission of the act for which the child was 942  
adjudicated a delinquent child; 943

(3) A violation of an existing or former law of this state, 944  
any other state, or the United States that is substantially 945  
equivalent to any of the offenses described in division (A)(1) or 946  
(2) of this section. 947

(B) If a recommending agency learns that a foster caregiver 948  
has failed to comply with division (A) of this section, it shall 949  
notify the department of job and family services and the 950  
department shall revoke the foster caregiver's foster home 951  
certificate. 952

**Section 2.** That existing sections 2152.17, 2152.72, 2929.14, 953  
and 5103.0319 of the Revised Code are hereby repealed. 954