

**As Introduced**

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

**S. B. No. 49**

**Senator Kearney**

—

**A BILL**

To amend sections 2152.17, 2152.72, 2929.14, and 1  
5103.0319 and to enact section 2941.1422 of the 2  
Revised Code to require the imposition of a 3  
ten-year prison term upon a person who discharges 4  
a firearm while committing an offense and causes 5  
injury or death to a child. 6

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

**Section 1.** That sections 2152.17, 2152.72, 2929.14, and 7  
5103.0319 be amended and section 2941.1422 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 2152.17.** (A) Subject to division (D) of this section, if 10  
a child is adjudicated a delinquent child for committing an act, 11  
other than a violation of section 2923.12 of the Revised Code, 12  
that would be a felony if committed by an adult and if the court 13  
determines that, if the child was an adult, the child would be 14  
guilty of a specification of the type set forth in section 15  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, ~~or~~ 16  
2941.1415, or 2941.1422 of the Revised Code, in addition to any 17  
commitment or other disposition the court imposes for the 18  
underlying delinquent act, all of the following apply: 19

(1) If the court determines that the child would be guilty of 20

a specification of the type set forth in section 2941.141 of the Revised Code, the court may commit the child to the department of youth services for the specification for a definite period of up to one year.

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

(3) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.144, 2941.146, ~~or~~ 2941.1412, or 2941.1422 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child would be guilty of a specification of the type set forth in section 2941.1414 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than five years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

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

(C) If a child is adjudicated a delinquent child for committing an act that would be aggravated murder, murder, or a

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

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

(2) A court that imposes a period of commitment under 77  
division (A) of this section is not precluded from imposing an 78  
additional period of commitment under division (C) or (D)(1) of 79  
this section, a court that imposes a period of commitment under 80  
division (C) of this section is not precluded from imposing an 81  
additional period of commitment under division (A) or (D)(1) of 82  
this section, and a court that imposes a period of commitment 83  
under division (D)(1) of this section is not precluded from 84

imposing an additional period of commitment under division (A) or 85  
(C) of this section. 86

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

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

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

(F) If a child is adjudicated a delinquent child for 109  
committing two or more acts that would be felonies if committed by 110  
an adult and if the court entering the delinquent child 111  
adjudication orders the commitment of the child for two or more of 112  
those acts to the legal custody of the department of youth 113  
services for institutionalization in a secure facility pursuant to 114  
section 2152.13 or 2152.16 of the Revised Code, the court may 115  
order that all of the periods of commitment imposed under those 116

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

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

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

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

(3) The act would be a felony if committed by an adult, and 135  
the court determined that the child, if an adult, would be guilty 136  
of a specification found in section 2941.141, 2941.144, ~~or~~ 137  
2941.145, or 2941.1422 of the Revised Code or in another section 138  
of the Revised Code that relates to the possession or use of a 139  
firearm during the commission of the act for which the child was 140  
adjudicated a delinquent child. 141

(4) The act would be an offense of violence that is a felony 142  
if committed by an adult, and the court determined that the child, 143  
if an adult, would be guilty of a specification found in section 144  
2941.1411 of the Revised Code or in another section of the Revised 145  
Code that relates to the wearing or carrying of body armor during 146  
the commission of the act for which the child was adjudicated a 147

delinquent child. 148

(B)(1) Except as provided in division (E) of this section, a 149  
public children services agency, private child placing agency, 150  
private noncustodial agency, or court, the department of youth 151  
services, or another private or government entity shall not place 152  
a child in a certified foster home or for adoption until it 153  
provides the foster caregivers or prospective adoptive parents 154  
with all of the following: 155

(a) A written report describing the child's social history; 156

(b) A written report describing all the acts committed by the 157  
child the entity knows of that resulted in the child being 158  
adjudicated a delinquent child and the disposition made by the 159  
court, unless the records pertaining to the acts have been sealed 160  
pursuant to section 2151.356 of the Revised Code; 161

(c) A written report describing any other violent act 162  
committed by the child of which the entity is aware; 163

(d) The substantial and material conclusions and 164  
recommendations of any psychiatric or psychological examination 165  
conducted on the child or, if no psychological or psychiatric 166  
examination of the child is available, the substantial and 167  
material conclusions and recommendations of an examination to 168  
detect mental and emotional disorders conducted in compliance with 169  
the requirements of Chapter 4757. of the Revised Code by an 170  
independent social worker, social worker, professional clinical 171  
counselor, or professional counselor licensed under that chapter. 172  
The entity shall not provide any part of a psychological, 173  
psychiatric, or mental and emotional disorder examination to the 174  
foster caregivers or prospective adoptive parents other than the 175  
substantial and material conclusions. 176

(2) Notwithstanding sections 2151.356 to 2151.358 of the 177  
Revised Code, if records of an adjudication that a child is a 178

delinquent child have been sealed pursuant to those sections and 179  
an entity knows the records have been sealed, the entity shall 180  
provide the foster caregivers or prospective adoptive parents a 181  
written statement that the records of a prior adjudication have 182  
been sealed. 183

(C)(1) The entity that places the child in a certified foster 184  
home or for adoption shall conduct a psychological examination of 185  
the child unless either of the following applies: 186

(a) An entity is not required to conduct the examination if 187  
an examination was conducted no more than one year prior to the 188  
child's placement, and division (C)(1)(b) of this section does not 189  
apply. 190

(b) An entity is not required to conduct the examination if a 191  
foster caregiver seeks to adopt the foster caregiver's foster 192  
child, and an examination was conducted no more than two years 193  
prior to the date the foster caregiver seeks to adopt the child. 194

(2) No later than sixty days after placing the child, the 195  
entity shall provide the foster caregiver or prospective adoptive 196  
parents a written report detailing the substantial and material 197  
conclusions and recommendations of the examination conducted 198  
pursuant to this division. 199

(D)(1) Except as provided in divisions (D)(2) and (3) of this 200  
section, the expenses of conducting the examinations and preparing 201  
the reports and assessment required by division (B) or (C) of this 202  
section shall be paid by the entity that places the child in the 203  
certified foster home or for adoption. 204

(2) When a juvenile court grants temporary or permanent 205  
custody of a child pursuant to any section of the Revised Code, 206  
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 207  
Revised Code, to a public children services agency or private 208  
child placing agency, the court shall provide the agency the 209

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

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

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

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

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

The agency receiving the information described in division 239  
(B) of this section shall provide the entity described in division 240

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

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

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

(G) No person employed by an entity subject to this section 270  
and made responsible by that entity for the child's placement in a 271  
certified foster home or for adoption shall fail to provide the 272

foster caregivers or prospective adoptive parents with the 273  
information required by divisions (B) and (C) of this section. 274

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

(I) As used in this section: 282

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

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

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

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

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

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

(4) For a felony of the fourth degree, the prison term shall 301  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 302

fourteen, fifteen, sixteen, seventeen, or eighteen months. 303

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

(B) Except as provided in division (C), (D)(1), (D)(2), 306  
(D)(3), (D)(5), (D)(6), (D)(7), (G), (I), (J), or (L) of this 307  
section, in section 2907.02 or 2907.05 of the Revised Code, or in 308  
Chapter 2925. of the Revised Code, if the court imposing a 309  
sentence upon an offender for a felony elects or is required to 310  
impose a prison term on the offender, the court shall impose the 311  
shortest prison term authorized for the offense pursuant to 312  
division (A) of this section, unless one or more of the following 313  
applies: 314

(1) The offender was serving a prison term at the time of the 315  
offense, or the offender previously had served a prison term. 316

(2) The court finds on the record that the shortest prison 317  
term will demean the seriousness of the offender's conduct or will 318  
not adequately protect the public from future crime by the 319  
offender or others. 320

(C) Except as provided in division (G) or (L) of this section 321  
or in Chapter 2925. of the Revised Code, the court imposing a 322  
sentence upon an offender for a felony may impose the longest 323  
prison term authorized for the offense pursuant to division (A) of 324  
this section only upon offenders who committed the worst forms of 325  
the offense, upon offenders who pose the greatest likelihood of 326  
committing future crimes, upon certain major drug offenders under 327  
division (D)(3) of this section, and upon certain repeat violent 328  
offenders in accordance with division (D)(2) of this section. 329

(D)(1)(a) Except as provided in division (D)(1)(e) of this 330  
section, if an offender who is convicted of or pleads guilty to a 331  
felony also is convicted of or pleads guilty to a specification of 332  
the type described in section 2941.141, 2941.144, or 2941.145 of 333

the Revised Code, the court shall impose on the offender one of 334  
the following prison terms: 335

(i) A prison term of six years if the specification is of the 336  
type described in section 2941.144 of the Revised Code that 337  
charges the offender with having a firearm that is an automatic 338  
firearm or that was equipped with a firearm muffler or silencer on 339  
or about the offender's person or under the offender's control 340  
while committing the felony; 341

(ii) A prison term of three years if the specification is of 342  
the type described in section 2941.145 of the Revised Code that 343  
charges the offender with having a firearm on or about the 344  
offender's person or under the offender's control while committing 345  
the offense and displaying the firearm, brandishing the firearm, 346  
indicating that the offender possessed the firearm, or using it to 347  
facilitate the offense; 348

(iii) A prison term of one year if the specification is of 349  
the type described in section 2941.141 of the Revised Code that 350  
charges the offender with having a firearm on or about the 351  
offender's person or under the offender's control while committing 352  
the felony. 353

(b) If a court imposes a prison term on an offender under 354  
division (D)(1)(a) of this section, the prison term shall not be 355  
reduced pursuant to section 2929.20, section 2967.193, or any 356  
other provision of Chapter 2967. or Chapter 5120. of the Revised 357  
Code. Except as provided in division (D)(1)(g) of this section, a 358  
court shall not impose more than one prison term on an offender 359  
under division (D)(1)(a) of this section for felonies committed as 360  
part of the same act or transaction. 361

(c) Except as provided in division (D)(1)(e) of this section, 362  
if an offender who is convicted of or pleads guilty to a violation 363  
of section 2923.161 of the Revised Code or to a felony that 364

includes, as an essential element, purposely or knowingly causing 365  
or attempting to cause the death of or physical harm to another, 366  
also is convicted of or pleads guilty to a specification of the 367  
type described in section 2941.146 of the Revised Code that 368  
charges the offender with committing the offense by discharging a 369  
firearm from a motor vehicle other than a manufactured home, the 370  
court, after imposing a prison term on the offender for the 371  
violation of section 2923.161 of the Revised Code or for the other 372  
felony offense under division (A), (D)(2), or (D)(3) of this 373  
section, shall impose an additional prison term of five years upon 374  
the offender that shall not be reduced pursuant to section 375  
2929.20, section 2967.193, or any other provision of Chapter 2967. 376  
or Chapter 5120. of the Revised Code. A court shall not impose 377  
more than one additional prison term on an offender under division 378  
(D)(1)(c) of this section for felonies committed as part of the 379  
same act or transaction. If a court imposes an additional prison 380  
term on an offender under division (D)(1)(c) of this section 381  
relative to an offense, the court also shall impose a prison term 382  
under division (D)(1)(a) of this section relative to the same 383  
offense, provided the criteria specified in that division for 384  
imposing an additional prison term are satisfied relative to the 385  
offender and the offense. 386

(d) If an offender who is convicted of or pleads guilty to an 387  
offense of violence that is a felony also is convicted of or 388  
pleads guilty to a specification of the type described in section 389  
2941.1411 of the Revised Code that charges the offender with 390  
wearing or carrying body armor while committing the felony offense 391  
of violence, the court shall impose on the offender a prison term 392  
of two years. The prison term so imposed shall not be reduced 393  
pursuant to section 2929.20, section 2967.193, or any other 394  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 395  
court shall not impose more than one prison term on an offender 396  
under division (D)(1)(d) of this section for felonies committed as 397

part of the same act or transaction. If a court imposes an 398  
additional prison term under division (D)(1)(a) or (c) of this 399  
section, the court is not precluded from imposing an additional 400  
prison term under division (D)(1)(d) of this section. 401

(e) The court shall not impose any of the prison terms 402  
described in division (D)(1)(a) of this section or any of the 403  
additional prison terms described in division (D)(1)(c) of this 404  
section upon an offender for a violation of section 2923.12 or 405  
2923.123 of the Revised Code. The court shall not impose any of 406  
the prison terms described in division (D)(1)(a) or (b) of this 407  
section upon an offender for a violation of section 2923.122 that 408  
involves a deadly weapon that is a firearm other than a dangerous 409  
ordnance, section 2923.16, or section 2923.121 of the Revised 410  
Code. The court shall not impose any of the prison terms described 411  
in division (D)(1)(a) of this section or any of the additional 412  
prison terms described in division (D)(1)(c) of this section upon 413  
an offender for a violation of section 2923.13 of the Revised Code 414  
unless all of the following apply: 415

(i) The offender previously has been convicted of aggravated 416  
murder, murder, or any felony of the first or second degree. 417

(ii) Less than five years have passed since the offender was 418  
released from prison or post-release control, whichever is later, 419  
for the prior offense. 420

(f) If an offender is convicted of or pleads guilty to a 421  
felony that includes, as an essential element, causing or 422  
attempting to cause the death of or physical harm to another and 423  
also is convicted of or pleads guilty to a specification of the 424  
type described in section 2941.1412 of the Revised Code that 425  
charges the offender with committing the offense by discharging a 426  
firearm at a peace officer as defined in section 2935.01 of the 427  
Revised Code or a corrections officer, as defined in section 428  
2941.1412 of the Revised Code, the court, after imposing a prison 429

term on the offender for the felony offense under division (A), 430  
(D)(2), or (D)(3) of this section, shall impose an additional 431  
prison term of seven years upon the offender that shall not be 432  
reduced pursuant to section 2929.20, section 2967.193, or any 433  
other provision of Chapter 2967. or Chapter 5120. of the Revised 434  
Code. If an offender is convicted of or pleads guilty to two or 435  
more felonies that include, as an essential element, causing or 436  
attempting to cause the death or physical harm to another and also 437  
is convicted of or pleads guilty to a specification of the type 438  
described under division (D)(1)(f) of this section in connection 439  
with two or more of the felonies of which the offender is 440  
convicted or to which the offender pleads guilty, the sentencing 441  
court shall impose on the offender the prison term specified under 442  
division (D)(1)(f) of this section for each of two of the 443  
specifications of which the offender is convicted or to which the 444  
offender pleads guilty and, in its discretion, also may impose on 445  
the offender the prison term specified under that division for any 446  
or all of the remaining specifications. If a court imposes an 447  
additional prison term on an offender under division (D)(1)(f) of 448  
this section relative to an offense, the court shall not impose a 449  
prison term under division (D)(1)(a) or (c) of this section 450  
relative to the same offense. 451

(g) If an offender is convicted of or pleads guilty to two or 452  
more felonies, if one or more of those felonies is aggravated 453  
murder, murder, attempted aggravated murder, attempted murder, 454  
aggravated robbery, felonious assault, or rape, and if the 455  
offender is convicted of or pleads guilty to a specification of 456  
the type described under division (D)(1)(a) of this section in 457  
connection with two or more of the felonies, the sentencing court 458  
shall impose on the offender the prison term specified under 459  
division (D)(1)(a) of this section for each of the two most 460  
serious specifications of which the offender is convicted or to 461  
which the offender pleads guilty and, in its discretion, also may 462

impose on the offender the prison term specified under that 463  
division for any or all of the remaining specifications. 464

(2)(a) If division (D)(2)(b) of this section does not apply, 465  
the court may impose on an offender, in addition to the longest 466  
prison term authorized or required for the offense, an additional 467  
definite prison term of one, two, three, four, five, six, seven, 468  
eight, nine, or ten years if all of the following criteria are 469  
met: 470

(i) The offender is convicted of or pleads guilty to a 471  
specification of the type described in section 2941.149 of the 472  
Revised Code that the offender is a repeat violent offender. 473

(ii) The offense of which the offender currently is convicted 474  
or to which the offender currently pleads guilty is aggravated 475  
murder and the court does not impose a sentence of death or life 476  
imprisonment without parole, murder, terrorism and the court does 477  
not impose a sentence of life imprisonment without parole, any 478  
felony of the first degree that is an offense of violence and the 479  
court does not impose a sentence of life imprisonment without 480  
parole, or any felony of the second degree that is an offense of 481  
violence and the trier of fact finds that the offense involved an 482  
attempt to cause or a threat to cause serious physical harm to a 483  
person or resulted in serious physical harm to a person. 484

(iii) The court imposes the longest prison term for the 485  
offense that is not life imprisonment without parole. 486

(iv) The court finds that the prison terms imposed pursuant 487  
to division (D)(2)(a)(iii) of this section and, if applicable, 488  
division (D)(1) or (3) of this section are inadequate to punish 489  
the offender and protect the public from future crime, because the 490  
applicable factors under section 2929.12 of the Revised Code 491  
indicating a greater likelihood of recidivism outweigh the 492  
applicable factors under that section indicating a lesser 493

likelihood of recidivism. 494

(v) The court finds that the prison terms imposed pursuant to 495  
division (D)(2)(a)(iii) of this section and, if applicable, 496  
division (D)(1) or (3) of this section are demeaning to the 497  
seriousness of the offense, because one or more of the factors 498  
under section 2929.12 of the Revised Code indicating that the 499  
offender's conduct is more serious than conduct normally 500  
constituting the offense are present, and they outweigh the 501  
applicable factors under that section indicating that the 502  
offender's conduct is less serious than conduct normally 503  
constituting the offense. 504

(b) The court shall impose on an offender the longest prison 505  
term authorized or required for the offense and shall impose on 506  
the offender an additional definite prison term of one, two, 507  
three, four, five, six, seven, eight, nine, or ten years if all of 508  
the following criteria are met: 509

(i) The offender is convicted of or pleads guilty to a 510  
specification of the type described in section 2941.149 of the 511  
Revised Code that the offender is a repeat violent offender. 512

(ii) The offender within the preceding twenty years has been 513  
convicted of or pleaded guilty to three or more offenses described 514  
in division (DD)(1) of section 2929.01 of the Revised Code, 515  
including all offenses described in that division of which the 516  
offender is convicted or to which the offender pleads guilty in 517  
the current prosecution and all offenses described in that 518  
division of which the offender previously has been convicted or to 519  
which the offender previously pleaded guilty, whether prosecuted 520  
together or separately. 521

(iii) The offense or offenses of which the offender currently 522  
is convicted or to which the offender currently pleads guilty is 523  
aggravated murder and the court does not impose a sentence of 524

death or life imprisonment without parole, murder, terrorism and 525  
the court does not impose a sentence of life imprisonment without 526  
parole, any felony of the first degree that is an offense of 527  
violence and the court does not impose a sentence of life 528  
imprisonment without parole, or any felony of the second degree 529  
that is an offense of violence and the trier of fact finds that 530  
the offense involved an attempt to cause or a threat to cause 531  
serious physical harm to a person or resulted in serious physical 532  
harm to a person. 533

(c) For purposes of division (D)(2)(b) of this section, two 534  
or more offenses committed at the same time or as part of the same 535  
act or event shall be considered one offense, and that one offense 536  
shall be the offense with the greatest penalty. 537

(d) A sentence imposed under division (D)(2)(a) or (b) of 538  
this section shall not be reduced pursuant to section 2929.20 or 539  
section 2967.193, or any other provision of Chapter 2967. or 540  
Chapter 5120. of the Revised Code. The offender shall serve an 541  
additional prison term imposed under this section consecutively to 542  
and prior to the prison term imposed for the underlying offense. 543

(e) When imposing a sentence pursuant to division (D)(2)(a) 544  
or (b) of this section, the court shall state its findings 545  
explaining the imposed sentence. 546

(3)(a) Except when an offender commits a violation of section 547  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 548  
the violation is life imprisonment or commits a violation of 549  
section 2903.02 of the Revised Code, if the offender commits a 550  
violation of section 2925.03 or 2925.11 of the Revised Code and 551  
that section classifies the offender as a major drug offender and 552  
requires the imposition of a ten-year prison term on the offender, 553  
if the offender commits a felony violation of section 2925.02, 554  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 555  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 556

division (C) of section 4729.51, or division (J) of section 557  
4729.54 of the Revised Code that includes the sale, offer to sell, 558  
or possession of a schedule I or II controlled substance, with the 559  
exception of marihuana, and the court imposing sentence upon the 560  
offender finds that the offender is guilty of a specification of 561  
the type described in section 2941.1410 of the Revised Code 562  
charging that the offender is a major drug offender, if the court 563  
imposing sentence upon an offender for a felony finds that the 564  
offender is guilty of corrupt activity with the most serious 565  
offense in the pattern of corrupt activity being a felony of the 566  
first degree, or if the offender is guilty of an attempted 567  
violation of section 2907.02 of the Revised Code and, had the 568  
offender completed the violation of section 2907.02 of the Revised 569  
Code that was attempted, the offender would have been subject to a 570  
sentence of life imprisonment or life imprisonment without parole 571  
for the violation of section 2907.02 of the Revised Code, the 572  
court shall impose upon the offender for the felony violation a 573  
ten-year prison term that cannot be reduced pursuant to section 574  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 575

(b) The court imposing a prison term on an offender under 576  
division (D)(3)(a) of this section may impose an additional prison 577  
term of one, two, three, four, five, six, seven, eight, nine, or 578  
ten years, if the court, with respect to the term imposed under 579  
division (D)(3)(a) of this section and, if applicable, divisions 580  
(D)(1) and (2) of this section, makes both of the findings set 581  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 582

(4) If the offender is being sentenced for a third or fourth 583  
degree felony OVI offense under division (G)(2) of section 2929.13 584  
of the Revised Code, the sentencing court shall impose upon the 585  
offender a mandatory prison term in accordance with that division. 586  
In addition to the mandatory prison term, if the offender is being 587  
sentenced for a fourth degree felony OVI offense, the court, 588

notwithstanding division (A)(4) of this section, may sentence the  
offender to a definite prison term of not less than six months and  
not more than thirty months, and if the offender is being  
sentenced for a third degree felony OVI offense, the sentencing  
court may sentence the offender to an additional prison term of  
any duration specified in division (A)(3) of this section. In  
either case, the additional prison term imposed shall be reduced  
by the sixty or one hundred twenty days imposed upon the offender  
as the mandatory prison term. The total of the additional prison  
term imposed under division (D)(4) of this section plus the sixty  
or one hundred twenty days imposed as the mandatory prison term  
shall equal a definite term in the range of six months to thirty  
months for a fourth degree felony OVI offense and shall equal one  
of the authorized prison terms specified in division (A)(3) of  
this section for a third degree felony OVI offense. If the court  
imposes an additional prison term under division (D)(4) of this  
section, the offender shall serve the additional prison term after  
the offender has served the mandatory prison term required for the  
offense. In addition to the mandatory prison term or mandatory and  
additional prison term imposed as described in division (D)(4) of  
this section, the court also may sentence the offender to a  
community control sanction under section 2929.16 or 2929.17 of the  
Revised Code, but the offender shall serve all of the prison terms  
so imposed prior to serving the community control sanction.

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

(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.

(7) If an offender is convicted of or pleads guilty to a felony and also is convicted of or pleads guilty to a

specification of the type described in section 2941.1422 of the Revised Code that charges that the offender discharged a firearm while committing the offense and that the discharge of the firearm caused injury or death to a child who was under the age of eighteen years at the time of the commission of the offense, the court shall impose on the offender a prison term of ten years. If a court imposes a prison term on an offender under division (D)(7) 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)(7) 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 685  
is a felony, the offender shall serve the mandatory term so 686  
imposed consecutively to any other mandatory prison term imposed 687  
under that division or under division (D)(1)(a) or (c) of this 688  
section, consecutively to and prior to any prison term imposed for 689  
the underlying felony under division (A), (D)(2), or (D)(3) of 690  
this section or any other section of the Revised Code, and 691  
consecutively to any other prison term or mandatory prison term 692  
previously or subsequently imposed upon the offender. 693

(c) If a mandatory prison term is imposed upon an offender 694  
pursuant to division (D)(1)(f) of this section, the offender shall 695  
serve the mandatory prison term so imposed consecutively to and 696  
prior to any prison term imposed for the underlying felony under 697  
division (A), (D)(2), or (D)(3) of this section or any other 698  
section of the Revised Code, and consecutively to any other prison 699  
term or mandatory prison term previously or subsequently imposed 700  
upon the offender. 701

(2) If an offender who is an inmate in a jail, prison, or 702  
other residential detention facility violates section 2917.02, 703  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 704  
who is under detention at a detention facility commits a felony 705  
violation of section 2923.131 of the Revised Code, or if an 706  
offender who is an inmate in a jail, prison, or other residential 707  
detention facility or is under detention at a detention facility 708  
commits another felony while the offender is an escapee in 709  
violation of section 2921.34 of the Revised Code, any prison term 710  
imposed upon the offender for one of those violations shall be 711  
served by the offender consecutively to the prison term or term of 712  
imprisonment the offender was serving when the offender committed 713  
that offense and to any other prison term previously or 714  
subsequently imposed upon the offender. 715

(3) If a prison term is imposed for a violation of division 716

(B) of section 2911.01 of the Revised Code, a violation of 717  
division (A) of section 2913.02 of the Revised Code in which the 718  
stolen property is a firearm or dangerous ordnance, or a felony 719  
violation of division (B) of section 2921.331 of the Revised Code, 720  
the offender shall serve that prison term consecutively to any 721  
other prison term or mandatory prison term previously or 722  
subsequently imposed upon the offender. 723

(4) If multiple prison terms are imposed on an offender for 724  
convictions of multiple offenses, the court may require the 725  
offender to serve the prison terms consecutively if the court 726  
finds that the consecutive service is necessary to protect the 727  
public from future crime or to punish the offender and that 728  
consecutive sentences are not disproportionate to the seriousness 729  
of the offender's conduct and to the danger the offender poses to 730  
the public, and if the court also finds any of the following: 731

(a) The offender committed one or more of the multiple 732  
offenses while the offender was awaiting trial or sentencing, was 733  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 734  
2929.18 of the Revised Code, or was under post-release control for 735  
a prior offense. 736

(b) At least two of the multiple offenses were committed as 737  
part of one or more courses of conduct, and the harm caused by two 738  
or more of the multiple offenses so committed was so great or 739  
unusual that no single prison term for any of the offenses 740  
committed as part of any of the courses of conduct adequately 741  
reflects the seriousness of the offender's conduct. 742

(c) The offender's history of criminal conduct demonstrates 743  
that consecutive sentences are necessary to protect the public 744  
from future crime by the offender. 745

(5) If a mandatory prison term is imposed upon an offender 746  
pursuant to division (D)(5) or (6) of this section, the offender 747

shall serve the mandatory prison term consecutively to and prior 748  
to any prison term imposed for the underlying violation of 749  
division (A)(1) or (2) of section 2903.06 of the Revised Code 750  
pursuant to division (A) of this section or section 2929.142 of 751  
the Revised Code. If a mandatory prison term is imposed upon an 752  
offender pursuant to division (D)(5) of this section, and if a 753  
mandatory prison term also is imposed upon the offender pursuant 754  
to division (D)(6) of this section in relation to the same 755  
violation, the offender shall serve the mandatory prison term 756  
imposed pursuant to division (D)(5) of this section consecutively 757  
to and prior to the mandatory prison term imposed pursuant to 758  
division (D)(6) of this section and consecutively to and prior to 759  
any prison term imposed for the underlying violation of division 760  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 761  
division (A) of this section or section 2929.142 of the Revised 762  
Code. 763

(6) If a mandatory prison term is imposed upon an offender 764  
pursuant to division (D)(7) of this section, the offender shall 765  
serve the mandatory prison term consecutively to and prior to any 766  
prison term imposed for the underlying offense. 767

(7) When consecutive prison terms are imposed pursuant to 768  
division (E)(1), (2), (3), (4), ~~or (5)~~, or (6) or division (J)(1) 769  
or (2) of this section, the term to be served is the aggregate of 770  
all of the terms so imposed. 771

(F)(1) If a court imposes a prison term for a felony of the 772  
first degree, for a felony of the second degree, for a felony sex 773  
offense, or for a felony of the third degree that is not a felony 774  
sex offense and in the commission of which the offender caused or 775  
threatened to cause physical harm to a person, it shall include in 776  
the sentence a requirement that the offender be subject to a 777  
period of post-release control after the offender's release from 778  
imprisonment, in accordance with that division. If a court imposes 779

a sentence including a prison term of a type described in this 780  
division on or after July 11, 2006, the failure of a court to 781  
include a post-release control requirement in the sentence 782  
pursuant to this division does not negate, limit, or otherwise 783  
affect the mandatory period of post-release control that is 784  
required for the offender under division (B) of section 2967.28 of 785  
the Revised Code. Section 2929.191 of the Revised Code applies if, 786  
prior to July 11, 2006, a court imposed a sentence including a 787  
prison term of a type described in this division and failed to 788  
include in the sentence pursuant to this division a statement 789  
regarding post-release control. 790

(2) If a court imposes a prison term for a felony of the 791  
third, fourth, or fifth degree that is not subject to division 792  
(F)(1) of this section, it shall include in the sentence a 793  
requirement that the offender be subject to a period of 794  
post-release control after the offender's release from 795  
imprisonment, in accordance with that division, if the parole 796  
board determines that a period of post-release control is 797  
necessary. Section 2929.191 of the Revised Code applies if, prior 798  
to July 11, 2006, a court imposed a sentence including a prison 799  
term of a type described in this division and failed to include in 800  
the sentence pursuant to this division a statement regarding 801  
post-release control. 802

(G) The court shall impose sentence upon the offender in 803  
accordance with section 2971.03 of the Revised Code, and Chapter 804  
2971. of the Revised Code applies regarding the prison term or 805  
term of life imprisonment without parole imposed upon the offender 806  
and the service of that term of imprisonment if any of the 807  
following apply: 808

(1) A person is convicted of or pleads guilty to a violent 809  
sex offense or a designated homicide, assault, or kidnapping 810  
offense, and, in relation to that offense, the offender is 811

adjudicated a sexually violent predator. 812

(2) A person is convicted of or pleads guilty to a violation 813  
of division (A)(1)(b) of section 2907.02 of the Revised Code 814  
committed on or after January 2, 2007, and either the court does 815  
not impose a sentence of life without parole when authorized 816  
pursuant to division (B) of section 2907.02 of the Revised Code, 817  
or division (B) of section 2907.02 of the Revised Code provides 818  
that the court shall not sentence the offender pursuant to section 819  
2971.03 of the Revised Code. 820

(3) A person is convicted of or pleads guilty to attempted 821  
rape committed on or after January 2, 2007, and a specification of 822  
the type described in section 2941.1418, 2941.1419, or 2941.1420 823  
of the Revised Code. 824

(4) A person is convicted of or pleads guilty to a violation 825  
of section 2905.01 of the Revised Code committed on or after 826  
January 1, 2008, and that section requires the court to sentence 827  
the offender pursuant to section 2971.03 of the Revised Code. 828

(5) A person is convicted of or pleads guilty to aggravated 829  
murder committed on or after January 1, 2008, and division 830  
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 831  
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 832  
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 833  
2929.06 of the Revised Code requires the court to sentence the 834  
offender pursuant to division (B)(3) of section 2971.03 of the 835  
Revised Code. 836

(6) A person is convicted of or pleads guilty to murder 837  
committed on or after January 1, 2008, and division (B)(2) of 838  
section 2929.02 of the Revised Code requires the court to sentence 839  
the offender pursuant to section 2971.03 of the Revised Code. 840

841

(H) If a person who has been convicted of or pleaded guilty 842

to a felony is sentenced to a prison term or term of imprisonment 843  
under this section, sections 2929.02 to 2929.06 of the Revised 844  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 845  
Revised Code, or any other provision of law, section 5120.163 of 846  
the Revised Code applies regarding the person while the person is 847  
confined in a state correctional institution. 848

(I) If an offender who is convicted of or pleads guilty to a 849  
felony that is an offense of violence also is convicted of or 850  
pleads guilty to a specification of the type described in section 851  
2941.142 of the Revised Code that charges the offender with having 852  
committed the felony while participating in a criminal gang, the 853  
court shall impose upon the offender an additional prison term of 854  
one, two, or three years. 855

(J)(1) If an offender who is convicted of or pleads guilty to 856  
aggravated murder, murder, or a felony of the first, second, or 857  
third degree that is an offense of violence also is convicted of 858  
or pleads guilty to a specification of the type described in 859  
section 2941.143 of the Revised Code that charges the offender 860  
with having committed the offense in a school safety zone or 861  
towards a person in a school safety zone, the court shall impose 862  
upon the offender an additional prison term of two years. The 863  
offender shall serve the additional two years consecutively to and 864  
prior to the prison term imposed for the underlying offense. 865

(2)(a) If an offender is convicted of or pleads guilty to a 866  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 867  
of the Revised Code and to a specification of the type described 868  
in section 2941.1421 of the Revised Code and if the court imposes 869  
a prison term on the offender for the felony violation, the court 870  
may impose upon the offender an additional prison term as follows: 871

(i) Subject to division (J)(2)(a)(ii) of this section, an 872  
additional prison term of one, two, three, four, five, or six 873  
months; 874

(ii) If the offender previously has been convicted of or 875  
pleaded guilty to one or more felony or misdemeanor violations of 876  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 877  
Revised Code and also was convicted of or pleaded guilty to a 878  
specification of the type described in section 2941.1421 of the 879  
Revised Code regarding one or more of those violations, an 880  
additional prison term of one, two, three, four, five, six, seven, 881  
eight, nine, ten, eleven, or twelve months. 882

(b) In lieu of imposing an additional prison term under 883  
division (J)(2)(a) of this section, the court may directly impose 884  
on the offender a sanction that requires the offender to wear a 885  
real-time processing, continual tracking electronic monitoring 886  
device during the period of time specified by the court. The 887  
period of time specified by the court shall equal the duration of 888  
an additional prison term that the court could have imposed upon 889  
the offender under division (J)(2)(a) of this section. A sanction 890  
imposed under this division shall commence on the date specified 891  
by the court, provided that the sanction shall not commence until 892  
after the offender has served the prison term imposed for the 893  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 894  
of the Revised Code and any residential sanction imposed for the 895  
violation under section 2929.16 of the Revised Code. A sanction 896  
imposed under this division shall be considered to be a community 897  
control sanction for purposes of section 2929.15 of the Revised 898  
Code, and all provisions of the Revised Code that pertain to 899  
community control sanctions shall apply to a sanction imposed 900  
under this division, except to the extent that they would by their 901  
nature be clearly inapplicable. The offender shall pay all costs 902  
associated with a sanction imposed under this division, including 903  
the cost of the use of the monitoring device. 904

(K) At the time of sentencing, the court may recommend the 905  
offender for placement in a program of shock incarceration under 906

section 5120.031 of the Revised Code or for placement in an 907  
intensive program prison under section 5120.032 of the Revised 908  
Code, disapprove placement of the offender in a program of shock 909  
incarceration or an intensive program prison of that nature, or 910  
make no recommendation on placement of the offender. In no case 911  
shall the department of rehabilitation and correction place the 912  
offender in a program or prison of that nature unless the 913  
department determines as specified in section 5120.031 or 5120.032 914  
of the Revised Code, whichever is applicable, that the offender is 915  
eligible for the placement. 916

If the court disapproves placement of the offender in a 917  
program or prison of that nature, the department of rehabilitation 918  
and correction shall not place the offender in any program of 919  
shock incarceration or intensive program prison. 920

If the court recommends placement of the offender in a 921  
program of shock incarceration or in an intensive program prison, 922  
and if the offender is subsequently placed in the recommended 923  
program or prison, the department shall notify the court of the 924  
placement and shall include with the notice a brief description of 925  
the placement. 926

If the court recommends placement of the offender in a 927  
program of shock incarceration or in an intensive program prison 928  
and the department does not subsequently place the offender in the 929  
recommended program or prison, the department shall send a notice 930  
to the court indicating why the offender was not placed in the 931  
recommended program or prison. 932

If the court does not make a recommendation under this 933  
division with respect to an offender and if the department 934  
determines as specified in section 5120.031 or 5120.032 of the 935  
Revised Code, whichever is applicable, that the offender is 936  
eligible for placement in a program or prison of that nature, the 937  
department shall screen the offender and determine if there is an 938

available program of shock incarceration or an intensive program 939  
prison for which the offender is suited. If there is an available 940  
program of shock incarceration or an intensive program prison for 941  
which the offender is suited, the department shall notify the 942  
court of the proposed placement of the offender as specified in 943  
section 5120.031 or 5120.032 of the Revised Code and shall include 944  
with the notice a brief description of the placement. The court 945  
shall have ten days from receipt of the notice to disapprove the 946  
placement. 947

(L) If a person is convicted of or pleads guilty to 948  
aggravated vehicular homicide in violation of division (A)(1) of 949  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 950  
section applies, the person shall be sentenced pursuant to section 951  
2929.142 of the Revised Code. 952

Sec. 2941.1422. (A) Imposition of a ten-year mandatory prison 953  
term upon an offender under division (D)(7) of section 2929.14 of 954  
the Revised Code is precluded unless the indictment, count in the 955  
indictment, or information charging the offense specifies that the 956  
offender discharged a firearm while committing the offense and the 957  
discharge of the firearm caused injury or death to a child who was 958  
under the age of eighteen years at the time of the commission of 959  
the offense. The specification shall be stated at the end of the 960  
body of the indictment, count, or information and shall be in 961  
substantially the following form: 962

"SPECIFICATION (or, SPECIFICATION OF THE FIRST COUNT). 963

The Grand Jurors (or insert the person's or the prosecuting 964  
attorney's name when appropriate) further find and specify that 965  
(set forth that the offender discharged a firearm while committing 966  
the offense and the discharge of the firearm caused injury or 967  
death to a child who was under the age of eighteen years at the 968  
time of the commission of the offense)." 969

(B) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 970  
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(C) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code. 974  
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**Sec. 5103.0319.** (A) No foster caregiver or prospective foster caregiver shall fail to notify the recommending agency that recommended or is recommending the foster caregiver or prospective foster caregiver for certification in writing if a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to any of the following or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation: 976  
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(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or 985  
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murder, an OVI or OVUAC violation if the person previously was 1001  
convicted of or pleaded guilty to one or more OVI or OVUAC 1002  
violations within the three years immediately preceding the 1003  
current violation, or felonious sexual penetration in violation of 1004  
former section 2907.12 of the Revised Code; 1005

(2) An offense that would be a felony if committed by an 1006  
adult and the court determined that the child, if an adult, would 1007  
be guilty of a specification found in section 2941.141, 2941.144, 1008  
~~or~~ 2941.145, or 2941.1422 of the Revised Code or in another 1009  
section of the Revised Code that relates to the possession or use 1010  
of a firearm, as defined in section 2923.11 of the Revised Code, 1011  
during the commission of the act for which the child was 1012  
adjudicated a delinquent child; 1013

(3) A violation of an existing or former law of this state, 1014  
any other state, or the United States that is substantially 1015  
equivalent to any of the offenses described in division (A)(1) or 1016  
(2) of this section. 1017

(B) If a recommending agency learns that a foster caregiver 1018  
has failed to comply with division (A) of this section, it shall 1019  
notify the department of job and family services and the 1020  
department shall revoke the foster caregiver's foster home 1021  
certificate. 1022

(C) As used in this section, "OVI or OVUAC violation" means a 1023  
violation of section 4511.19 of the Revised Code or a violation of 1024  
an existing or former law of this state, any other state, or the 1025  
United States that is substantially equivalent to section 4511.19 1026  
of the Revised Code. 1027

**Section 2.** That existing sections 2152.17, 2152.72, 2929.14, 1028  
and 5103.0319 of the Revised Code are hereby repealed. 1029

**Section 3.** Section 2929.14 of the Revised Code is presented 1030

in this act as a composite of the section as amended by both Sub. 1031  
S.B. 184 and Sub. S.B. 220 of the 127th General Assembly. The 1032  
General Assembly, applying the principle stated in division (B) of 1033  
section 1.52 of the Revised Code that amendments are to be 1034  
harmonized if reasonably capable of simultaneous operation, finds 1035  
that the composite is the resulting version of the section in 1036  
effect prior to the effective date of the section as presented in 1037  
this act. 1038