

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 182**

**Representative Hackett**

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**A B I L L**

To amend sections 2929.13 and 2929.14 and to enact 1  
sections 2941.1424 and 2941.1425 of the Revised 2  
Code to require a definite term of imprisonment of 3  
5 to 10 years for an offender convicted of 4  
felonious assault or endangering children and a 5  
specification that the victim was less than 5 6  
years of age and suffered substantial permanent 7  
injury or for an offender convicted of voluntary 8  
manslaughter, involuntary manslaughter, or 9  
reckless homicide and a specification that the 10  
victim was less than five years of age. 11

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

**Section 1.** That sections 2929.13 and 2929.14 be amended and 12  
sections 2941.1424 and 2941.1425 of the Revised Code be enacted to 13  
read as follows: 14

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 15  
(G) of this section and unless a specific sanction is required to 16  
be imposed or is precluded from being imposed pursuant to law, a 17  
court that imposes a sentence upon an offender for a felony may 18  
impose any sanction or combination of sanctions on the offender 19  
that are provided in sections 2929.14 to 2929.18 of the Revised 20

Code. The sentence shall not impose an unnecessary burden on state 21  
or local government resources. 22

If the offender is eligible to be sentenced to community 23  
control sanctions, the court shall consider the appropriateness of 24  
imposing a financial sanction pursuant to section 2929.18 of the 25  
Revised Code or a sanction of community service pursuant to 26  
section 2929.17 of the Revised Code as the sole sanction for the 27  
offense. Except as otherwise provided in this division, if the 28  
court is required to impose a mandatory prison term for the 29  
offense for which sentence is being imposed, the court also shall 30  
impose any financial sanction pursuant to section 2929.18 of the 31  
Revised Code that is required for the offense and may impose any 32  
other financial sanction pursuant to that section but may not 33  
impose any additional sanction or combination of sanctions under 34  
section 2929.16 or 2929.17 of the Revised Code. 35

If the offender is being sentenced for a fourth degree felony 36  
OVI offense or for a third degree felony OVI offense, in addition 37  
to the mandatory term of local incarceration or the mandatory 38  
prison term required for the offense by division (G)(1) or (2) of 39  
this section, the court shall impose upon the offender a mandatory 40  
fine in accordance with division (B)(3) of section 2929.18 of the 41  
Revised Code and may impose whichever of the following is 42  
applicable: 43

(1) For a fourth degree felony OVI offense for which sentence 44  
is imposed under division (G)(1) of this section, an additional 45  
community control sanction or combination of community control 46  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 47  
the court imposes upon the offender a community control sanction 48  
and the offender violates any condition of the community control 49  
sanction, the court may take any action prescribed in division (B) 50  
of section 2929.15 of the Revised Code relative to the offender, 51  
including imposing a prison term on the offender pursuant to that 52

division. 53

(2) For a third or fourth degree felony OVI offense for which 54  
sentence is imposed under division (G)(2) of this section, an 55  
additional prison term as described in division (D)(4) of section 56  
2929.14 of the Revised Code or a community control sanction as 57  
described in division (G)(2) of this section. 58

(B)(1) Except as provided in division (B)(2), (E), (F), or 59  
(G) of this section, in sentencing an offender for a felony of the 60  
fourth or fifth degree, the sentencing court shall determine 61  
whether any of the following apply: 62

(a) In committing the offense, the offender caused physical 63  
harm to a person. 64

(b) In committing the offense, the offender attempted to 65  
cause or made an actual threat of physical harm to a person with a 66  
deadly weapon. 67

(c) In committing the offense, the offender attempted to 68  
cause or made an actual threat of physical harm to a person, and 69  
the offender previously was convicted of an offense that caused 70  
physical harm to a person. 71

(d) The offender held a public office or position of trust 72  
and the offense related to that office or position; the offender's 73  
position obliged the offender to prevent the offense or to bring 74  
those committing it to justice; or the offender's professional 75  
reputation or position facilitated the offense or was likely to 76  
influence the future conduct of others. 77

(e) The offender committed the offense for hire or as part of 78  
an organized criminal activity. 79

(f) The offense is a sex offense that is a fourth or fifth 80  
degree felony violation of section 2907.03, 2907.04, 2907.05, 81  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 82

Revised Code.	83
(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term.	84 85
(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.	86 87 88
(i) The offender committed the offense while in possession of a firearm.	89 90
(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.	91 92 93 94 95 96 97 98
(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.	99 100 101 102 103 104 105 106 107 108
(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for	109 110 111 112 113

purposes of sentencing, the sentencing court shall comply with the 114  
purposes and principles of sentencing under section 2929.11 of the 115  
Revised Code and with section 2929.12 of the Revised Code. 116

(D)(1) Except as provided in division (E) or (F) of this 117  
section, for a felony of the first or second degree, for a felony 118  
drug offense that is a violation of any provision of Chapter 119  
2925., 3719., or 4729. of the Revised Code for which a presumption 120  
in favor of a prison term is specified as being applicable, and 121  
for a violation of division (A)(4) or (B) of section 2907.05 of 122  
the Revised Code for which a presumption in favor of a prison term 123  
is specified as being applicable, it is presumed that a prison 124  
term is necessary in order to comply with the purposes and 125  
principles of sentencing under section 2929.11 of the Revised 126  
Code. Division (D)(2) of this section does not apply to a 127  
presumption established under this division for a violation of 128  
division (A)(4) of section 2907.05 of the Revised Code. 129

(2) Notwithstanding the presumption established under 130  
division (D)(1) of this section for the offenses listed in that 131  
division other than a violation of division (A)(4) or (B) of 132  
section 2907.05 of the Revised Code, the sentencing court may 133  
impose a community control sanction or a combination of community 134  
control sanctions instead of a prison term on an offender for a 135  
felony of the first or second degree or for a felony drug offense 136  
that is a violation of any provision of Chapter 2925., 3719., or 137  
4729. of the Revised Code for which a presumption in favor of a 138  
prison term is specified as being applicable if it makes both of 139  
the following findings: 140

(a) A community control sanction or a combination of 141  
community control sanctions would adequately punish the offender 142  
and protect the public from future crime, because the applicable 143  
factors under section 2929.12 of the Revised Code indicating a 144  
lesser likelihood of recidivism outweigh the applicable factors 145

under that section indicating a greater likelihood of recidivism. 146

(b) A community control sanction or a combination of 147  
community control sanctions would not demean the seriousness of 148  
the offense, because one or more factors under section 2929.12 of 149  
the Revised Code that indicate that the offender's conduct was 150  
less serious than conduct normally constituting the offense are 151  
applicable, and they outweigh the applicable factors under that 152  
section that indicate that the offender's conduct was more serious 153  
than conduct normally constituting the offense. 154

(E)(1) Except as provided in division (F) of this section, 155  
for any drug offense that is a violation of any provision of 156  
Chapter 2925. of the Revised Code and that is a felony of the 157  
third, fourth, or fifth degree, the applicability of a presumption 158  
under division (D) of this section in favor of a prison term or of 159  
division (B) or (C) of this section in determining whether to 160  
impose a prison term for the offense shall be determined as 161  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 162  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 163  
Revised Code, whichever is applicable regarding the violation. 164

(2) If an offender who was convicted of or pleaded guilty to 165  
a felony violates the conditions of a community control sanction 166  
imposed for the offense solely by reason of producing positive 167  
results on a drug test, the court, as punishment for the violation 168  
of the sanction, shall not order that the offender be imprisoned 169  
unless the court determines on the record either of the following: 170

(a) The offender had been ordered as a sanction for the 171  
felony to participate in a drug treatment program, in a drug 172  
education program, or in narcotics anonymous or a similar program, 173  
and the offender continued to use illegal drugs after a reasonable 174  
period of participation in the program. 175

(b) The imprisonment of the offender for the violation is 176

consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. 177  
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(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by section 3793.02 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of treatment and recovery support services providers. 179  
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(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20 or 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses: 194  
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(1) Aggravated murder when death is not imposed or murder; 204

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division 205  
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(A)(1)(b) of section 2907.02 of the Revised Code and would be	209
sentenced under section 2971.03 of the Revised Code;	210
(3) Gross sexual imposition or sexual battery, if the victim	211
is less than thirteen years of age and if any of the following	212
applies:	213
(a) Regarding gross sexual imposition, the offender	214
previously was convicted of or pleaded guilty to rape, the former	215
offense of felonious sexual penetration, gross sexual imposition,	216
or sexual battery, and the victim of the previous offense was less	217
than thirteen years of age;	218
(b) Regarding gross sexual imposition, the offense was	219
committed on or after August 3, 2006, and evidence other than the	220
testimony of the victim was admitted in the case corroborating the	221
violation.	222
(c) Regarding sexual battery, either of the following	223
applies:	224
(i) The offense was committed prior to August 3, 2006, the	225
offender previously was convicted of or pleaded guilty to rape,	226
the former offense of felonious sexual penetration, or sexual	227
battery, and the victim of the previous offense was less than	228
thirteen years of age.	229
(ii) The offense was committed on or after August 3, 2006.	230
(4) A felony violation of section 2903.04, 2903.06, 2903.08,	231
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the	232
section requires the imposition of a prison term;	233
(5) A first, second, or third degree felony drug offense for	234
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	235
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or	236
4729.99 of the Revised Code, whichever is applicable regarding the	237
violation, requires the imposition of a mandatory prison term;	238



(6) Any offense that is a first or second degree felony and 239  
that is not set forth in division (F)(1), (2), (3), or (4) of this 240  
section, if the offender previously was convicted of or pleaded 241  
guilty to aggravated murder, murder, any first or second degree 242  
felony, or an offense under an existing or former law of this 243  
state, another state, or the United States that is or was 244  
substantially equivalent to one of those offenses; 245

(7) Any offense that is a third degree felony and either is a 246  
violation of section 2903.04 of the Revised Code or an attempt to 247  
commit a felony of the second degree that is an offense of 248  
violence and involved an attempt to cause serious physical harm to 249  
a person or that resulted in serious physical harm to a person if 250  
the offender previously was convicted of or pleaded guilty to any 251  
of the following offenses: 252

(a) Aggravated murder, murder, involuntary manslaughter, 253  
rape, felonious sexual penetration as it existed under section 254  
2907.12 of the Revised Code prior to September 3, 1996, a felony 255  
of the first or second degree that resulted in the death of a 256  
person or in physical harm to a person, or complicity in or an 257  
attempt to commit any of those offenses; 258

(b) An offense under an existing or former law of this state, 259  
another state, or the United States that is or was substantially 260  
equivalent to an offense listed in division (F)(7)(a) of this 261  
section that resulted in the death of a person or in physical harm 262  
to a person. 263

(8) Any offense, other than a violation of section 2923.12 of 264  
the Revised Code, that is a felony, if the offender had a firearm 265  
on or about the offender's person or under the offender's control 266  
while committing the felony, with respect to a portion of the 267  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 268  
of the Revised Code for having the firearm; 269

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

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

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

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

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

(14) A violation of division (A)(1) or (2) of section 2903.06  
of the Revised Code if the offender 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, with respect to the portion of the sentence imposed

pursuant to division (D)(6) of section 2929.14 of the Revised Code; 301  
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(15) Kidnapping, in the circumstances specified in section 303  
2971.03 of the Revised Code and when no other provision of 304  
division (F) of this section applies; 305

(16) Kidnapping, abduction, compelling prostitution, 306  
promoting prostitution, engaging in a pattern of corrupt activity, 307  
illegal use of a minor in a nudity-oriented material or 308  
performance in violation of division (A)(1) or (2) of section 309  
2907.323 of the Revised Code, or endangering children in violation 310  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 311  
the Revised Code, if the offender is convicted of or pleads guilty 312  
to a specification as described in section 2941.1422 of the 313  
Revised Code that was included in the indictment, count in the 314  
indictment, or information charging the offense; 315

(17) A felony violation of division (A) or (B) of section 316  
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 317  
that section, and division (A)(6) of that section, require the 318  
imposition of a prison term; 319

(18) A felony violation of section 2903.11, 2903.12, or 320  
2903.13 of the Revised Code, if the victim of the offense was a 321  
woman that the offender knew was pregnant at the time of the 322  
violation, with respect to a portion of the sentence imposed 323  
pursuant to division (D)(8) of section 2929.14 of the Revised 324  
Code; 325

(19) A violation of section 2903.11 or 2919.22 of the Revised 326  
Code if the victim of the offense is less than five years of age 327  
at the time of the commission of the offense and the victim 328  
suffered substantial permanent injury as a result of the offense, 329  
with respect to the portion of the sentence imposed pursuant to 330  
division (D)(9) of section 2929.14 of the Revised Code; 331

(20) A violation of section 2903.03, 2903.04, or 2903.041 of 332  
the Revised Code if the victim of the offense is less than five 333  
years of age at the time of the commission of the offense, with 334  
respect to the portion of the sentence imposed pursuant to 335  
division (D)(10) of section 2929.14 of the Revised Code. 336

(G) Notwithstanding divisions (A) to (E) of this section, if 337  
an offender is being sentenced for a fourth degree felony OVI 338  
offense or for a third degree felony OVI offense, the court shall 339  
impose upon the offender a mandatory term of local incarceration 340  
or a mandatory prison term in accordance with the following: 341

(1) If the offender is being sentenced for a fourth degree 342  
felony OVI offense and if the offender has not been convicted of 343  
and has not pleaded guilty to a specification of the type 344  
described in section 2941.1413 of the Revised Code, the court may 345  
impose upon the offender a mandatory term of local incarceration 346  
of sixty days or one hundred twenty days as specified in division 347  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 348  
not reduce the term pursuant to section 2929.20, 2967.193, or any 349  
other provision of the Revised Code. The court that imposes a 350  
mandatory term of local incarceration under this division shall 351  
specify whether the term is to be served in a jail, a 352  
community-based correctional facility, a halfway house, or an 353  
alternative residential facility, and the offender shall serve the 354  
term in the type of facility specified by the court. A mandatory 355  
term of local incarceration imposed under division (G)(1) of this 356  
section is not subject to any other Revised Code provision that 357  
pertains to a prison term except as provided in division (A)(1) of 358  
this section. 359

(2) If the offender is being sentenced for a third degree 360  
felony OVI offense, or if the offender is being sentenced for a 361  
fourth degree felony OVI offense and the court does not impose a 362  
mandatory term of local incarceration under division (G)(1) of 363

this section, the court shall impose upon the offender a mandatory 364  
prison term of one, two, three, four, or five years if the 365  
offender also is convicted of or also pleads guilty to a 366  
specification of the type described in section 2941.1413 of the 367  
Revised Code or shall impose upon the offender a mandatory prison 368  
term of sixty days or one hundred twenty days as specified in 369  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 370  
if the offender has not been convicted of and has not pleaded 371  
guilty to a specification of that type. The court shall not reduce 372  
the term pursuant to section 2929.20, 2967.193, or any other 373  
provision of the Revised Code. The offender shall serve the one-, 374  
two-, three-, four-, or five-year mandatory prison term 375  
consecutively to and prior to the prison term imposed for the 376  
underlying offense and consecutively to any other mandatory prison 377  
term imposed in relation to the offense. In no case shall an 378  
offender who once has been sentenced to a mandatory term of local 379  
incarceration pursuant to division (G)(1) of this section for a 380  
fourth degree felony OVI offense be sentenced to another mandatory 381  
term of local incarceration under that division for any violation 382  
of division (A) of section 4511.19 of the Revised Code. In 383  
addition to the mandatory prison term described in division (G)(2) 384  
of this section, the court may sentence the offender to a 385  
community control sanction under section 2929.16 or 2929.17 of the 386  
Revised Code, but the offender shall serve the prison term prior 387  
to serving the community control sanction. The department of 388  
rehabilitation and correction may place an offender sentenced to a 389  
mandatory prison term under this division in an intensive program 390  
prison established pursuant to section 5120.033 of the Revised 391  
Code if the department gave the sentencing judge prior notice of 392  
its intent to place the offender in an intensive program prison 393  
established under that section and if the judge did not notify the 394  
department that the judge disapproved the placement. Upon the 395  
establishment of the initial intensive program prison pursuant to 396

section 5120.033 of the Revised Code that is privately operated 397  
and managed by a contractor pursuant to a contract entered into 398  
under section 9.06 of the Revised Code, both of the following 399  
apply: 400

(a) The department of rehabilitation and correction shall 401  
make a reasonable effort to ensure that a sufficient number of 402  
offenders sentenced to a mandatory prison term under this division 403  
are placed in the privately operated and managed prison so that 404  
the privately operated and managed prison has full occupancy. 405

(b) Unless the privately operated and managed prison has full 406  
occupancy, the department of rehabilitation and correction shall 407  
not place any offender sentenced to a mandatory prison term under 408  
this division in any intensive program prison established pursuant 409  
to section 5120.033 of the Revised Code other than the privately 410  
operated and managed prison. 411

(H) If an offender is being sentenced for a sexually oriented 412  
offense or child-victim oriented offense that is a felony 413  
committed on or after January 1, 1997, the judge shall require the 414  
offender to submit to a DNA specimen collection procedure pursuant 415  
to section 2901.07 of the Revised Code. 416

(I) If an offender is being sentenced for a sexually oriented 417  
offense or a child-victim oriented offense committed on or after 418  
January 1, 1997, the judge shall include in the sentence a summary 419  
of the offender's duties imposed under sections 2950.04, 2950.041, 420  
2950.05, and 2950.06 of the Revised Code and the duration of the 421  
duties. The judge shall inform the offender, at the time of 422  
sentencing, of those duties and of their duration. If required 423  
under division (A)(2) of section 2950.03 of the Revised Code, the 424  
judge shall perform the duties specified in that section, or, if 425  
required under division (A)(6) of section 2950.03 of the Revised 426  
Code, the judge shall perform the duties specified in that 427  
division. 428

(J)(1) Except as provided in division (J)(2) of this section, 429  
when considering sentencing factors under this section in relation 430  
to an offender who is convicted of or pleads guilty to an attempt 431  
to commit an offense in violation of section 2923.02 of the 432  
Revised Code, the sentencing court shall consider the factors 433  
applicable to the felony category of the violation of section 434  
2923.02 of the Revised Code instead of the factors applicable to 435  
the felony category of the offense attempted. 436

(2) When considering sentencing factors under this section in 437  
relation to an offender who is convicted of or pleads guilty to an 438  
attempt to commit a drug abuse offense for which the penalty is 439  
determined by the amount or number of unit doses of the controlled 440  
substance involved in the drug abuse offense, the sentencing court 441  
shall consider the factors applicable to the felony category that 442  
the drug abuse offense attempted would be if that drug abuse 443  
offense had been committed and had involved an amount or number of 444  
unit doses of the controlled substance that is within the next 445  
lower range of controlled substance amounts than was involved in 446  
the attempt. 447

(K) As used in this section, ~~"drug:~~ 448

(1) Drug abuse offense" has the same meaning as in section 449  
2925.01 of the Revised Code. 450

(2) "Substantial permanent injury" means any of the 451  
following: 452

(a) Any mental illness or condition of such gravity as would 453  
normally require permanent hospitalization or permanent 454  
psychiatric treatment; 455

(b) Any physical harm that involves some permanent 456  
substantial incapacity; 457

(c) Any physical harm that involves some permanent 458  
substantial disfigurement. 459

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (D)(9), (D)(10), (G), (I), (J), or (L) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

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

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

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

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

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



(B) Except as provided in division (C), (D)(1), (D)(2), 490  
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), ~~(D)(9), (D)(10)~~, (G), (I), 491  
(J), or (L) of this section, in section 2907.02 , 2907.05, or 492  
2919.25 of the Revised Code, or in Chapter 2925. of the Revised 493  
Code, if the court imposing a sentence upon an offender for a 494  
felony elects or is required to impose a prison term on the 495  
offender, the court shall impose the shortest prison term 496  
authorized for the offense pursuant to division (A) of this 497  
section, unless one or more of the following applies: 498

(1) The offender was serving a prison term at the time of the 499  
offense, or the offender previously had served a prison term. 500

(2) The court finds on the record that the shortest prison 501  
term will demean the seriousness of the offender's conduct or will 502  
not adequately protect the public from future crime by the 503  
offender or others. 504

(C) Except as provided in division (D)(7), (D)(8), (G), or 505  
(L) of this section, in section 2919.25 of the Revised Code, or in 506  
Chapter 2925. of the Revised Code, the court imposing a sentence 507  
upon an offender for a felony may impose the longest prison term 508  
authorized for the offense pursuant to division (A) of this 509  
section only upon offenders who committed the worst forms of the 510  
offense, upon offenders who pose the greatest likelihood of 511  
committing future crimes, upon certain major drug offenders under 512  
division (D)(3) of this section, and upon certain repeat violent 513  
offenders in accordance with division (D)(2) of this section. 514

(D)(1)(a) Except as provided in division (D)(1)(e) of this 515  
section, if an offender who is convicted of or pleads guilty to a 516  
felony also is convicted of or pleads guilty to a specification of 517  
the type described in section 2941.141, 2941.144, or 2941.145 of 518  
the Revised Code, the court shall impose on the offender one of 519  
the following prison terms: 520  
521

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

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

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

(b) If a court imposes a prison term on an offender under division (D)(1)(a) 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. Except as provided in division (D)(1)(g) of this section, a court shall not impose more than one prison term on an offender under division (D)(1)(a) of this section for felonies committed as part of the same act or transaction.

(c) Except as provided in division (D)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the

type described in section 2941.146 of the Revised Code that 554  
charges the offender with committing the offense by discharging a 555  
firearm from a motor vehicle other than a manufactured home, the 556  
court, after imposing a prison term on the offender for the 557  
violation of section 2923.161 of the Revised Code or for the other 558  
felony offense under division (A), (D)(2), or (D)(3) of this 559  
section, shall impose an additional prison term of five years upon 560  
the offender that shall not be reduced pursuant to section 561  
2929.20, section 2967.193, or any other provision of Chapter 2967. 562  
or Chapter 5120. of the Revised Code. A court shall not impose 563  
more than one additional prison term on an offender under division 564  
(D)(1)(c) of this section for felonies committed as part of the 565  
same act or transaction. If a court imposes an additional prison 566  
term on an offender under division (D)(1)(c) of this section 567  
relative to an offense, the court also shall impose a prison term 568  
under division (D)(1)(a) of this section relative to the same 569  
offense, provided the criteria specified in that division for 570  
imposing an additional prison term are satisfied relative to the 571  
offender and the offense. 572

(d) If an offender who is convicted of or pleads guilty to an 573  
offense of violence that is a felony also is convicted of or 574  
pleads guilty to a specification of the type described in section 575  
2941.1411 of the Revised Code that charges the offender with 576  
wearing or carrying body armor while committing the felony offense 577  
of violence, the court shall impose on the offender a prison term 578  
of two years. The prison term so imposed shall not be reduced 579  
pursuant to section 2929.20, section 2967.193, or any other 580  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 581  
court shall not impose more than one prison term on an offender 582  
under division (D)(1)(d) of this section for felonies committed as 583  
part of the same act or transaction. If a court imposes an 584  
additional prison term under division (D)(1)(a) or (c) of this 585  
section, the court is not precluded from imposing an additional 586

prison term under division (D)(1)(d) of this section. 587

(e) The court shall not impose any of the prison terms 588  
described in division (D)(1)(a) of this section or any of the 589  
additional prison terms described in division (D)(1)(c) of this 590  
section upon an offender for a violation of section 2923.12 or 591  
2923.123 of the Revised Code. The court shall not impose any of 592  
the prison terms described in division (D)(1)(a) or (b) of this 593  
section upon an offender for a violation of section 2923.122 that 594  
involves a deadly weapon that is a firearm other than a dangerous 595  
ordnance, section 2923.16, or section 2923.121 of the Revised 596  
Code. The court shall not impose any of the prison terms described 597  
in division (D)(1)(a) of this section or any of the additional 598  
prison terms described in division (D)(1)(c) of this section upon 599  
an offender for a violation of section 2923.13 of the Revised Code 600  
unless all of the following apply: 601

(i) The offender previously has been convicted of aggravated 602  
murder, murder, or any felony of the first or second degree. 603

(ii) Less than five years have passed since the offender was 604  
released from prison or post-release control, whichever is later, 605  
for the prior offense. 606

(f) If an offender is convicted of or pleads guilty to a 607  
felony that includes, as an essential element, causing or 608  
attempting to cause the death of or physical harm to another and 609  
also is convicted of or pleads guilty to a specification of the 610  
type described in section 2941.1412 of the Revised Code that 611  
charges the offender with committing the offense by discharging a 612  
firearm at a peace officer as defined in section 2935.01 of the 613  
Revised Code or a corrections officer, as defined in section 614  
2941.1412 of the Revised Code, the court, after imposing a prison 615  
term on the offender for the felony offense under division (A), 616  
(D)(2), or (D)(3) of this section, shall impose an additional 617  
prison term of seven years upon the offender that shall not be 618

reduced pursuant to section 2929.20, section 2967.193, or any 619  
other provision of Chapter 2967. or Chapter 5120. of the Revised 620  
Code. If an offender is convicted of or pleads guilty to two or 621  
more felonies that include, as an essential element, causing or 622  
attempting to cause the death or physical harm to another and also 623  
is convicted of or pleads guilty to a specification of the type 624  
described under division (D)(1)(f) of this section in connection 625  
with two or more of the felonies of which the offender is 626  
convicted or to which the offender pleads guilty, the sentencing 627  
court shall impose on the offender the prison term specified under 628  
division (D)(1)(f) of this section for each of two of the 629  
specifications of which the offender is convicted or to which the 630  
offender pleads guilty and, in its discretion, also may impose on 631  
the offender the prison term specified under that division for any 632  
or all of the remaining specifications. If a court imposes an 633  
additional prison term on an offender under division (D)(1)(f) of 634  
this section relative to an offense, the court shall not impose a 635  
prison term under division (D)(1)(a) or (c) of this section 636  
relative to the same offense. 637

(g) If an offender is convicted of or pleads guilty to two or 638  
more felonies, if one or more of those felonies is aggravated 639  
murder, murder, attempted aggravated murder, attempted murder, 640  
aggravated robbery, felonious assault, or rape, and if the 641  
offender is convicted of or pleads guilty to a specification of 642  
the type described under division (D)(1)(a) of this section in 643  
connection with two or more of the felonies, the sentencing court 644  
shall impose on the offender the prison term specified under 645  
division (D)(1)(a) of this section for each of the two most 646  
serious specifications of which the offender is convicted or to 647  
which the offender pleads guilty and, in its discretion, also may 648  
impose on the offender the prison term specified under that 649  
division for any or all of the remaining specifications. 650

(2)(a) If division (D)(2)(b) of this section does not apply, 651  
the court may impose on an offender, in addition to the longest 652  
prison term authorized or required for the offense, an additional 653  
definite prison term of one, two, three, four, five, six, seven, 654  
eight, nine, or ten years if all of the following criteria are 655  
met: 656

(i) The offender is convicted of or pleads guilty to a 657  
specification of the type described in section 2941.149 of the 658  
Revised Code that the offender is a repeat violent offender. 659

(ii) The offense of which the offender currently is convicted 660  
or to which the offender currently pleads guilty is aggravated 661  
murder and the court does not impose a sentence of death or life 662  
imprisonment without parole, murder, terrorism and the court does 663  
not impose a sentence of life imprisonment without parole, any 664  
felony of the first degree that is an offense of violence and the 665  
court does not impose a sentence of life imprisonment without 666  
parole, or any felony of the second degree that is an offense of 667  
violence and the trier of fact finds that the offense involved an 668  
attempt to cause or a threat to cause serious physical harm to a 669  
person or resulted in serious physical harm to a person. 670

(iii) The court imposes the longest prison term for the 671  
offense that is not life imprisonment without parole. 672

(iv) The court finds that the prison terms imposed pursuant 673  
to division (D)(2)(a)(iii) of this section and, if applicable, 674  
division (D)(1) or (3) of this section are inadequate to punish 675  
the offender and protect the public from future crime, because the 676  
applicable factors under section 2929.12 of the Revised Code 677  
indicating a greater likelihood of recidivism outweigh the 678  
applicable factors under that section indicating a lesser 679  
likelihood of recidivism. 680

(v) The court finds that the prison terms imposed pursuant to 681

division (D)(2)(a)(iii) of this section and, if applicable, 682  
division (D)(1) or (3) of this section are demeaning to the 683  
seriousness of the offense, because one or more of the factors 684  
under section 2929.12 of the Revised Code indicating that the 685  
offender's conduct is more serious than conduct normally 686  
constituting the offense are present, and they outweigh the 687  
applicable factors under that section indicating that the 688  
offender's conduct is less serious than conduct normally 689  
constituting the offense. 690

(b) The court shall impose on an offender the longest prison 691  
term authorized or required for the offense and shall impose on 692  
the offender an additional definite prison term of one, two, 693  
three, four, five, six, seven, eight, nine, or ten years if all of 694  
the following criteria are met: 695

(i) The offender is convicted of or pleads guilty to a 696  
specification of the type described in section 2941.149 of the 697  
Revised Code that the offender is a repeat violent offender. 698

(ii) The offender within the preceding twenty years has been 699  
convicted of or pleaded guilty to three or more offenses described 700  
in division (CC)(1) of section 2929.01 of the Revised Code, 701  
including all offenses described in that division of which the 702  
offender is convicted or to which the offender pleads guilty in 703  
the current prosecution and all offenses described in that 704  
division of which the offender previously has been convicted or to 705  
which the offender previously pleaded guilty, whether prosecuted 706  
together or separately. 707

(iii) The offense or offenses of which the offender currently 708  
is convicted or to which the offender currently pleads guilty is 709  
aggravated murder and the court does not impose a sentence of 710  
death or life imprisonment without parole, murder, terrorism and 711  
the court does not impose a sentence of life imprisonment without 712  
parole, any felony of the first degree that is an offense of 713

violence and the court does not impose a sentence of life 714  
imprisonment without parole, or any felony of the second degree 715  
that is an offense of violence and the trier of fact finds that 716  
the offense involved an attempt to cause or a threat to cause 717  
serious physical harm to a person or resulted in serious physical 718  
harm to a person. 719

(c) For purposes of division (D)(2)(b) of this section, two 720  
or more offenses committed at the same time or as part of the same 721  
act or event shall be considered one offense, and that one offense 722  
shall be the offense with the greatest penalty. 723

(d) A sentence imposed under division (D)(2)(a) or (b) of 724  
this section shall not be reduced pursuant to section 2929.20 or 725  
section 2967.193, or any other provision of Chapter 2967. or 726  
Chapter 5120. of the Revised Code. The offender shall serve an 727  
additional prison term imposed under this section consecutively to 728  
and prior to the prison term imposed for the underlying offense. 729

(e) When imposing a sentence pursuant to division (D)(2)(a) 730  
or (b) of this section, the court shall state its findings 731  
explaining the imposed sentence. 732

(3)(a) Except when an offender commits a violation of section 733  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 734  
the violation is life imprisonment or commits a violation of 735  
section 2903.02 of the Revised Code, if the offender commits a 736  
violation of section 2925.03 or 2925.11 of the Revised Code and 737  
that section classifies the offender as a major drug offender and 738  
requires the imposition of a ten-year prison term on the offender, 739  
if the offender commits a felony violation of section 2925.02, 740  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 741  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 742  
division (C) of section 4729.51, or division (J) of section 743  
4729.54 of the Revised Code that includes the sale, offer to sell, 744  
or possession of a schedule I or II controlled substance, with the 745



exception of marihuana, and the court imposing sentence upon the 746  
offender finds that the offender is guilty of a specification of 747  
the type described in section 2941.1410 of the Revised Code 748  
charging that the offender is a major drug offender, if the court 749  
imposing sentence upon an offender for a felony finds that the 750  
offender is guilty of corrupt activity with the most serious 751  
offense in the pattern of corrupt activity being a felony of the 752  
first degree, or if the offender is guilty of an attempted 753  
violation of section 2907.02 of the Revised Code and, had the 754  
offender completed the violation of section 2907.02 of the Revised 755  
Code that was attempted, the offender would have been subject to a 756  
sentence of life imprisonment or life imprisonment without parole 757  
for the violation of section 2907.02 of the Revised Code, the 758  
court shall impose upon the offender for the felony violation a 759  
ten-year prison term that cannot be reduced pursuant to section 760  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 761

(b) The court imposing a prison term on an offender under 762  
division (D)(3)(a) of this section may impose an additional prison 763  
term of one, two, three, four, five, six, seven, eight, nine, or 764  
ten years, if the court, with respect to the term imposed under 765  
division (D)(3)(a) of this section and, if applicable, divisions 766  
(D)(1) and (2) of this section, makes both of the findings set 767  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 768

(4) If the offender is being sentenced for a third or fourth 769  
degree felony OVI offense under division (G)(2) of section 2929.13 770  
of the Revised Code, the sentencing court shall impose upon the 771  
offender a mandatory prison term in accordance with that division. 772  
In addition to the mandatory prison term, if the offender is being 773  
sentenced for a fourth degree felony OVI offense, the court, 774  
notwithstanding division (A)(4) of this section, may sentence the 775  
offender to a definite prison term of not less than six months and 776  
not more than thirty months, and if the offender is being 777

sentenced for a third degree felony OVI offense, the sentencing 778  
court may sentence the offender to an additional prison term of 779  
any duration specified in division (A)(3) of this section. In 780  
either case, the additional prison term imposed shall be reduced 781  
by the sixty or one hundred twenty days imposed upon the offender 782  
as the mandatory prison term. The total of the additional prison 783  
term imposed under division (D)(4) of this section plus the sixty 784  
or one hundred twenty days imposed as the mandatory prison term 785  
shall equal a definite term in the range of six months to thirty 786  
months for a fourth degree felony OVI offense and shall equal one 787  
of the authorized prison terms specified in division (A)(3) of 788  
this section for a third degree felony OVI offense. If the court 789  
imposes an additional prison term under division (D)(4) of this 790  
section, the offender shall serve the additional prison term after 791  
the offender has served the mandatory prison term required for the 792  
offense. In addition to the mandatory prison term or mandatory and 793  
additional prison term imposed as described in division (D)(4) of 794  
this section, the court also may sentence the offender to a 795  
community control sanction under section 2929.16 or 2929.17 of the 796  
Revised Code, but the offender shall serve all of the prison terms 797  
so imposed prior to serving the community control sanction. 798

If the offender is being sentenced for a fourth degree felony 799  
OVI offense under division (G)(1) of section 2929.13 of the 800  
Revised Code and the court imposes a mandatory term of local 801  
incarceration, the court may impose a prison term as described in 802  
division (A)(1) of that section. 803

(5) If an offender is convicted of or pleads guilty to a 804  
violation of division (A)(1) or (2) of section 2903.06 of the 805  
Revised Code and also is convicted of or pleads guilty to a 806  
specification of the type described in section 2941.1414 of the 807  
Revised Code that charges that the victim of the offense is a 808  
peace officer, as defined in section 2935.01 of the Revised Code, 809

or an investigator of the bureau of criminal identification and 810  
investigation, as defined in section 2903.11 of the Revised Code, 811  
the court shall impose on the offender a prison term of five 812  
years. If a court imposes a prison term on an offender under 813  
division (D)(5) of this section, the prison term shall not be 814  
reduced pursuant to section 2929.20, section 2967.193, or any 815  
other provision of Chapter 2967. or Chapter 5120. of the Revised 816  
Code. A court shall not impose more than one prison term on an 817  
offender under division (D)(5) of this section for felonies 818  
committed as part of the same act. 819

(6) If an offender is convicted of or pleads guilty to a 820  
violation of division (A)(1) or (2) of section 2903.06 of the 821  
Revised Code and also is convicted of or pleads guilty to a 822  
specification of the type described in section 2941.1415 of the 823  
Revised Code that charges that the offender previously has been 824  
convicted of or pleaded guilty to three or more violations of 825  
division (A) or (B) of section 4511.19 of the Revised Code or an 826  
equivalent offense, as defined in section 2941.1415 of the Revised 827  
Code, or three or more violations of any combination of those 828  
divisions and offenses, the court shall impose on the offender a 829  
prison term of three years. If a court imposes a prison term on an 830  
offender under division (D)(6) of this section, the prison term 831  
shall not be reduced pursuant to section 2929.20, section 832  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 833  
of the Revised Code. A court shall not impose more than one prison 834  
term on an offender under division (D)(6) of this section for 835  
felonies committed as part of the same act. 836

(7)(a) If an offender is convicted of or pleads guilty to a 837  
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 838  
2923.32, division (A)(1) or (2) of section 2907.323, or division 839  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 840  
Code and also is convicted of or pleads guilty to a specification 841

of the type described in section 2941.1422 of the Revised Code 842  
that charges that the offender knowingly committed the offense in 843  
furtherance of human trafficking, the court shall impose on the 844  
offender a mandatory prison term that is one of the following: 845

846

(i) If the offense is a felony of the first degree, a 847  
definite prison term of not less than five years and not greater 848  
than ten years; 849

(ii) If the offense is a felony of the second or third 850  
degree, a definite prison term of not less than three years and 851  
not greater than the maximum prison term allowed for the offense 852  
by division (A) of section 2929.14 of the Revised Code; 853

(iii) If the offense is a felony of the fourth or fifth 854  
degree, a definite prison term that is the maximum prison term 855  
allowed for the offense by division (A) of section 2929.14 of the 856  
Revised Code. 857

(b) The prison term imposed under division (D)(7)(a) of this 858  
section shall not be reduced pursuant to section 2929.20, section 859  
2967.193, or any other provision of Chapter 2967. of the Revised 860  
Code. A court shall not impose more than one prison term on an 861  
offender under division (D)(7)(a) of this section for felonies 862  
committed as part of the same act, scheme, or plan. 863

(8) If an offender is convicted of or pleads guilty to a 864  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 865  
Revised Code and also is convicted of or pleads guilty to a 866  
specification of the type described in section 2941.1423 of the 867  
Revised Code that charges that the victim of the violation was a 868  
woman whom the offender knew was pregnant at the time of the 869  
violation, notwithstanding the range of prison terms prescribed in 870  
division (A) of this section for felonies of the same degree as 871  
the violation, the court shall impose on the offender a mandatory 872

prison term that is either a definite prison term of six months or 873  
one of the prison terms prescribed in section 2929.14 of the 874  
Revised Code for felonies of the same degree as the violation. 875

(9) If an offender is convicted of or pleads guilty to a 876  
violation of section 2903.11 or 2919.22 of the Revised Code and 877  
also is convicted of or pleads guilty to a specification of the 878  
type described in section 2941.1424 of the Revised Code that 879  
charges that the victim of the offense was less than five years of 880  
age at the time of the commission of the offense and that the 881  
victim suffered substantial permanent injury, as defined in 882  
section 2929.13 of the Revised Code, as a result of the offense, 883  
the court shall impose upon the offender a definite prison term of 884  
five, six, seven, eight, nine, or ten years. A prison term imposed 885  
upon an offender under division (D)(9) of this section shall not 886  
be reduced pursuant to section 2929.20, section 2967.193, or any 887  
other provision of Chapter 2967. or Chapter 5120. of the Revised 888  
Code. 889

(10) If an offender is convicted of or pleads guilty to a 890  
violation of section 2903.03, 2903.04, or 2903.041 of the Revised 891  
Code and also is convicted of or pleads guilty to a specification 892  
of the type described in section 2941.1425 of Revised Code that 893  
charges that the victim of the offense was less than five years of 894  
age at the time of the commission of the offense, the court shall 895  
impose upon the offender a definite prison term of five, six, 896  
seven, eight, nine, or ten years. A prison term imposed upon an 897  
offender under division (D)(10) of this section shall not be 898  
reduced pursuant to section 2929.20, section 2967.193, or any 899  
other provision of Chapter 2967. or Chapter 5120. of the Revised 900  
Code. 901

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 902  
mandatory prison term is imposed upon an offender pursuant to 903  
division (D)(1)(a) of this section for having a firearm on or 904

about the offender's person or under the offender's control while 905  
committing a felony, if a mandatory prison term is imposed upon an 906  
offender pursuant to division (D)(1)(c) of this section for 907  
committing a felony specified in that division by discharging a 908  
firearm from a motor vehicle, or if both types of mandatory prison 909  
terms are imposed, the offender shall serve any mandatory prison 910  
term imposed under either division consecutively to any other 911  
mandatory prison term imposed under either division or under 912  
division (D)(1)(d) of this section, consecutively to and prior to 913  
any prison term imposed for the underlying felony pursuant to 914  
division (A), (D)(2), or (D)(3) of this section or any other 915  
section of the Revised Code, and consecutively to any other prison 916  
term or mandatory prison term previously or subsequently imposed 917  
upon the offender. 918

(b) If a mandatory prison term is imposed upon an offender 919  
pursuant to division (D)(1)(d) of this section for wearing or 920  
carrying body armor while committing an offense of violence that 921  
is a felony, the offender shall serve the mandatory term so 922  
imposed consecutively to any other mandatory prison term imposed 923  
under that division or under division (D)(1)(a) or (c) of this 924  
section, consecutively to and prior to any prison term imposed for 925  
the underlying felony under division (A), (D)(2), or (D)(3) of 926  
this section or any other section of the Revised Code, and 927  
consecutively to any other prison term or mandatory prison term 928  
previously or subsequently imposed upon the offender. 929

(c) If a mandatory prison term is imposed upon an offender 930  
pursuant to division (D)(1)(f) of this section, the offender shall 931  
serve the mandatory prison term so imposed consecutively to and 932  
prior to any prison term imposed for the underlying felony under 933  
division (A), (D)(2), or (D)(3) of this section or any other 934  
section of the Revised Code, and consecutively to any other prison 935  
term or mandatory prison term previously or subsequently imposed 936

upon the offender. 937

(d) If a mandatory prison term is imposed upon an offender 938  
pursuant to division (D)(7) or (8) of this section, the offender 939  
shall serve the mandatory prison term so imposed consecutively to 940  
any other mandatory prison term imposed under that division or 941  
under any other provision of law and consecutively to any other 942  
prison term or mandatory prison term previously or subsequently 943  
imposed upon the offender. 944

(2) If an offender who is an inmate in a jail, prison, or 945  
other residential detention facility violates section 2917.02, 946  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 947  
who is under detention at a detention facility commits a felony 948  
violation of section 2923.131 of the Revised Code, or if an 949  
offender who is an inmate in a jail, prison, or other residential 950  
detention facility or is under detention at a detention facility 951  
commits another felony while the offender is an escapee in 952  
violation of section 2921.34 of the Revised Code, any prison term 953  
imposed upon the offender for one of those violations shall be 954  
served by the offender consecutively to the prison term or term of 955  
imprisonment the offender was serving when the offender committed 956  
that offense and to any other prison term previously or 957  
subsequently imposed upon the offender. 958

(3) If a prison term is imposed for a violation of division 959  
(B) of section 2911.01 of the Revised Code, a violation of 960  
division (A) of section 2913.02 of the Revised Code in which the 961  
stolen property is a firearm or dangerous ordnance, or a felony 962  
violation of division (B) of section 2921.331 of the Revised Code, 963  
the offender shall serve that prison term consecutively to any 964  
other prison term or mandatory prison term previously or 965  
subsequently imposed upon the offender. 966

(4) If multiple prison terms are imposed on an offender for 967  
convictions of multiple offenses, the court may require the 968

offender to serve the prison terms consecutively if the court 969  
finds that the consecutive service is necessary to protect the 970  
public from future crime or to punish the offender and that 971  
consecutive sentences are not disproportionate to the seriousness 972  
of the offender's conduct and to the danger the offender poses to 973  
the public, and if the court also finds any of the following: 974

(a) The offender committed one or more of the multiple 975  
offenses while the offender was awaiting trial or sentencing, was 976  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 977  
2929.18 of the Revised Code, or was under post-release control for 978  
a prior offense. 979

(b) At least two of the multiple offenses were committed as 980  
part of one or more courses of conduct, and the harm caused by two 981  
or more of the multiple offenses so committed was so great or 982  
unusual that no single prison term for any of the offenses 983  
committed as part of any of the courses of conduct adequately 984  
reflects the seriousness of the offender's conduct. 985

(c) The offender's history of criminal conduct demonstrates 986  
that consecutive sentences are necessary to protect the public 987  
from future crime by the offender. 988

(5) If a mandatory prison term is imposed upon an offender 989  
pursuant to division (D)(5) or (6) of this section, the offender 990  
shall serve the mandatory prison term consecutively to and prior 991  
to any prison term imposed for the underlying violation of 992  
division (A)(1) or (2) of section 2903.06 of the Revised Code 993  
pursuant to division (A) of this section or section 2929.142 of 994  
the Revised Code. If a mandatory prison term is imposed upon an 995  
offender pursuant to division (D)(5) of this section, and if a 996  
mandatory prison term also is imposed upon the offender pursuant 997  
to division (D)(6) of this section in relation to the same 998  
violation, the offender shall serve the mandatory prison term 999  
imposed pursuant to division (D)(5) of this section consecutively 1000



to and prior to the mandatory prison term imposed pursuant to 1001  
division (D)(6) of this section and consecutively to and prior to 1002  
any prison term imposed for the underlying violation of division 1003  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 1004  
division (A) of this section or section 2929.142 of the Revised 1005  
Code. 1006

(6) If a mandatory prison term is imposed upon an offender 1007  
pursuant to division (D)(9) or (10) of this section, the offender 1008  
shall serve that mandatory prison term consecutively to and prior 1009  
to any prison term imposed for the underlying violation of section 1010  
2903.03, 2903.04, 2903.041, 2903.11, or 2919.22 of the Revised 1011  
Code and consecutively to and prior to any other prison term or 1012  
mandatory prison term previously or subsequently imposed upon the 1013  
offender. 1014

(7) When consecutive prison terms are imposed pursuant to 1015  
division (E)(1), (2), (3), (4), ~~or (5)~~, or (6) or division (J)(1) 1016  
or (2) of this section, the term to be served is the aggregate of 1017  
all of the terms so imposed. 1018

(F)(1) If a court imposes a prison term for a felony of the 1019  
first degree, for a felony of the second degree, for a felony sex 1020  
offense, or for a felony of the third degree that is not a felony 1021  
sex offense and in the commission of which the offender caused or 1022  
threatened to cause physical harm to a person, it shall include in 1023  
the sentence a requirement that the offender be subject to a 1024  
period of post-release control after the offender's release from 1025  
imprisonment, in accordance with that division. If a court imposes 1026  
a sentence including a prison term of a type described in this 1027  
division on or after July 11, 2006, the failure of a court to 1028  
include a post-release control requirement in the sentence 1029  
pursuant to this division does not negate, limit, or otherwise 1030  
affect the mandatory period of post-release control that is 1031  
required for the offender under division (B) of section 2967.28 of 1032

the Revised Code. Section 2929.191 of the Revised Code applies if, 1033  
prior to July 11, 2006, a court imposed a sentence including a 1034  
prison term of a type described in this division and failed to 1035  
include in the sentence pursuant to this division a statement 1036  
regarding post-release control. 1037

(2) If a court imposes a prison term for a felony of the 1038  
third, fourth, or fifth degree that is not subject to division 1039  
(F)(1) of this section, it shall include in the sentence a 1040  
requirement that the offender be subject to a period of 1041  
post-release control after the offender's release from 1042  
imprisonment, in accordance with that division, if the parole 1043  
board determines that a period of post-release control is 1044  
necessary. Section 2929.191 of the Revised Code applies if, prior 1045  
to July 11, 2006, a court imposed a sentence including a prison 1046  
term of a type described in this division and failed to include in 1047  
the sentence pursuant to this division a statement regarding 1048  
post-release control. 1049

(G) The court shall impose sentence upon the offender in 1050  
accordance with section 2971.03 of the Revised Code, and Chapter 1051  
2971. of the Revised Code applies regarding the prison term or 1052  
term of life imprisonment without parole imposed upon the offender 1053  
and the service of that term of imprisonment if any of the 1054  
following apply: 1055

(1) A person is convicted of or pleads guilty to a violent 1056  
sex offense or a designated homicide, assault, or kidnapping 1057  
offense, and, in relation to that offense, the offender is 1058  
adjudicated a sexually violent predator. 1059

(2) A person is convicted of or pleads guilty to a violation 1060  
of division (A)(1)(b) of section 2907.02 of the Revised Code 1061  
committed on or after January 2, 2007, and either the court does 1062  
not impose a sentence of life without parole when authorized 1063  
pursuant to division (B) of section 2907.02 of the Revised Code, 1064

or division (B) of section 2907.02 of the Revised Code provides 1065  
that the court shall not sentence the offender pursuant to section 1066  
2971.03 of the Revised Code. 1067

(3) A person is convicted of or pleads guilty to attempted 1068  
rape committed on or after January 2, 2007, and a specification of 1069  
the type described in section 2941.1418, 2941.1419, or 2941.1420 1070  
of the Revised Code. 1071

(4) A person is convicted of or pleads guilty to a violation 1072  
of section 2905.01 of the Revised Code committed on or after 1073  
January 1, 2008, and that section requires the court to sentence 1074  
the offender pursuant to section 2971.03 of the Revised Code. 1075

(5) A person is convicted of or pleads guilty to aggravated 1076  
murder committed on or after January 1, 2008, and division 1077  
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 1078  
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 1079  
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 1080  
2929.06 of the Revised Code requires the court to sentence the 1081  
offender pursuant to division (B)(3) of section 2971.03 of the 1082  
Revised Code. 1083

(6) A person is convicted of or pleads guilty to murder 1084  
committed on or after January 1, 2008, and division (B)(2) of 1085  
section 2929.02 of the Revised Code requires the court to sentence 1086  
the offender pursuant to section 2971.03 of the Revised Code. 1087

(H) If a person who has been convicted of or pleaded guilty 1089  
to a felony is sentenced to a prison term or term of imprisonment 1090  
under this section, sections 2929.02 to 2929.06 of the Revised 1091  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 1092  
Revised Code, or any other provision of law, section 5120.163 of 1093  
the Revised Code applies regarding the person while the person is 1094  
confined in a state correctional institution. 1095

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an

additional prison term of one, two, three, four, five, six, seven, 1128  
eight, nine, ten, eleven, or twelve months. 1129

(b) In lieu of imposing an additional prison term under 1130  
division (J)(2)(a) of this section, the court may directly impose 1131  
on the offender a sanction that requires the offender to wear a 1132  
real-time processing, continual tracking electronic monitoring 1133  
device during the period of time specified by the court. The 1134  
period of time specified by the court shall equal the duration of 1135  
an additional prison term that the court could have imposed upon 1136  
the offender under division (J)(2)(a) of this section. A sanction 1137  
imposed under this division shall commence on the date specified 1138  
by the court, provided that the sanction shall not commence until 1139  
after the offender has served the prison term imposed for the 1140  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 1141  
of the Revised Code and any residential sanction imposed for the 1142  
violation under section 2929.16 of the Revised Code. A sanction 1143  
imposed under this division shall be considered to be a community 1144  
control sanction for purposes of section 2929.15 of the Revised 1145  
Code, and all provisions of the Revised Code that pertain to 1146  
community control sanctions shall apply to a sanction imposed 1147  
under this division, except to the extent that they would by their 1148  
nature be clearly inapplicable. The offender shall pay all costs 1149  
associated with a sanction imposed under this division, including 1150  
the cost of the use of the monitoring device. 1151

(K) At the time of sentencing, the court may recommend the 1152  
offender for placement in a program of shock incarceration under 1153  
section 5120.031 of the Revised Code or for placement in an 1154  
intensive program prison under section 5120.032 of the Revised 1155  
Code, disapprove placement of the offender in a program of shock 1156  
incarceration or an intensive program prison of that nature, or 1157  
make no recommendation on placement of the offender. In no case 1158  
shall the department of rehabilitation and correction place the 1159

offender in a program or prison of that nature unless the 1160  
department determines as specified in section 5120.031 or 5120.032 1161  
of the Revised Code, whichever is applicable, that the offender is 1162  
eligible for the placement. 1163

If the court disapproves placement of the offender in a 1164  
program or prison of that nature, the department of rehabilitation 1165  
and correction shall not place the offender in any program of 1166  
shock incarceration or intensive program prison. 1167

If the court recommends placement of the offender in a 1168  
program of shock incarceration or in an intensive program prison, 1169  
and if the offender is subsequently placed in the recommended 1170  
program or prison, the department shall notify the court of the 1171  
placement and shall include with the notice a brief description of 1172  
the placement. 1173

If the court recommends placement of the offender in a 1174  
program of shock incarceration or in an intensive program prison 1175  
and the department does not subsequently place the offender in the 1176  
recommended program or prison, the department shall send a notice 1177  
to the court indicating why the offender was not placed in the 1178  
recommended program or prison. 1179

If the court does not make a recommendation under this 1180  
division with respect to an offender and if the department 1181  
determines as specified in section 5120.031 or 5120.032 of the 1182  
Revised Code, whichever is applicable, that the offender is 1183  
eligible for placement in a program or prison of that nature, the 1184  
department shall screen the offender and determine if there is an 1185  
available program of shock incarceration or an intensive program 1186  
prison for which the offender is suited. If there is an available 1187  
program of shock incarceration or an intensive program prison for 1188  
which the offender is suited, the department shall notify the 1189  
court of the proposed placement of the offender as specified in 1190  
section 5120.031 or 5120.032 of the Revised Code and shall include 1191

with the notice a brief description of the placement. The court 1192  
shall have ten days from receipt of the notice to disapprove the 1193  
placement. 1194

(L) If a person is convicted of or pleads guilty to 1195  
aggravated vehicular homicide in violation of division (A)(1) of 1196  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 1197  
section applies, the person shall be sentenced pursuant to section 1198  
2929.142 of the Revised Code. 1199

Sec. 2941.1424. (A) Imposition of a mandatory prison term of 1200  
five, six, seven, eight, nine, or ten years upon an offender under 1201  
division (D)(9) of section 2929.14 of the Revised Code is 1202  
precluded unless the offender is convicted of or pleads guilty to 1203  
a violation of section 2903.11 or 2919.22 of the Revised Code and 1204  
unless the indictment, count in the indictment, or information 1205  
charging the offense specifies that the victim of the offense was 1206  
less than five years of age at the time of the commission of the 1207  
offense and that the victim suffered substantial permanent injury 1208  
as a result of the offense. The specification shall be stated at 1209  
the end of the body of the indictment, count, or information and 1210  
shall be stated in substantially the following form: 1211

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1212  
Grand Jurors (or insert the person's or the prosecuting attorney's 1213  
name when appropriate) further find and specify that (set forth 1214  
that the victim of the offense was less than five years of age at 1215  
the time of the commission of the offense and that the victim 1216  
suffered substantial permanent injury as a result of the 1217  
offense)." 1218

(B) As used in this section, "substantial permanent injury" 1219  
has the same meaning as in section 2929.13 of the Revised Code. 1220

Sec. 2941.1425. Imposition of a mandatory prison term of 1221

five, six, seven, eight, nine, or ten years upon an offender under 1222  
division (D)(10) of section 2929.14 of the Revised Code is 1223  
precluded unless the offender is convicted of or pleads guilty to 1224  
a violation of section 2903.03, 2903.04, or 2903.041 of the 1225  
Revised Code and unless the indictment, count in the indictment, 1226  
or information charging the offense specifies that the victim of 1227  
the offense was less than five years of age at the time of the 1228  
commission of the offense. The specification shall be stated at 1229  
the end of the body of the indictment, count, or information and 1230  
shall be stated in substantially the following form: 1231

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1232  
Grand Jurors (or insert the person's or the prosecuting attorney's 1233  
name when appropriate) further find and specify that (set forth 1234  
that the victim of the offense was less than five years of age at 1235  
the time of the commission of the offense)." 1236

**Section 2.** That existing sections 2929.13 and 2929.14 of the 1237  
Revised Code are hereby repealed. 1238

**Section 3.** The General Assembly, applying the principle 1239  
stated in division (B) of section 1.52 of the Revised Code that 1240  
amendments are to be harmonized if reasonably capable of 1241  
simultaneous operation, finds that the following sections, 1242  
presented in this act as composites of the sections as amended by 1243  
the acts indicated, are the resulting versions of the sections in 1244  
effect prior to the effective date of the sections as presented in 1245  
this act: 1246

Section 2929.13 of the Revised Code as amended by both Am. 1247  
Sub. H.B. 130 and Am. Sub. H.B. 280 of the 127th General Assembly. 1248

Section 2929.14 of the Revised Code as amended by both Am. 1249  
Sub. H.B. 130 and Am. Sub. H.B. 280 of the 127th General Assembly. 1250