

As Introduced

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H. B. No. 248

Representative Garrison

**Cosponsors: Representatives Fende, Pryor, Phillips, Harris, Williams, B.,
Brown, Yuko, Slesnick, Hackett**

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A B I L L

To amend sections 2929.02, 2929.14, 2941.148, 1
2971.03, 2971.07, and 5120.61 of the Revised Code 2
to provide a prison term of 20 years to life for a 3
person convicted of murder when the victim is less 4
than 13 years of age and the offender is not 5
subject to sentencing under the Sexually Violent 6
Predator Sentencing Law. 7

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

Section 1. That sections 2929.02, 2929.14, 2941.148, 2971.03, 8
2971.07, and 5120.61 of the Revised Code be amended to read as 9
follows: 10

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty to 11
aggravated murder in violation of section 2903.01 of the Revised 12
Code shall suffer death or be imprisoned for life, as determined 13
pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised 14
Code, except that no person who raises the matter of age pursuant 15
to section 2929.023 of the Revised Code and who is not found to 16
have been eighteen years of age or older at the time of the 17
commission of the offense shall suffer death. In addition, the 18

offender may be fined an amount fixed by the court, but not more than twenty-five thousand dollars. 19
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(B)(1) Except as otherwise provided in division (B)(2) ~~or~~, 21
(3), or (4) of this section, whoever is convicted of or pleads 22
guilty to murder in violation of section 2903.02 of the Revised 23
Code shall be imprisoned for an indefinite term of fifteen years 24
to life. 25

(2) Except as otherwise provided in division (B)(3) or (4) of 26
this section, if a person is convicted of or pleads guilty to 27
murder in violation of section 2903.02 of the Revised Code and the 28
victim is less than thirteen years of age, the offender shall be 29
imprisoned for an indefinite term of twenty years to life. 30

(3) Except as otherwise provided in division (B)~~(3)~~(4) of 31
this section, if a person is convicted of or pleads guilty to 32
murder in violation of section 2903.02 of the Revised Code, the 33
victim of the offense was less than thirteen years of age, and the 34
offender also is convicted of or pleads guilty to a sexual 35
motivation specification that was included in the indictment, 36
count in the indictment, or information charging the offense, the 37
court shall impose an indefinite prison term of thirty years to 38
life pursuant to division (B)(3) of section 2971.03 of the Revised 39
Code. 40

~~(3)~~(4) If a person is convicted of or pleads guilty to murder 41
in violation of section 2903.02 of the Revised Code and also is 42
convicted of or pleads guilty to a sexual motivation specification 43
and a sexually violent predator specification that were included 44
in the indictment, count in the indictment, or information that 45
charged the murder, the court shall impose upon the offender a 46
term of life imprisonment without parole that shall be served 47
pursuant to section 2971.03 of the Revised Code. 48

~~(4)~~(5) In addition, the offender may be fined an amount fixed 49

by the court, but not more than fifteen thousand dollars. 50

(C) The court shall not impose a fine or fines for aggravated 51
murder or murder which, in the aggregate and to the extent not 52
suspended by the court, exceeds the amount which the offender is 53
or will be able to pay by the method and within the time allowed 54
without undue hardship to the offender or to the dependents of the 55
offender, or will prevent the offender from making reparation for 56
the victim's wrongful death. 57

(D)(1) In addition to any other sanctions imposed for a 58
violation of section 2903.01 or 2903.02 of the Revised Code, if 59
the offender used a motor vehicle as the means to commit the 60
violation, the court shall impose upon the offender a class two 61
suspension of the offender's driver's license, commercial driver's 62
license, temporary instruction permit, probationary license, or 63
nonresident operating privilege as specified in division (A)(2) of 64
section 4510.02 of the Revised Code. 65

(2) As used in division (D) of this section, "motor vehicle" 66
has the same meaning as in section 4501.01 of the Revised Code. 67

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 68
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), (I), (J), or (L) of 69
this section and except in relation to an offense for which a 70
sentence of death or life imprisonment is to be imposed, if the 71
court imposing a sentence upon an offender for a felony elects or 72
is required to impose a prison term on the offender pursuant to 73
this chapter, the court shall impose a definite prison term that 74
shall be one of the following: 75

(1) For a felony of the first degree, the prison term shall 76
be three, four, five, six, seven, eight, nine, or ten years. 77

(2) For a felony of the second degree, the prison term shall 78
be two, three, four, five, six, seven, or eight years. 79

(3) For a felony of the third degree, the prison term shall 80
be one, two, three, four, or five years. 81

(4) For a felony of the fourth degree, the prison term shall 82
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 83
fourteen, fifteen, sixteen, seventeen, or eighteen months. 84

(5) For a felony of the fifth degree, the prison term shall 85
be six, seven, eight, nine, ten, eleven, or twelve months. 86

(B) Except as provided in division (C), (D)(1), (D)(2), 87
(D)(3), (D)(5), (D)(6), (G), (I), (J), or (L) of this section, in 88
section 2907.02 or 2907.05 of the Revised Code, or in Chapter 89
2925. of the Revised Code, if the court imposing a sentence upon 90
an offender for a felony elects or is required to impose a prison 91
term on the offender, the court shall impose the shortest prison 92
term authorized for the offense pursuant to division (A) of this 93
section, unless one or more of the following applies: 94

(1) The offender was serving a prison term at the time of the 95
offense, or the offender previously had served a prison term. 96

(2) The court finds on the record that the shortest prison 97
term will demean the seriousness of the offender's conduct or will 98
not adequately protect the public from future crime by the 99
offender or others. 100

(C) Except as provided in division (G) or (L) of this section 101
or in Chapter 2925. of the Revised Code, the court imposing a 102
sentence upon an offender for a felony may impose the longest 103
prison term authorized for the offense pursuant to division (A) of 104
this section only upon offenders who committed the worst forms of 105
the offense, upon offenders who pose the greatest likelihood of 106
committing future crimes, upon certain major drug offenders under 107
division (D)(3) of this section, and upon certain repeat violent 108
offenders in accordance with division (D)(2) of this section. 109

(D)(1)(a) Except as provided in division (D)(1)(e) of this 110

section, if an offender who is convicted of or pleads guilty to a 111
felony also is convicted of or pleads guilty to a specification of 112
the type described in section 2941.141, 2941.144, or 2941.145 of 113
the Revised Code, the court shall impose on the offender one of 114
the following prison terms: 115

(i) A prison term of six years if the specification is of the 116
type described in section 2941.144 of the Revised Code that 117
charges the offender with having a firearm that is an automatic 118
firearm or that was equipped with a firearm muffler or silencer on 119
or about the offender's person or under the offender's control 120
while committing the felony; 121

(ii) A prison term of three years if the specification is of 122
the type described in section 2941.145 of the Revised Code that 123
charges the offender with having a firearm on or about the 124
offender's person or under the offender's control while committing 125
the offense and displaying the firearm, brandishing the firearm, 126
indicating that the offender possessed the firearm, or using it to 127
facilitate the offense; 128

(iii) A prison term of one year if the specification is of 129
the type described in section 2941.141 of the Revised Code that 130
charges the offender with having a firearm on or about the 131
offender's person or under the offender's control while committing 132
the felony. 133

(b) If a court imposes a prison term on an offender under 134
division (D)(1)(a) of this section, the prison term shall not be 135
reduced pursuant to section 2929.20, section 2967.193, or any 136
other provision of Chapter 2967. or Chapter 5120. of the Revised 137
Code. Except as provided in division (D)(1)(g) of this section, a 138
court shall not impose more than one prison term on an offender 139
under division (D)(1)(a) of this section for felonies committed as 140
part of the same act or transaction. 141

(c) Except as provided in division (D)(1)(e) of this section, 142
if an offender who is convicted of or pleads guilty to a violation 143
of section 2923.161 of the Revised Code or to a felony that 144
includes, as an essential element, purposely or knowingly causing 145
or attempting to cause the death of or physical harm to another, 146
also is convicted of or pleads guilty to a specification of the 147
type described in section 2941.146 of the Revised Code that 148
charges the offender with committing the offense by discharging a 149
firearm from a motor vehicle other than a manufactured home, the 150
court, after imposing a prison term on the offender for the 151
violation of section 2923.161 of the Revised Code or for the other 152
felony offense under division (A), (D)(2), or (D)(3) of this 153
section, shall impose an additional prison term of five years upon 154
the offender that shall not be reduced pursuant to section 155
2929.20, section 2967.193, or any other provision of Chapter 2967. 156
or Chapter 5120. of the Revised Code. A court shall not impose 157
more than one additional prison term on an offender under division 158
(D)(1)(c) of this section for felonies committed as part of the 159
same act or transaction. If a court imposes an additional prison 160
term on an offender under division (D)(1)(c) of this section 161
relative to an offense, the court also shall impose a prison term 162
under division (D)(1)(a) of this section relative to the same 163
offense, provided the criteria specified in that division for 164
imposing an additional prison term are satisfied relative to the 165
offender and the offense. 166

(d) If an offender who is convicted of or pleads guilty to an 167
offense of violence that is a felony also is convicted of or 168
pleads guilty to a specification of the type described in section 169
2941.1411 of the Revised Code that charges the offender with 170
wearing or carrying body armor while committing the felony offense 171
of violence, the court shall impose on the offender a prison term 172
of two years. The prison term so imposed shall not be reduced 173
pursuant to section 2929.20, section 2967.193, or any other 174

provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 175
court shall not impose more than one prison term on an offender 176
under division (D)(1)(d) of this section for felonies committed as 177
part of the same act or transaction. If a court imposes an 178
additional prison term under division (D)(1)(a) or (c) of this 179
section, the court is not precluded from imposing an additional 180
prison term under division (D)(1)(d) of this section. 181

(e) The court shall not impose any of the prison terms 182
described in division (D)(1)(a) of this section or any of the 183
additional prison terms described in division (D)(1)(c) of this 184
section upon an offender for a violation of section 2923.12 or 185
2923.123 of the Revised Code. The court shall not impose any of 186
the prison terms described in division (D)(1)(a) or (b) of this 187
section upon an offender for a violation of section 2923.122 that 188
involves a deadly weapon that is a firearm other than a dangerous 189
ordnance, section 2923.16, or section 2923.121 of the Revised 190
Code. The court shall not impose any of the prison terms described 191
in division (D)(1)(a) of this section or any of the additional 192
prison terms described in division (D)(1)(c) of this section upon 193
an offender for a violation of section 2923.13 of the Revised Code 194
unless all of the following apply: 195

(i) The offender previously has been convicted of aggravated 196
murder, murder, or any felony of the first or second degree. 197

(ii) Less than five years have passed since the offender was 198
released from prison or post-release control, whichever is later, 199
for the prior offense. 200

(f) If an offender is convicted of or pleads guilty to a 201
felony that includes, as an essential element, causing or 202
attempting to cause the death of or physical harm to another and 203
also is convicted of or pleads guilty to a specification of the 204
type described in section 2941.1412 of the Revised Code that 205
charges the offender with committing the offense by discharging a 206

firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (D)(1)(f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (D)(1)(f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense.

(g) If an offender is convicted of or pleads guilty to two or more felonies, if one or more of those felonies is aggravated murder, murder, attempted aggravated murder, attempted murder, aggravated robbery, felonious assault, or rape, and if the offender is convicted of or pleads guilty to a specification of the type described under division (D)(1)(a) of this section in connection with two or more of the felonies, the sentencing court shall impose on the offender the prison term specified under

division (D)(1)(a) of this section for each of the two most 240
serious specifications of which the offender is convicted or to 241
which the offender pleads guilty and, in its discretion, also may 242
impose on the offender the prison term specified under that 243
division for any or all of the remaining specifications. 244

(2)(a) If division (D)(2)(b) of this section does not apply, 245
the court may impose on an offender, in addition to the longest 246
prison term authorized or required for the offense, an additional 247
definite prison term of one, two, three, four, five, six, seven, 248
eight, nine, or ten years if all of the following criteria are 249
met: 250

(i) The offender is convicted of or pleads guilty to a 251
specification of the type described in section 2941.149 of the 252
Revised Code that the offender is a repeat violent offender. 253

(ii) The offense of which the offender currently is convicted 254
or to which the offender currently pleads guilty is aggravated 255
murder and the court does not impose a sentence of death or life 256
imprisonment without parole, murder, terrorism and the court does 257
not impose a sentence of life imprisonment without parole, any 258
felony of the first degree that is an offense of violence and the 259
court does not impose a sentence of life imprisonment without 260
parole, or any felony of the second degree that is an offense of 261
violence and the trier of fact finds that the offense involved an 262
attempt to cause or a threat to cause serious physical harm to a 263
person or resulted in serious physical harm to a person. 264

(iii) The court imposes the longest prison term for the 265
offense that is not life imprisonment without parole. 266

(iv) The court finds that the prison terms imposed pursuant 267
to division (D)(2)(a)(iii) of this section and, if applicable, 268
division (D)(1) or (3) of this section are inadequate to punish 269
the offender and protect the public from future crime, because the 270

applicable factors under section 2929.12 of the Revised Code 271
indicating a greater likelihood of recidivism outweigh the 272
applicable factors under that section indicating a lesser 273
likelihood of recidivism. 274

(v) The court finds that the prison terms imposed pursuant to 275
division (D)(2)(a)(iii) of this section and, if applicable, 276
division (D)(1) or (3) of this section are demeaning to the 277
seriousness of the offense, because one or more of the factors 278
under section 2929.12 of the Revised Code indicating that the 279
offender's conduct is more serious than conduct normally 280
constituting the offense are present, and they outweigh the 281
applicable factors under that section indicating that the 282
offender's conduct is less serious than conduct normally 283
constituting the offense. 284

(b) The court shall impose on an offender the longest prison 285
term authorized or required for the offense and shall impose on 286
the offender an additional definite prison term of one, two, 287
three, four, five, six, seven, eight, nine, or ten years if all of 288
the following criteria are met: 289

(i) The offender is convicted of or pleads guilty to a 290
specification of the type described in section 2941.149 of the 291
Revised Code that the offender is a repeat violent offender. 292

(ii) The offender within the preceding twenty years has been 293
convicted of or pleaded guilty to three or more offenses described 294
in division (DD)(1) of section 2929.01 of the Revised Code, 295
including all offenses described in that division of which the 296
offender is convicted or to which the offender pleads guilty in 297
the current prosecution and all offenses described in that 298
division of which the offender previously has been convicted or to 299
which the offender previously pleaded guilty, whether prosecuted 300
together or separately. 301

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

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

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

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

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender,

if the offender commits a felony violation of section 2925.02, 334
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 335
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 336
division (C) of section 4729.51, or division (J) of section 337
4729.54 of the Revised Code that includes the sale, offer to sell, 338
or possession of a schedule I or II controlled substance, with the 339
exception of marihuana, and the court imposing sentence upon the 340
offender finds that the offender is guilty of a specification of 341
the type described in section 2941.1410 of the Revised Code 342
charging that the offender is a major drug offender, if the court 343
imposing sentence upon an offender for a felony finds that the 344
offender is guilty of corrupt activity with the most serious 345
offense in the pattern of corrupt activity being a felony of the 346
first degree, or if the offender is guilty of an attempted 347
violation of section 2907.02 of the Revised Code and, had the 348
offender completed the violation of section 2907.02 of the Revised 349
Code that was attempted, the offender would have been subject to a 350
sentence of life imprisonment or life imprisonment without parole 351
for the violation of section 2907.02 of the Revised Code, the 352
court shall impose upon the offender for the felony violation a 353
ten-year prison term that cannot be reduced pursuant to section 354
2929.20 or Chapter 2967. or 5120. of the Revised Code. 355

(b) The court imposing a prison term on an offender under 356
division (D)(3)(a) of this section may impose an additional prison 357
term of one, two, three, four, five, six, seven, eight, nine, or 358
ten years, if the court, with respect to the term imposed under 359
division (D)(3)(a) of this section and, if applicable, divisions 360
(D)(1) and (2) of this section, makes both of the findings set 361
forth in divisions (D)(2)(a)(iv) and (v) of this section. 362

(4) If the offender is being sentenced for a third or fourth 363
degree felony OVI offense under division (G)(2) of section 2929.13 364
of the Revised Code, the sentencing court shall impose upon the 365

offender a mandatory prison term in accordance with that division. 366
In addition to the mandatory prison term, if the offender is being 367
sentenced for a fourth degree felony OVI offense, the court, 368
notwithstanding division (A)(4) of this section, may sentence the 369
offender to a definite prison term of not less than six months and 370
not more than thirty months, and if the offender is being 371
sentenced for a third degree felony OVI offense, the sentencing 372
court may sentence the offender to an additional prison term of 373
any duration specified in division (A)(3) of this section. In 374
either case, the additional prison term imposed shall be reduced 375
by the sixty or one hundred twenty days imposed upon the offender 376
as the mandatory prison term. The total of the additional prison 377
term imposed under division (D)(4) of this section plus the sixty 378
or one hundred twenty days imposed as the mandatory prison term 379
shall equal a definite term in the range of six months to thirty 380
months for a fourth degree felony OVI offense and shall equal one 381
of the authorized prison terms specified in division (A)(3) of 382
this section for a third degree felony OVI offense. If the court 383
imposes an additional prison term under division (D)(4) of this 384
section, the offender shall serve the additional prison term after 385
the offender has served the mandatory prison term required for the 386
offense. In addition to the mandatory prison term or mandatory and 387
additional prison term imposed as described in division (D)(4) of 388
this section, the court also may sentence the offender to a 389
community control sanction under section 2929.16 or 2929.17 of the 390
Revised Code, but the offender shall serve all of the prison terms 391
so imposed prior to serving the community control sanction. 392

If the offender is being sentenced for a fourth degree felony 393
OVI offense under division (G)(1) of section 2929.13 of the 394
Revised Code and the court imposes a mandatory term of local 395
incarceration, the court may impose a prison term as described in 396
division (A)(1) of that section. 397

(5) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that 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, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (D)(5) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(5) of this section for felonies committed as part of the same act.

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

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

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

(c) If a mandatory prison term is imposed upon an offender
pursuant to division (D)(1)(f) of this section, the offender shall
serve the mandatory prison term so imposed consecutively to and
prior to any prison term imposed for the underlying felony under

division (A), (D)(2), or (D)(3) of this section or any other 463
section of the Revised Code, and consecutively to any other prison 464
term or mandatory prison term previously or subsequently imposed 465
upon the offender. 466

(2) If an offender who is an inmate in a jail, prison, or 467
other residential detention facility violates section 2917.02, 468
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 469
who is under detention at a detention facility commits a felony 470
violation of section 2923.131 of the Revised Code, or if an 471
offender who is an inmate in a jail, prison, or other residential 472
detention facility or is under detention at a detention facility 473
commits another felony while the offender is an escapee in 474
violation of section 2921.34 of the Revised Code, any prison term 475
imposed upon the offender for one of those violations shall be 476
served by the offender consecutively to the prison term or term of 477
imprisonment the offender was serving when the offender committed 478
that offense and to any other prison term previously or 479
subsequently imposed upon the offender. 480

(3) If a prison term is imposed for a violation of division 481
(B) of section 2911.01 of the Revised Code, a violation of 482
division (A) of section 2913.02 of the Revised Code in which the 483
stolen property is a firearm or dangerous ordnance, or a felony 484
violation of division (B) of section 2921.331 of the Revised Code, 485
the offender shall serve that prison term consecutively to any 486
other prison term or mandatory prison term previously or 487
subsequently imposed upon the offender. 488

(4) If multiple prison terms are imposed on an offender for 489
convictions of multiple offenses, the court may require the 490
offender to serve the prison terms consecutively if the court 491
finds that the consecutive service is necessary to protect the 492
public from future crime or to punish the offender and that 493
consecutive sentences are not disproportionate to the seriousness 494

of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

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

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

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

(5) If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (D)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (D)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to division (D)(6) of this section and consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to

division (A) of this section or section 2929.142 of the Revised Code. 527
528

(6) When consecutive prison terms are imposed pursuant to 529
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 530
of this section, the term to be served is the aggregate of all of 531
the terms so imposed. 532

(F)(1) If a court imposes a prison term for a felony of the 533
first degree, for a felony of the second degree, for a felony sex 534
offense, or for a felony of the third degree that is not a felony 535
sex offense and in the commission of which the offender caused or 536
threatened to cause physical harm to a person, it shall include in 537
the sentence a requirement that the offender be subject to a 538
period of post-release control after the offender's release from 539
imprisonment, in accordance with that division. If a court imposes 540
a sentence including a prison term of a type described in this 541
division on or after July 11, 2006, the failure of a court to 542
include a post-release control requirement in the sentence 543
pursuant to this division does not negate, limit, or otherwise 544
affect the mandatory period of post-release control that is 545
required for the offender under division (B) of section 2967.28 of 546
the Revised Code. Section 2929.191 of the Revised Code applies if, 547
prior to July 11, 2006, a court imposed a sentence including a 548
prison term of a type described in this division and failed to 549
include in the sentence pursuant to this division a statement 550
regarding post-release control. 551

(2) If a court imposes a prison term for a felony of the 552
third, fourth, or fifth degree that is not subject to division 553
(F)(1) of this section, it shall include in the sentence a 554
requirement that the offender be subject to a period of 555
post-release control after the offender's release from 556
imprisonment, in accordance with that division, if the parole 557
board determines that a period of post-release control is 558

necessary. Section 2929.191 of the Revised Code applies if, prior 559
to July 11, 2006, a court imposed a sentence including a prison 560
term of a type described in this division and failed to include in 561
the sentence pursuant to this division a statement regarding 562
post-release control. 563

(G) The court shall impose sentence upon the offender in 564
accordance with section 2971.03 of the Revised Code, and Chapter 565
2971. of the Revised Code applies regarding the prison term or 566
term of life imprisonment without parole imposed upon the offender 567
and the service of that term of imprisonment if any of the 568
following apply: 569

(1) A person is convicted of or pleads guilty to a violent 570
sex offense or a designated homicide, assault, or kidnapping 571
offense, and, in relation to that offense, the offender is 572
adjudicated a sexually violent predator. 573

(2) A person is convicted of or pleads guilty to a violation 574
of division (A)(1)(b) of section 2907.02 of the Revised Code 575
committed on or after January 2, 2007, and either the court does 576
not impose a sentence of life without parole when authorized 577
pursuant to division (B) of section 2907.02 of the Revised Code, 578
or division (B) of section 2907.02 of the Revised Code provides 579
that the court shall not sentence the offender pursuant to section 580
2971.03 of the Revised Code. 581

(3) A person is convicted of or pleads guilty to attempted 582
rape committed on or after January 2, 2007, and a specification of 583
the type described in section 2941.1418, 2941.1419, or 2941.1420 584
of the Revised Code. 585

(4) A person is convicted of or pleads guilty to a violation 586
of section 2905.01 of the Revised Code committed on or after 587
January 1, 2008, and that section requires the court to sentence 588
the offender pursuant to section 2971.03 of the Revised Code. 589

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, 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.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B)~~(2)~~(3) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

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

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

(J)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender

with having committed the offense in a school safety zone or 622
towards a person in a school safety zone, the court shall impose 623
upon the offender an additional prison term of two years. The 624
offender shall serve the additional two years consecutively to and 625
prior to the prison term imposed for the underlying offense. 626

(2)(a) If an offender is convicted of or pleads guilty to a 627
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 628
of the Revised Code and to a specification of the type described 629
in section 2941.1421 of the Revised Code and if the court imposes 630
a prison term on the offender for the felony violation, the court 631
may impose upon the offender an additional prison term as follows: 632

(i) Subject to division (J)(2)(a)(ii) of this section, an 633
additional prison term of one, two, three, four, five, or six 634
months; 635

(ii) If the offender previously has been convicted of or 636
pleaded guilty to one or more felony or misdemeanor violations of 637
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 638
Revised Code and also was convicted of or pleaded guilty to a 639
specification of the type described in section 2941.1421 of the 640
Revised Code regarding one or more of those violations, an 641
additional prison term of one, two, three, four, five, six, seven, 642
eight, nine, ten, eleven, or twelve months. 643

(b) In lieu of imposing an additional prison term under 644
division (J)(2)(a) of this section, the court may directly impose 645
on the offender a sanction that requires the offender to wear a 646
real-time processing, continual tracking electronic monitoring 647
device during the period of time specified by the court. The 648
period of time specified by the court shall equal the duration of 649
an additional prison term that the court could have imposed upon 650
the offender under division (J)(2)(a) of this section. A sanction 651
imposed under this division shall commence on the date specified 652
by the court, provided that the sanction shall not commence until 653

after the offender has served the prison term imposed for the 654
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 655
of the Revised Code and any residential sanction imposed for the 656
violation under section 2929.16 of the Revised Code. A sanction 657
imposed under this division shall be considered to be a community 658
control sanction for purposes of section 2929.15 of the Revised 659
Code, and all provisions of the Revised Code that pertain to 660
community control sanctions shall apply to a sanction imposed 661
under this division, except to the extent that they would by their 662
nature be clearly inapplicable. The offender shall pay all costs 663
associated with a sanction imposed under this division, including 664
the cost of the use of the monitoring device. 665

(K) At the time of sentencing, the court may recommend the 666
offender for placement in a program of shock incarceration under 667
section 5120.031 of the Revised Code or for placement in an 668
intensive program prison under section 5120.032 of the Revised 669
Code, disapprove placement of the offender in a program of shock 670
incarceration or an intensive program prison of that nature, or 671
make no recommendation on placement of the offender. In no case 672
shall the department of rehabilitation and correction place the 673
offender in a program or prison of that nature unless the 674
department determines as specified in section 5120.031 or 5120.032 675
of the Revised Code, whichever is applicable, that the offender is 676
eligible for the placement. 677

If the court disapproves placement of the offender in a 678
program or prison of that nature, the department of rehabilitation 679
and correction shall not place the offender in any program of 680
shock incarceration or intensive program prison. 681

If the court recommends placement of the offender in a 682
program of shock incarceration or in an intensive program prison, 683
and if the offender is subsequently placed in the recommended 684
program or prison, the department shall notify the court of the 685

placement and shall include with the notice a brief description of 686
the placement. 687

If the court recommends placement of the offender in a 688
program of shock incarceration or in an intensive program prison 689
and the department does not subsequently place the offender in the 690
recommended program or prison, the department shall send a notice 691
to the court indicating why the offender was not placed in the 692
recommended program or prison. 693

If the court does not make a recommendation under this 694
division with respect to an offender and if the department 695
determines as specified in section 5120.031 or 5120.032 of the 696
Revised Code, whichever is applicable, that the offender is 697
eligible for placement in a program or prison of that nature, the 698
department shall screen the offender and determine if there is an 699
available program of shock incarceration or an intensive program 700
prison for which the offender is suited. If there is an available 701
program of shock incarceration or an intensive program prison for 702
which the offender is suited, the department shall notify the 703
court of the proposed placement of the offender as specified in 704
section 5120.031 or 5120.032 of the Revised Code and shall include 705
with the notice a brief description of the placement. The court 706
shall have ten days from receipt of the notice to disapprove the 707
placement. 708

(L) If a person is convicted of or pleads guilty to 709
aggravated vehicular homicide in violation of division (A)(1) of 710
section 2903.06 of the Revised Code and division (B)(2)(c) of that 711
section applies, the person shall be sentenced pursuant to section 712
2929.142 of the Revised Code. 713

Sec. 2941.148. (A)(1) The application of Chapter 2971. of the 714
Revised Code to an offender is precluded unless one of the 715
following applies: 716

(a) The offender is charged with a violent sex offense, and 717
the indictment, count in the indictment, or information charging 718
the violent sex offense also includes a specification that the 719
offender is a sexually violent predator, or the offender is 720
charged with a designated homicide, assault, or kidnapping 721
offense, and the indictment, count in the indictment, or 722
information charging the designated homicide, assault, or 723
kidnapping offense also includes both a specification of the type 724
described in section 2941.147 of the Revised Code and a 725
specification that the offender is a sexually violent predator. 726

(b) The offender is convicted of or pleads guilty to a 727
violation of division (A)(1)(b) of section 2907.02 of the Revised 728
Code committed on or after January 2, 2007, and division (B) of 729
section 2907.02 of the Revised Code does not prohibit the court 730
from sentencing the offender pursuant to section 2971.03 of the 731
Revised Code. 732

(c) The offender is convicted of or pleads guilty to 733
attempted rape committed on or after January 2, 2007, and to a 734
specification of the type described in section 2941.1418, 735
2941.1419, or 2941.1420 of the Revised Code. 736

(d) The offender is convicted of or pleads guilty to a 737
violation of section 2905.01 of the Revised Code and to a 738
specification of the type described in section 2941.147 of the 739
Revised Code, and section 2905.01 of the Revised Code requires a 740
court to sentence the offender pursuant to section 2971.03 of the 741
Revised Code. 742

(e) The offender is convicted of or pleads guilty to 743
aggravated murder and to a specification of the type described in 744
section 2941.147 of the Revised Code, and division (A)(2)(b)(ii) 745
of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), 746
(C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 747
2929.03, or division (A) or (B) of section 2929.06 of the Revised 748

Code requires a court to sentence the offender pursuant to 749
division (B)(3) of section 2971.03 of the Revised Code. 750

(f) The offender is convicted of or pleads guilty to murder 751
and to a specification of the type described in section 2941.147 752
of the Revised Code, and division (B)~~(2)~~(3) of section 2929.02 of 753
the Revised Code requires a court to sentence the offender 754
pursuant to section 2971.03 of the Revised Code. 755

(2) A specification required under division (A)(1)(a) of this 756
section that an offender is a sexually violent predator shall be 757
stated at the end of the body of the indictment, count, or 758
information and shall be stated in substantially the following 759
form: 760

"Specification (or, specification to the first count). The 761
grand jury (or insert the person's or prosecuting attorney's name 762
when appropriate) further find and specify that the offender is a 763
sexually violent predator." 764

(B) In determining for purposes of this section whether a 765
person is a sexually violent predator, all of the factors set 766
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 767
Code that apply regarding the person may be considered as evidence 768
tending to indicate that it is likely that the person will engage 769
in the future in one or more sexually violent offenses. 770

(C) As used in this section, "designated homicide, assault, 771
or kidnapping offense," "violent sex offense," and "sexually 772
violent predator" have the same meanings as in section 2971.01 of 773
the Revised Code. 774

Sec. 2971.03. (A) Notwithstanding divisions (A), (B), (C), 775
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 776
2929.13, or another section of the Revised Code, other than 777
divisions (D) and (E) of section 2929.14 of the Revised Code, that 778

authorizes or requires a specified prison term or a mandatory 779
prison term for a person who is convicted of or pleads guilty to a 780
felony or that specifies the manner and place of service of a 781
prison term or term of imprisonment, the court shall impose a 782
sentence upon a person who is convicted of or pleads guilty to a 783
violent sex offense and who also is convicted of or pleads guilty 784
to a sexually violent predator specification that was included in 785
the indictment, count in the indictment, or information charging 786
that offense, and upon a person who is convicted of or pleads 787
guilty to a designated homicide, assault, or kidnapping offense 788
and also is convicted of or pleads guilty to both a sexual 789
motivation specification and a sexually violent predator 790
specification that were included in the indictment, count in the 791
indictment, or information charging that offense, as follows: 792

(1) If the offense for which the sentence is being imposed is 793
aggravated murder and if the court does not impose upon the 794
offender a sentence of death, it shall impose upon the offender a 795
term of life imprisonment without parole. If the court sentences 796
the offender to death and the sentence of death is vacated, 797
overturned, or otherwise set aside, the court shall impose upon 798
the offender a term of life imprisonment without parole. 799

(2) If the offense for which the sentence is being imposed is 800
murder; or if the offense is rape committed in violation of 801
division (A)(1)(b) of section 2907.02 of the Revised Code when the 802
offender purposely compelled the victim to submit by force or 803
threat of force, when the victim was less than ten years of age, 804
when the offender previously has been convicted of or pleaded 805
guilty to either rape committed in violation of that division or a 806
violation of an existing or former law of this state, another 807
state, or the United States that is substantially similar to 808
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 809
the offender during or immediately after the commission of the 810

rape caused serious physical harm to the victim; or if the offense 811
is an offense other than aggravated murder or murder for which a 812
term of life imprisonment may be imposed, it shall impose upon the 813
offender a term of life imprisonment without parole. 814

(3)(a) Except as otherwise provided in division (A)(3)(b), 815
(c), (d), or (e) or (A)(4) of this section, if the offense for 816
which the sentence is being imposed is an offense other than 817
aggravated murder, murder, or rape and other than an offense for 818
which a term of life imprisonment may be imposed, it shall impose 819
an indefinite prison term consisting of a minimum term fixed by 820
the court from among the range of terms available as a definite 821
term for the offense, but not less than two years, and a maximum 822
term of life imprisonment. 823

(b) Except as otherwise provided in division (A)(4) of this 824
section, if the offense for which the sentence is being imposed is 825
kidnapping that is a felony of the first degree, it shall impose 826
an indefinite prison term as follows: 827

(i) If the kidnapping is committed on or after ~~the effective~~ 828
~~date of this amendment~~ January 1, 2008, and the victim of the 829
offense is less than thirteen years of age, except as otherwise 830
provided in this division, it shall impose an indefinite prison 831
term consisting of a minimum term of fifteen years and a maximum 832
term of life imprisonment. If the kidnapping is committed on or 833
after ~~the effective date of this amendment~~ January 1, 2008, the 834
victim of the offense is less than thirteen years of age, and the 835
offender released the victim in a safe place unharmed, it shall 836
impose an indefinite prison term consisting of a minimum term of 837
ten years and a maximum term of life imprisonment. 838

(ii) If the kidnapping is committed prior to ~~the effective~~ 839
~~date of this amendment~~ January 1, 2008, or division (A)(3)(b)(i) 840
of this section does not apply, it shall impose an indefinite term 841
consisting of a minimum term fixed by the court that is not less 842

than ten years and a maximum term of life imprisonment. 843

(c) Except as otherwise provided in division (A)(4) of this 844
section, if the offense for which the sentence is being imposed is 845
kidnapping that is a felony of the second degree, it shall impose 846
an indefinite prison term consisting of a minimum term fixed by 847
the court that is not less than eight years, and a maximum term of 848
life imprisonment. 849

(d) Except as otherwise provided in division (A)(4) of this 850
section, if the offense for which the sentence is being imposed is 851
rape for which a term of life imprisonment is not imposed under 852
division (A)(2) of this section or division (B) of section 2907.02 853
of the Revised Code, it shall impose an indefinite prison term as 854
follows: 855

(i) If the rape is committed on or after January 2, 2007, in 856
violation of division (A)(1)(b) of section 2907.02 of the Revised 857
Code, it shall impose an indefinite prison term consisting of a 858
minimum term of twenty-five years and a maximum term of life 859
imprisonment. 860

(ii) If the rape is committed prior to January 2, 2007, or 861
the rape is committed on or after January 2, 2007, other than in 862
violation of division (A)(1)(b) of section 2907.02 of the Revised 863
Code, it shall impose an indefinite prison term consisting of a 864
minimum term fixed by the court that is not less than ten years, 865
and a maximum term of life imprisonment. 866

(e) Except as otherwise provided in division (A)(4) of this 867
section, if the offense for which sentence is being imposed is 868
attempted rape, it shall impose an indefinite prison term as 869
follows: 870

(i) Except as otherwise provided in division (A)(3)(e)(ii), 871
(iii), or (iv) of this section, it shall impose an indefinite 872
prison term pursuant to division (A)(3)(a) of this section. 873

(ii) If the attempted rape for which sentence is being 874
imposed was committed on or after January 2, 2007, and if the 875
offender also is convicted of or pleads guilty to a specification 876
of the type described in section 2941.1418 of the Revised Code, it 877
shall impose an indefinite prison term consisting of a minimum 878
term of five years and a maximum term of twenty-five years. 879

(iii) If the attempted rape for which sentence is being 880
imposed was committed on or after January 2, 2007, and if the 881
offender also is convicted of or pleads guilty to a specification 882
of the type described in section 2941.1419 of the Revised Code, it 883
shall impose an indefinite prison term consisting of a minimum 884
term of ten years and a maximum of life imprisonment. 885

(iv) If the attempted rape for which sentence is being 886
imposed was committed on or after January 2, 2007, and if the 887
offender also is convicted of or pleads guilty to a specification 888
of the type described in section 2941.1420 of the Revised Code, it 889
shall impose an indefinite prison term consisting of a minimum 890
term of fifteen years and a maximum of life imprisonment. 891

(4) For any offense for which the sentence is being imposed, 892
if the offender previously has been convicted of or pleaded guilty 893
to a violent sex offense and also to a sexually violent predator 894
specification that was included in the indictment, count in the 895
indictment, or information charging that offense, or previously 896
has been convicted of or pleaded guilty to a designated homicide, 897
assault, or kidnapping offense and also to both a sexual 898
motivation specification and a sexually violent predator 899
specification that were included in the indictment, count in the 900
indictment, or information charging that offense, it shall impose 901
upon the offender a term of life imprisonment without parole. 902

(B)(1) Notwithstanding section 2929.13, division (A), (B), 903
(C), or (F) of section 2929.14, or another section of the Revised 904
Code other than division (B) of section 2907.02 or divisions (D) 905

and (E) of section 2929.14 of the Revised Code that authorizes or 906
requires a specified prison term or a mandatory prison term for a 907
person who is convicted of or pleads guilty to a felony or that 908
specifies the manner and place of service of a prison term or term 909
of imprisonment, if a person is convicted of or pleads guilty to a 910
violation of division (A)(1)(b) of section 2907.02 of the Revised 911
Code committed on or after January 2, 2007, if division (A) of 912
this section does not apply regarding the person, and if the court 913
does not impose a sentence of life without parole when authorized 914
pursuant to division (B) of section 2907.02 of the Revised Code, 915
the court shall impose upon the person an indefinite prison term 916
consisting of one of the following: 917

(a) Except as otherwise required in division (B)(1)(b) or (c) 918
of this section, a minimum term of ten years and a maximum term of 919
life imprisonment. 920

(b) If the victim was less than ten years of age, a minimum 921
term of fifteen years and a maximum of life imprisonment. 922

(c) If the offender purposely compels the victim to submit by 923
force or threat of force, or if the offender previously has been 924
convicted of or pleaded guilty to violating division (A)(1)(b) of 925
section 2907.02 of the Revised Code or to violating an existing or 926
former law of this state, another state, or the United States that 927
is substantially similar to division (A)(1)(b) of that section, or 928
if the offender during or immediately after the commission of the 929
offense caused serious physical harm to the victim, a minimum term 930
of twenty-five years and a maximum of life imprisonment. 931

(2) Notwithstanding section 2929.13, division (A), (B), (C), 932
or (F) of section 2929.14, or another section of the Revised Code 933
other than divisions (D) and (E) of section 2929.14 of the Revised 934
Code that authorizes or requires a specified prison term or a 935
mandatory prison term for a person who is convicted of or pleads 936
guilty to a felony or that specifies the manner and place of 937

service of a prison term or term of imprisonment and except as 938
otherwise provided in division (B) of section 2907.02 of the 939
Revised Code, if a person is convicted of or pleads guilty to 940
attempted rape committed on or after January 2, 2007, and if 941
division (A) of this section does not apply regarding the person, 942
the court shall impose upon the person an indefinite prison term 943
consisting of one of the following: 944

(a) If the person also is convicted of or pleads guilty to a 945
specification of the type described in section 2941.1418 of the 946
Revised Code, the court shall impose upon the person an indefinite 947
prison term consisting of a minimum term of five years and a 948
maximum term of twenty-five years. 949

(b) If the person also is convicted of or pleads guilty to a 950
specification of the type described in section 2941.1419 of the 951
Revised Code, the court shall impose upon the person an indefinite 952
prison term consisting of a minimum term of ten years and a 953
maximum term of life imprisonment. 954

(c) If the person also is convicted of or pleads guilty to a 955
specification of the type described in section 2941.1420 of the 956
Revised Code, the court shall impose upon the person an indefinite 957
prison term consisting of a minimum term of fifteen years and a 958
maximum term of life imprisonment. 959

(3) Notwithstanding section 2929.13, division (A), (B), (C), 960
or (F) of section 2929.14, or another section of the Revised Code 961
other than divisions (D) and (E) of section 2929.14 of the Revised 962
Code that authorizes or requires a specified prison term or a 963
mandatory prison term for a person who is convicted of or pleads 964
guilty to a felony or that specifies the manner and place of 965
service of a prison term or term of imprisonment, if a person is 966
convicted of or pleads guilty to an offense described in division 967
(B)(3)(a), (b), (c), or (d) of this section committed on or after 968
~~the effective date of this amendment~~ January 1, 2008, if the 969

person also is convicted of or pleads guilty to a sexual 970
motivation specification that was included in the indictment, 971
count in the indictment, or information charging that offense, and 972
if division (A) of this section does not apply regarding the 973
person, the court shall impose upon the person an indefinite 974
prison term consisting of one of the following: 975

(a) An indefinite prison term consisting of a minimum of ten 976
years and a maximum term of life imprisonment if the offense for 977
which the sentence is being imposed is kidnapping, the victim of 978
the offense is less than thirteen years of age, and the offender 979
released the victim in a safe place unharmed; 980

(b) An indefinite prison term consisting of a minimum of 981
fifteen years and a maximum term of life imprisonment if the 982
offense for which the sentence is being imposed is kidnapping when 983
the victim of the offense is less than thirteen years of age and 984
division (B)(3)(a) of this section does not apply; 985

(c) An indefinite term consisting of a minimum of thirty 986
years and a maximum term of life imprisonment if the offense for 987
which the sentence is being imposed is aggravated murder, when the 988
victim of the offense is less than thirteen years of age, a 989
sentence of death or life imprisonment without parole is not 990
imposed for the offense, and division (A)(2)(b)(ii) of section 991
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 992
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 993
division (A) or (B) of section 2929.06 of the Revised Code 994
requires that the sentence for the offense be imposed pursuant to 995
this division; 996

(d) An indefinite prison term consisting of a minimum of 997
thirty years and a maximum term of life imprisonment if the 998
offense for which the sentence is being imposed is murder when the 999
victim of the offense is less than thirteen years of age and 1000
division (B)(3) of section 2929.02 of the Revised Code requires 1001

that the sentence for the offense be imposed pursuant to this 1002
section. 1003

(C)(1) If the offender is sentenced to a prison term pursuant 1004
to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1005
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 1006
board shall have control over the offender's service of the term 1007
during the entire term unless the parole board terminates its 1008
control in accordance with section 2971.04 of the Revised Code. 1009

(2) Except as provided in division (C)(3) of this section, an 1010
offender sentenced to a prison term or term of life imprisonment 1011
without parole pursuant to division (A) of this section shall 1012
serve the entire prison term or term of life imprisonment in a 1013
state correctional institution. The offender is not eligible for 1014
judicial release under section 2929.20 of the Revised Code. 1015

(3) For a prison term imposed pursuant to division (A)(3), 1016
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1017
(c), or (d) of this section, the court, in accordance with section 1018
2971.05 of the Revised Code, may terminate the prison term or 1019
modify the requirement that the offender serve the entire term in 1020
a state correctional institution if all of the following apply: 1021

(a) The offender has served at least the minimum term imposed 1022
as part of that prison term. 1023

(b) The parole board, pursuant to section 2971.04 of the 1024
Revised Code, has terminated its control over the offender's 1025
service of that prison term. 1026

(c) The court has held a hearing and found, by clear and 1027
convincing evidence, one of the following: 1028

(i) In the case of termination of the prison term, that the 1029
offender is unlikely to commit a sexually violent offense in the 1030
future; 1031

(ii) In the case of modification of the requirement, that the offender does not represent a substantial risk of physical harm to others.

(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A)(1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (D) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A)(3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F)(1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the

indictment, count in the indictment, or information charging that 1064
offense, the conviction of or plea of guilty to the offense and 1065
the sexually violent predator specification automatically 1066
classifies the offender as a tier III sex offender/child-victim 1067
offender for purposes of Chapter 2950. of the Revised Code. 1068

(2) If an offender is convicted of or pleads guilty to 1069
committing on or after January 2, 2007, a violation of division 1070
(A)(1)(b) of section 2907.02 of the Revised Code and either the 1071
offender is sentenced under section 2971.03 of the Revised Code or 1072
a sentence of life without parole is imposed under division (B) of 1073
section 2907.02 of the Revised Code, the conviction of or plea of 1074
guilty to the offense automatically classifies the offender as a 1075
tier III sex offender/child-victim offender for purposes of 1076
Chapter 2950. of the Revised Code. 1077

(3) If a person is convicted of or pleads guilty to 1078
committing on or after January 2, 2007, attempted rape and also is 1079
convicted of or pleads guilty to a specification of the type 1080
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1081
Revised Code, the conviction of or plea of guilty to the offense 1082
and the specification automatically classify the offender as a 1083
tier III sex offender/child-victim offender for purposes of 1084
Chapter 2950. of the Revised Code. 1085

(4) If a person is convicted of or pleads guilty to one of 1086
the offenses described in division (B)(3)(a), (b), (c), or (d) of 1087
this section and a sexual motivation specification related to the 1088
offense and the victim of the offense is less than thirteen years 1089
of age, the conviction of or plea of guilty to the offense 1090
automatically classifies the offender as a tier III sex 1091
offender/child-victim offender for purposes of Chapter 2950. of 1092
the Revised Code. 1093

Sec. 2971.07. (A) This chapter does not apply to any offender 1094

unless the offender is one of the following: 1095

(1) The offender is convicted of or pleads guilty to a 1096
violent sex offense and also is convicted of or pleads guilty to a 1097
sexually violent predator specification that was included in the 1098
indictment, count in the indictment, or information charging that 1099
offense. 1100

(2) The offender is convicted of or pleads guilty to a 1101
designated homicide, assault, or kidnapping offense and also is 1102
convicted of or pleads guilty to both a sexual motivation 1103
specification and a sexually violent predator specification that 1104
were included in the indictment, count in the indictment, or 1105
information charging that offense. 1106

(3) The offender is convicted of or pleads guilty to a 1107
violation of division (A)(1)(b) of section 2907.02 of the Revised 1108
Code committed on or after January 2, 2007, and the court does not 1109
sentence the offender to a term of life without parole pursuant to 1110
division (B) of section 2907.02 of the Revised Code or division 1111
(B) of that section prohibits the court from sentencing the 1112
offender pursuant to section 2971.03 of the Revised Code. 1113
1114

(4) The offender is convicted of or pleads guilty to 1115
attempted rape committed on or after January 2, 2007, and also is 1116
convicted of or pleads guilty to a specification of the type 1117
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1118
Revised Code. 1119

(5) The offender is convicted of or pleads guilty to a 1120
violation of section 2905.01 of the Revised Code and also is 1121
convicted of or pleads guilty to a sexual motivation specification 1122
that was included in the indictment, count in the indictment, or 1123
information charging that offense, and that section requires a 1124
court to sentence the offender pursuant to section 2971.03 of the 1125

Revised Code. 1126

(6) The offender is convicted of or pleads guilty to 1127
aggravated murder and also is convicted of or pleads guilty to a 1128
sexual motivation specification that was included in the 1129
indictment, count in the indictment, or information charging that 1130
offense, and division (A)(2)(b)(ii) of section 2929.022, division 1131
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 1132
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 1133
2929.06 of the Revised Code requires a court to sentence the 1134
offender pursuant to division (B)(3) of section 2971.03 of the 1135
Revised Code. 1136

(7) The offender is convicted of or pleads guilty to murder 1137
and also is convicted of or pleads guilty to a sexual motivation 1138
specification that was included in the indictment, count in the 1139
indictment, or information charging that offense, and division 1140
(B)~~(2)~~(3) of section 2929.02 of the Revised Code requires a court 1141
to sentence the offender pursuant to section 2971.03 of the 1142
Revised Code. 1143

(B) This chapter does not limit or affect a court in imposing 1144
upon an offender described in divisions (A)(1) to (9) of this 1145
section any financial sanction under section 2929.18 or any other 1146
section of the Revised Code, or, except as specifically provided 1147
in this chapter, any other sanction that is authorized or required 1148
for the offense or violation by any other provision of law. 1149

(C) If an offender is sentenced to a prison term under 1151
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1152
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1153
Code and if, pursuant to section 2971.05 of the Revised Code, the 1154
court modifies the requirement that the offender serve the entire 1155
prison term in a state correctional institution or places the 1156
offender on conditional release that involves the placement of the 1157

offender under the supervision of the adult parole authority, 1158
authorized field officers of the authority who are engaged within 1159
the scope of their supervisory duties or responsibilities may 1160
search, with or without a warrant, the person of the offender, the 1161
place of residence of the offender, and a motor vehicle, another 1162
item of tangible or intangible personal property, or any other 1163
real property in which the offender has the express or implied 1164
permission of a person with a right, title, or interest to use, 1165
occupy, or possess if the field officer has reasonable grounds to 1166
believe that the offender is not abiding by the law or otherwise 1167
is not complying with the terms and conditions of the offender's 1168
modification or release. The authority shall provide each offender 1169
with a written notice that informs the offender that authorized 1170
field officers of the authority who are engaged within the scope 1171
of their supervisory duties or responsibilities may conduct those 1172
types of searches during the period of the modification or release 1173
if they have reasonable grounds to believe that the offender is 1174
not abiding by the law or otherwise is not complying with the 1175
terms and conditions of the offender's modification or release. 1176

1177

Sec. 5120.61. (A)(1) Not later than ninety days after January 1178
1, 1997, the department of rehabilitation and correction shall 1179
adopt standards that it will use under this section to assess the 1180
following criminal offenders and may periodically revise the 1181
standards: 1182

(a) A criminal offender who is convicted of or pleads guilty 1183
to a violent sex offense or designated homicide, assault, or 1184
kidnapping offense and is adjudicated a sexually violent predator 1185
in relation to that offense; 1186

(b) A criminal offender who is convicted of or pleads guilty 1187
to a violation of division (A)(1)(b) of section 2907.02 of the 1188

Revised Code committed on or after January 2, 2007, and either who 1189
is sentenced under section 2971.03 of the Revised Code or upon 1190
whom a sentence of life without parole is imposed under division 1191
(B) of section 2907.02 of the Revised Code; 1192

(c) A criminal offender who is convicted of or pleads guilty 1193
to attempted rape committed on or after January 2, 2007, and a 1194
specification of the type described in section 2941.1418, 1195
2941.1419, or 2941.1420 of the Revised Code; 1196

(d) A criminal offender who is convicted of or pleads guilty 1197
to a violation of section 2905.01 of the Revised Code and also is 1198
convicted of or pleads guilty to a sexual motivation specification 1199
that was included in the indictment, count in the indictment, or 1200
information charging that offense, and who is sentenced pursuant 1201
to section 2971.03 of the Revised Code; 1202

(e) A criminal offender who is convicted of or pleads guilty 1203
to aggravated murder and also is convicted of or pleads guilty to 1204
a sexual motivation specification that was included in the 1205
indictment, count in the indictment, or information charging that 1206
offense, and who pursuant to division (A)(2)(b)(ii) of section 1207
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 1208
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 1209
division (A) or (B) of section 2929.06 of the Revised Code is 1210
sentenced pursuant to division (B)(3) of section 2971.03 of the 1211
Revised Code; 1212

(f) A criminal offender who is convicted of or pleads guilty 1213
to murder and also is convicted of or pleads guilty to a sexual 1214
motivation specification that was included in the indictment, 1215
count in the indictment, or information charging that offense, and 1216
who pursuant to division (B)~~(2)~~(3) of section 2929.02 of the 1217
Revised Code is sentenced pursuant to section 2971.03 of the 1218
Revised Code. 1219

(2) When the department is requested by the parole board or the court to provide a risk assessment report of the offender under section 2971.04 or 2971.05 of the Revised Code, it shall assess the offender and complete the assessment as soon as possible after the offender has commenced serving the prison term or term of life imprisonment without parole imposed under division (A), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code. Thereafter, the department shall update a risk assessment report pertaining to an offender as follows:

(a) Periodically, in the discretion of the department, provided that each report shall be updated no later than two years after its initial preparation or most recent update;

(b) Upon the request of the parole board for use in determining pursuant to section 2971.04 of the Revised Code whether it should terminate its control over an offender's service of a prison term imposed upon the offender under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code;

(c) Upon the request of the court.

(3) After the department of rehabilitation and correction assesses an offender pursuant to division (A)(2) of this section, it shall prepare a report that contains its risk assessment for the offender or, if a risk assessment report previously has been prepared, it shall update the risk assessment report.

(4) The department of rehabilitation and correction shall provide each risk assessment report that it prepares or updates pursuant to this section regarding an offender to all of the following:

(a) The parole board for its use in determining pursuant to section 2971.04 of the Revised Code whether it should terminate

its control over an offender's service of a prison term imposed 1251
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 1252
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1253
2971.03 of the Revised Code, if the parole board has not 1254
terminated its control over the offender; 1255

(b) The court for use in determining, pursuant to section 1256
2971.05 of the Revised Code, whether to modify the requirement 1257
that the offender serve the entire prison term imposed upon the 1258
offender under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 1259
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 1260
the Revised Code in a state correctional institution, whether to 1261
revise any modification previously made, or whether to terminate 1262
the prison term; 1263

(c) The prosecuting attorney who prosecuted the case, or the 1264
successor in office to that prosecuting attorney; 1265

(d) The offender. 1266

(B) When the department of rehabilitation and correction 1267
provides a risk assessment report regarding an offender to the 1268
parole board or court pursuant to division (A)(4)(a) or (b) of 1269
this section, the department, prior to the parole board's or 1270
court's hearing, also shall provide to the offender or to the 1271
offender's attorney of record a copy of the report and a copy of 1272
any other relevant documents the department possesses regarding 1273
the offender that the department does not consider to be 1274
confidential. 1275

(C) As used in this section: 1276

(1) "Adjudicated a sexually violent predator" has the same 1277
meaning as in section 2929.01 of the Revised Code, and a person is 1278
"adjudicated a sexually violent predator" in the same manner and 1279
the same circumstances as are described in that section. 1280

(2) "Designated homicide, assault, or kidnapping offense" and 1281

"violent sex offense" have the same meanings as in section 2971.01 1282
of the Revised Code. 1283

Section 2. That existing sections 2929.02, 2929.14, 2941.148, 1284
2971.03, 2971.07, and 5120.61 of the Revised Code are hereby 1285
repealed. 1286

Section 3. The amendments to sections 2929.02, 2929.14, 1287
2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code that 1288
are made in Sections 1 and 2 of this act apply only to a violation 1289
of section 2903.02 of the Revised Code committed on or after the 1290
effective date of this act. 1291

Section 4. Section 2929.14 of the Revised Code is presented 1292
in this act as a composite of the section as amended by both Sub. 1293
S.B. 184 and Sub. S.B. 220 of the 127th General Assembly. The 1294
General Assembly, applying the principle stated in division (B) of 1295
section 1.52 of the Revised Code that amendments are to be 1296
harmonized if reasonably capable of simultaneous operation, finds 1297
that the composite is the resulting version of the section in 1298
effect prior to the effective date of the section as presented in 1299
this act. 1300