

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 34**

**Representative Snitchler**

**Cosponsors: Representatives Combs, McClain, Hackett, Kozlowski, Blair,  
Stautberg**

—

**A BILL**

To amend sections 2907.03, 2907.06, 2929.01, 2929.13, 1  
2929.14, 2929.22, and 2929.24 and to enact section 2  
2941.1424 of the Revised Code to require a 3  
mandatory prison term for sexual battery, expand 4  
the offense of sexual imposition, and require a 5  
mandatory prison term or jail term for unlawful 6  
sexual conduct with a minor, gross sexual 7  
imposition, importuning, and endangering children 8  
under specified circumstances involving a victim 9  
who is a minor or student and an offender who is a 10  
person in authority with respect to the victim. 11

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

**Section 1.** That sections 2907.03, 2907.06, 2929.01, 2929.13, 12  
2929.14, 2929.22, and 2929.24 be amended and section 2941.1424 of 13  
the Revised Code be enacted to read as follows: 14

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 15  
with another, not the spouse of the offender, when any of the 16  
following apply: 17

(1) The offender knowingly coerces the other person to submit 18

by any means that would prevent resistance by a person of ordinary resolution. 19  
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(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired. 21  
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(3) The offender knows that the other person submits because the other person is unaware that the act is being committed. 24  
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(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse. 26  
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(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person. 29  
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(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person. 32  
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(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school. 35  
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(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution. 41  
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(9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or 45  
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occasional disciplinary control over the other person. 49

(10) The offender is a mental health professional, the other 50  
person is a mental health client or patient of the offender, and 51  
the offender induces the other person to submit by falsely 52  
representing to the other person that the sexual conduct is 53  
necessary for mental health treatment purposes. 54

(11) The other person is confined in a detention facility, 55  
and the offender is an employee of that detention facility. 56

(12) The other person is a minor, the offender is a cleric, 57  
and the other person is a member of, or attends, the church or 58  
congregation served by the cleric. 59

(13) The other person is a minor, the offender is a peace 60  
officer, and the offender is more than two years older than the 61  
other person. 62

(B)(1) Whoever violates this section is guilty of sexual 63  
battery. ~~Except~~ 64

(2) Except as otherwise provided in this division (B)(3) of 65  
this section, sexual battery is a felony of the third degree, and, 66  
if the offense is a violation of division (A)(7), (8), or (9) of 67  
this section, the court shall impose upon the offender a mandatory 68  
prison term of three, four, or five years. If 69

(3) If the other person is less than thirteen years of age, 70  
sexual battery is a felony of the second degree, and the court 71  
shall impose upon the offender a mandatory prison term determined 72  
as follows: 73

(a) If the offense is a violation of division (A)(7), (8), or 74  
(9) of this section, the court shall impose a mandatory prison 75  
term of three, four, five, six, seven, or eight years. 76

(b) If the offense is a violation of any division of this 77  
section other than division (A)(7), (8), or (9) of this section, 78

the court shall impose a mandatory prison term equal to one of the 79  
prison terms prescribed in section 2929.14 of the Revised Code for 80  
a felony of the second degree. 81

(C) As used in this section: 82

(1) "Cleric" has the same meaning as in section 2317.02 of 83  
the Revised Code. 84

(2) "Detention facility" has the same meaning as in section 85  
2921.01 of the Revised Code. 86

(3) "Institution of higher education" means a state 87  
institution of higher education defined in section 3345.011 of the 88  
Revised Code, a private nonprofit college or university located in 89  
this state that possesses a certificate of authorization issued by 90  
the Ohio board of regents pursuant to Chapter 1713. of the Revised 91  
Code, or a school certified under Chapter 3332. of the Revised 92  
Code. 93

(4) "Peace officer" has the same meaning as in section 94  
2935.01 of the Revised Code. 95

**Sec. 2907.06.** (A) No person shall have sexual contact with 96  
another, not the spouse of the offender; cause another, not the 97  
spouse of the offender, to have sexual contact with the offender; 98  
or cause two or more other persons to have sexual contact when any 99  
of the following applies: 100

(1) The offender knows that the sexual contact is offensive 101  
to the other person, or one of the other persons, or is reckless 102  
in that regard. 103

(2) The offender knows that the other person's, or one of the 104  
other person's, ability to appraise the nature of or control the 105  
offender's or touching person's conduct is substantially impaired. 106

(3) The offender knows that the other person, or one of the 107  
other persons, submits because of being unaware of the sexual 108

contact. 109

(4) The other person, or one of the other persons, is 110  
thirteen years of age or older but less than sixteen years of age, 111  
whether or not the offender knows the age of such person, and the 112  
offender is at least eighteen years of age and four or more years 113  
older than such other person. 114

(5) The offender is a mental health professional, the other 115  
person or one of the other persons is a mental health client or 116  
patient of the offender, and the offender induces the other person 117  
who is the client or patient to submit by falsely representing to 118  
the other person who is the client or patient that the sexual 119  
contact is necessary for mental health treatment purposes. 120

(6) The offender is a teacher, administrator, coach, or other 121  
person in authority employed by or serving in a school for which 122  
the state board of education prescribed minimum standards pursuant 123  
to division (D) of section 3301.07 of the Revised Code, the other 124  
person, or one of the other persons, is enrolled in or attends 125  
that school, and the offender is not enrolled in and does not 126  
attend that school. 127

(7) The other person is a minor, the offender is a teacher, 128  
administrator, coach, or other person in authority employed by or 129  
serving in an institution of higher education, and the other 130  
person is enrolled in or attends that institution. 131

(8) The other person is a minor, and the offender is the 132  
other person's athletic or other type of coach, is the other 133  
person's instructor, is the leader of a scouting troop of which 134  
the other person is a member, or is a person with temporary or 135  
occasional disciplinary control over the other person. 136

(B) No person shall be convicted of a violation of this 137  
section solely upon the victim's testimony unsupported by other 138  
evidence. 139

(C) Whoever violates this section is guilty of sexual 140  
imposition<sup>7</sup>. Except as otherwise provided in this division, a 141  
violation of division (A)(1), (2), (3), (4), or (5) of this 142  
section is a misdemeanor of the third degree. If the offender 143  
previously has been convicted of a violation of this section or of 144  
section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.12 of the 145  
Revised Code, a violation of division (A)(1), (2), (3), (4), or 146  
(5) of this section is a misdemeanor of the first degree. A 147  
violation of division (A)(6), (7), or (8) of this section is a 148  
felony of the fourth degree, and the court shall impose a 149  
mandatory prison term on the offender of three years. 150

**Sec. 2929.01.** As used in this chapter: 151

(A)(1) "Alternative residential facility" means, subject to 152  
division (A)(2) of this section, any facility other than an 153  
offender's home or residence in which an offender is assigned to 154  
live and that satisfies all of the following criteria: 155

(a) It provides programs through which the offender may seek 156  
or maintain employment or may receive education, training, 157  
treatment, or habilitation. 158

(b) It has received the appropriate license or certificate 159  
for any specialized education, training, treatment, habilitation, 160  
or other service that it provides from the government agency that 161  
is responsible for licensing or certifying that type of education, 162  
training, treatment, habilitation, or service. 163

(2) "Alternative residential facility" does not include a 164  
community-based correctional facility, jail, halfway house, or 165  
prison. 166

(B) "Basic probation supervision" means a requirement that 167  
the offender maintain contact with a person appointed to supervise 168  
the offender in accordance with sanctions imposed by the court or 169

imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(D) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.58 of the Revised Code.

(E) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

(F) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.

(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(J) "Drug and alcohol use monitoring" means a program under 201  
which an offender agrees to submit to random chemical analysis of 202  
the offender's blood, breath, or urine to determine whether the 203  
offender has ingested any alcohol or other drugs. 204

(K) "Drug treatment program" means any program under which a 205  
person undergoes assessment and treatment designed to reduce or 206  
completely eliminate the person's physical or emotional reliance 207  
upon alcohol, another drug, or alcohol and another drug and under 208  
which the person may be required to receive assessment and 209  
treatment on an outpatient basis or may be required to reside at a 210  
facility other than the person's home or residence while 211  
undergoing assessment and treatment. 212

(L) "Economic loss" means any economic detriment suffered by 213  
a victim as a direct and proximate result of the commission of an 214  
offense and includes any loss of income due to lost time at work 215  
because of any injury caused to the victim, and any property loss, 216  
medical cost, or funeral expense incurred as a result of the 217  
commission of the offense. "Economic loss" does not include 218  
non-economic loss or any punitive or exemplary damages. 219

(M) "Education or training" includes study at, or in 220  
conjunction with a program offered by, a university, college, or 221  
technical college or vocational study and also includes the 222  
completion of primary school, secondary school, and literacy 223  
curricula or their equivalent. 224

(N) "Firearm" has the same meaning as in section 2923.11 of 225  
the Revised Code. 226

(O) "Halfway house" means a facility licensed by the division 227  
of parole and community services of the department of 228  
rehabilitation and correction pursuant to section 2967.14 of the 229  
Revised Code as a suitable facility for the care and treatment of 230  
adult offenders. 231



(P) "House arrest" means a period of confinement of an 232  
offender that is in the offender's home or in other premises 233  
specified by the sentencing court or by the parole board pursuant 234  
to section 2967.28 of the Revised Code and during which all of the 235  
following apply: 236

(1) The offender is required to remain in the offender's home 237  
or other specified premises for the specified period of 238  
confinement, except for periods of time during which the offender 239  
is at the offender's place of employment or at other premises as 240  
authorized by the sentencing court or by the parole board. 241

(2) The offender is required to report periodically to a 242  
person designated by the court or parole board. 243

(3) The offender is subject to any other restrictions and 244  
requirements that may be imposed by the sentencing court or by the 245  
parole board. 246

(Q) "Intensive probation supervision" means a requirement 247  
that an offender maintain frequent contact with a person appointed 248  
by the court, or by the parole board pursuant to section 2967.28 249  
of the Revised Code, to supervise the offender while the offender 250  
is seeking or maintaining necessary employment and participating 251  
in training, education, and treatment programs as required in the 252  
court's or parole board's order. "Intensive probation supervision" 253  
includes intensive parole supervision and intensive post-release 254  
control supervision. 255

(R) "Jail" means a jail, workhouse, minimum security jail, or 256  
other residential facility used for the confinement of alleged or 257  
convicted offenders that is operated by a political subdivision or 258  
a combination of political subdivisions of this state. 259

(S) "Jail term" means the term in a jail that a sentencing 260  
court imposes or is authorized to impose pursuant to section 261  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 262

provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code, division (E) ~~or, (F), (G), or (H)~~ of section 2929.24 of the Revised Code, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor conviction.

(U) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(V) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended.

(W) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of crack cocaine; at least one thousand grams of cocaine that is not crack cocaine; at least two thousand five hundred unit doses or two hundred fifty grams of heroin; at least five thousand unit doses of L.S.D. or five hundred grams of

L.S.D. in a liquid concentrate, liquid extract, or liquid 295  
distillate form; or at least one hundred times the amount of any 296  
other schedule I or II controlled substance other than marihuana 297  
that is necessary to commit a felony of the third degree pursuant 298  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 299  
Code that is based on the possession of, sale of, or offer to sell 300  
the controlled substance. 301

(X) "Mandatory prison term" means any of the following: 302

(1) Subject to division (X)(2) of this section, the term in 303  
prison that must be imposed for the offenses or circumstances set 304  
forth in divisions (F)(1) to (8) or (F)(12) to ~~(18)~~(20) of section 305  
2929.13 and division (D) of section 2929.14 of the Revised Code. 306  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 307  
and 2925.11 of the Revised Code, unless the maximum or another 308  
specific term is required under section 2929.14 or 2929.142 of the 309  
Revised Code, a mandatory prison term described in this division 310  
may be any prison term authorized for the level of offense. 311

(2) The term of sixty or one hundred twenty days in prison 312  
that a sentencing court is required to impose for a third or 313  
fourth degree felony OVI offense pursuant to division (G)(2) of 314  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 315  
of the Revised Code or the term of one, two, three, four, or five 316  
years in prison that a sentencing court is required to impose 317  
pursuant to division (G)(2) of section 2929.13 of the Revised 318  
Code. 319

(3) The term in prison imposed pursuant to division (A) of 320  
section 2971.03 of the Revised Code for the offenses and in the 321  
circumstances described in division (F)(11) of section 2929.13 of 322  
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 323  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 324  
2971.03 of the Revised Code and that term as modified or 325  
terminated pursuant to section 2971.05 of the Revised Code. 326

(Y) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law-abiding life.

(Z) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.

(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.

(BB) "Prison term" includes either of the following sanctions for an offender:

(1) A stated prison term;

(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.

(CC) "Repeat violent offender" means a person about whom both of the following apply:

(1) The person is being sentenced for committing or for complicity in committing any of the following:

(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC)(1)(a) of this section.

(2) The person previously was convicted of or pleaded guilty

to an offense described in division (CC)(1)(a) or (b) of this 357  
section. 358

(DD) "Sanction" means any penalty imposed upon an offender 359  
who is convicted of or pleads guilty to an offense, as punishment 360  
for the offense. "Sanction" includes any sanction imposed pursuant 361  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 362  
2929.28 of the Revised Code. 363

(EE) "Sentence" means the sanction or combination of 364  
sanctions imposed by the sentencing court on an offender who is 365  
convicted of or pleads guilty to an offense. 366

(FF) "Stated prison term" means the prison term, mandatory 367  
prison term, or combination of all prison terms and mandatory 368  
prison terms imposed by the sentencing court pursuant to section 369  
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 370  
2919.25 of the Revised Code. "Stated prison term" includes any 371  
credit received by the offender for time spent in jail awaiting 372  
trial, sentencing, or transfer to prison for the offense and any 373  
time spent under house arrest or house arrest with electronic 374  
monitoring imposed after earning credits pursuant to section 375  
2967.193 of the Revised Code. 376

(GG) "Victim-offender mediation" means a reconciliation or 377  
mediation program that involves an offender and the victim of the 378  
offense committed by the offender and that includes a meeting in 379  
which the offender and the victim may discuss the offense, discuss 380  
restitution, and consider other sanctions for the offense. 381

(HH) "Fourth degree felony OVI offense" means a violation of 382  
division (A) of section 4511.19 of the Revised Code that, under 383  
division (G) of that section, is a felony of the fourth degree. 384

(II) "Mandatory term of local incarceration" means the term 385  
of sixty or one hundred twenty days in a jail, a community-based 386  
correctional facility, a halfway house, or an alternative 387

residential facility that a sentencing court may impose upon a 388  
person who is convicted of or pleads guilty to a fourth degree 389  
felony OVI offense pursuant to division (G)(1) of section 2929.13 390  
of the Revised Code and division (G)(1)(d) or (e) of section 391  
4511.19 of the Revised Code. 392

(JJ) "Designated homicide, assault, or kidnapping offense," 393  
"violent sex offense," "sexual motivation specification," 394  
"sexually violent offense," "sexually violent predator," and 395  
"sexually violent predator specification" have the same meanings 396  
as in section 2971.01 of the Revised Code. 397

(KK) "Sexually oriented offense," "child-victim oriented 398  
offense," and "tier III sex offender/child-victim offender," have 399  
the same meanings as in section 2950.01 of the Revised Code. 400

(LL) An offense is "committed in the vicinity of a child" if 401  
the offender commits the offense within thirty feet of or within 402  
the same residential unit as a child who is under eighteen years 403  
of age, regardless of whether the offender knows the age of the 404  
child or whether the offender knows the offense is being committed 405  
within thirty feet of or within the same residential unit as the 406  
child and regardless of whether the child actually views the 407  
commission of the offense. 408

(MM) "Family or household member" has the same meaning as in 409  
section 2919.25 of the Revised Code. 410

(NN) "Motor vehicle" and "manufactured home" have the same 411  
meanings as in section 4501.01 of the Revised Code. 412

(OO) "Detention" and "detention facility" have the same 413  
meanings as in section 2921.01 of the Revised Code. 414

(PP) "Third degree felony OVI offense" means a violation of 415  
division (A) of section 4511.19 of the Revised Code that, under 416  
division (G) of that section, is a felony of the third degree. 417

(QQ) "Random drug testing" has the same meaning as in section 418  
5120.63 of the Revised Code. 419

(RR) "Felony sex offense" has the same meaning as in section 420  
2967.28 of the Revised Code. 421

(SS) "Body armor" has the same meaning as in section 422  
2941.1411 of the Revised Code. 423

(TT) "Electronic monitoring" means monitoring through the use 424  
of an electronic monitoring device. 425

(UU) "Electronic monitoring device" means any of the 426  
following: 427

(1) Any device that can be operated by electrical or battery 428  
power and that conforms with all of the following: 429

(a) The device has a transmitter that can be attached to a 430  
person, that will transmit a specified signal to a receiver of the 431  
type described in division (UU)(1)(b) of this section if the 432  
transmitter is removed from the person, turned off, or altered in 433  
any manner without prior court approval in relation to electronic 434  
monitoring or without prior approval of the department of 435  
rehabilitation and correction in relation to the use of an 436  
electronic monitoring device for an inmate on transitional control 437  
or otherwise is tampered with, that can transmit continuously and 438  
periodically a signal to that receiver when the person is within a 439  
specified distance from the receiver, and that can transmit an 440  
appropriate signal to that receiver if the person to whom it is 441  
attached travels a specified distance from that receiver. 442

(b) The device has a receiver that can receive continuously 443  
the signals transmitted by a transmitter of the type described in 444  
division (UU)(1)(a) of this section, can transmit continuously 445  
those signals by a wireless or landline telephone connection to a 446  
central monitoring computer of the type described in division 447  
(UU)(1)(c) of this section, and can transmit continuously an 448

appropriate signal to that central monitoring computer if the 449  
device has been turned off or altered without prior court approval 450  
or otherwise tampered with. The device is designed specifically 451  
for use in electronic monitoring, is not a converted wireless 452  
phone or another tracking device that is clearly not designed for 453  
electronic monitoring, and provides a means of text-based or voice 454  
communication with the person. 455

(c) The device has a central monitoring computer that can 456  
receive continuously the signals transmitted by a wireless or 457  
landline telephone connection by a receiver of the type described 458  
in division (UU)(1)(b) of this section and can monitor 459  
continuously the person to whom an electronic monitoring device of 460  
the type described in division (UU)(1)(a) of this section is 461  
attached. 462

(2) Any device that is not a device of the type described in 463  
division (UU)(1) of this section and that conforms with all of the 464  
following: 465

(a) The device includes a transmitter and receiver that can 466  
monitor and determine the location of a subject person at any 467  
time, or at a designated point in time, through the use of a 468  
central monitoring computer or through other electronic means. 469

(b) The device includes a transmitter and receiver that can 470  
determine at any time, or at a designated point in time, through 471  
the use of a central monitoring computer or other electronic means 472  
the fact that the transmitter is turned off or altered in any 473  
manner without prior approval of the court in relation to the 474  
electronic monitoring or without prior approval of the department 475  
of rehabilitation and correction in relation to the use of an 476  
electronic monitoring device for an inmate on transitional control 477  
or otherwise is tampered with. 478

(3) Any type of technology that can adequately track or 479



determine the location of a subject person at any time and that is 480  
approved by the director of rehabilitation and correction, 481  
including, but not limited to, any satellite technology, voice 482  
tracking system, or retinal scanning system that is so approved. 483

(VV) "Non-economic loss" means nonpecuniary harm suffered by 484  
a victim of an offense as a result of or related to the commission 485  
of the offense, including, but not limited to, pain and suffering; 486  
loss of society, consortium, companionship, care, assistance, 487  
attention, protection, advice, guidance, counsel, instruction, 488  
training, or education; mental anguish; and any other intangible 489  
loss. 490

(WW) "Prosecutor" has the same meaning as in section 2935.01 491  
of the Revised Code. 492

(XX) "Continuous alcohol monitoring" means the ability to 493  
automatically test and periodically transmit alcohol consumption 494  
levels and tamper attempts at least every hour, regardless of the 495  
location of the person who is being monitored. 496

(YY) A person is "adjudicated a sexually violent predator" if 497  
the person is convicted of or pleads guilty to a violent sex 498  
offense and also is convicted of or pleads guilty to a sexually 499  
violent predator specification that was included in the 500  
indictment, count in the indictment, or information charging that 501  
violent sex offense or if the person is convicted of or pleads 502  
guilty to a designated homicide, assault, or kidnapping offense 503  
and also is convicted of or pleads guilty to both a sexual 504  
motivation specification and a sexually violent predator 505  
specification that were included in the indictment, count in the 506  
indictment, or information charging that designated homicide, 507  
assault, or kidnapping offense. 508

(ZZ) An offense is "committed in proximity to a school" if 509  
the offender commits the offense in a school safety zone or within 510

five hundred feet of any school building or the boundaries of any 511  
school premises, regardless of whether the offender knows the 512  
offense is being committed in a school safety zone or within five 513  
hundred feet of any school building or the boundaries of any 514  
school premises. 515

(AAA) "Human trafficking" means a scheme or plan to which all 516  
of the following apply: 517

(1) Its object is to compel a victim or victims to engage in 518  
sexual activity for hire, to engage in a performance that is 519  
obscene, sexually oriented, or nudity oriented, or to be a model 520  
or participant in the production of material that is obscene, 521  
sexually oriented, or nudity oriented. 522

(2) It involves at least two felony offenses, whether or not 523  
there has been a prior conviction for any of the felony offenses, 524  
to which all of the following apply: 525

(a) Each of the felony offenses is a violation of section 526  
2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or 527  
(2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) 528  
of section 2919.22 of the Revised Code or is a violation of a law 529  
of any state other than this state that is substantially similar 530  
to any of the sections or divisions of the Revised Code identified 531  
in this division. 532

(b) At least one of the felony offenses was committed in this 533  
state. 534

(c) The felony offenses are related to the same scheme or 535  
plan, are not isolated instances, and are not so closely related 536  
to each other and connected in time and place that they constitute 537  
a single event or transaction. 538

(BBB) "Material," "nudity," "obscene," "performance," and 539  
"sexual activity" have the same meanings as in section 2907.01 of 540  
the Revised Code. 541

(CCC) "Material that is obscene, sexually oriented, or nudity oriented" means any material that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity.

(DDD) "Performance that is obscene, sexually oriented, or nudity oriented" means any performance that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity.

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or (G) of this section and unless a specific sanction is required to be imposed or is precluded from being imposed pursuant to law, a court that imposes a sentence upon an offender for a felony may impose any sanction or combination of sanctions on the offender that are provided in sections 2929.14 to 2929.18 of the Revised Code. The sentence shall not impose an unnecessary burden on state or local government resources.

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

If the offender is being sentenced for a fourth degree felony

OVI offense or for a third degree felony OVI offense, in addition 573  
to the mandatory term of local incarceration or the mandatory 574  
prison term required for the offense by division (G)(1) or (2) of 575  
this section, the court shall impose upon the offender a mandatory 576  
fine in accordance with division (B)(3) of section 2929.18 of the 577  
Revised Code and may impose whichever of the following is 578  
applicable: 579

(1) For a fourth degree felony OVI offense for which sentence 580  
is imposed under division (G)(1) of this section, an additional 581  
community control sanction or combination of community control 582  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 583  
the court imposes upon the offender a community control sanction 584  
and the offender violates any condition of the community control 585  
sanction, the court may take any action prescribed in division (B) 586  
of section 2929.15 of the Revised Code relative to the offender, 587  
including imposing a prison term on the offender pursuant to that 588  
division. 589

(2) For a third or fourth degree felony OVI offense for which 590  
sentence is imposed under division (G)(2) of this section, an 591  
additional prison term as described in division (D)(4) of section 592  
2929.14 of the Revised Code or a community control sanction as 593  
described in division (G)(2) of this section. 594

(B)(1) Except as provided in division (B)(2), (E), (F), or 595  
(G) of this section, in sentencing an offender for a felony of the 596  
fourth or fifth degree, the sentencing court shall determine 597  
whether any of the following apply: 598

(a) In committing the offense, the offender caused physical 599  
harm to a person. 600

(b) In committing the offense, the offender attempted to 601  
cause or made an actual threat of physical harm to a person with a 602  
deadly weapon. 603

(c) In committing the offense, the offender attempted to 604  
cause or made an actual threat of physical harm to a person, and 605  
the offender previously was convicted of an offense that caused 606  
physical harm to a person. 607

(d) The offender held a public office or position of trust 608  
and the offense related to that office or position; the offender's 609  
position obliged the offender to prevent the offense or to bring 610  
those committing it to justice; or the offender's professional 611  
reputation or position facilitated the offense or was likely to 612  
influence the future conduct of others. 613

(e) The offender committed the offense for hire or as part of 614  
an organized criminal activity. 615

(f) The offense is a sex offense that is a fourth or fifth 616  
degree felony violation of section 2907.03, 2907.04, 2907.05, 617  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 618  
Revised Code. 619

(g) The offender at the time of the offense was serving, or 620  
the offender previously had served, a prison term. 621

(h) The offender committed the offense while under a 622  
community control sanction, while on probation, or while released 623  
from custody on a bond or personal recognizance. 624

(i) The offender committed the offense while in possession of 625  
a firearm. 626

(2)(a) If the court makes a finding described in division 627  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 628  
section and if the court, after considering the factors set forth 629  
in section 2929.12 of the Revised Code, finds that a prison term 630  
is consistent with the purposes and principles of sentencing set 631  
forth in section 2929.11 of the Revised Code and finds that the 632  
offender is not amenable to an available community control 633  
sanction, the court shall impose a prison term upon the offender. 634

(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

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

(2) Notwithstanding the presumption established under

division (D)(1) of this section for the offenses listed in that 667  
division other than a violation of division (A)(4) or (B) of 668  
section 2907.05 of the Revised Code, the sentencing court may 669  
impose a community control sanction or a combination of community 670  
control sanctions instead of a prison term on an offender for a 671  
felony of the first or second degree or for a felony drug offense 672  
that is a violation of any provision of Chapter 2925., 3719., or 673  
4729. of the Revised Code for which a presumption in favor of a 674  
prison term is specified as being applicable if it makes both of 675  
the following findings: 676

(a) A community control sanction or a combination of 677  
community control sanctions would adequately punish the offender 678  
and protect the public from future crime, because the applicable 679  
factors under section 2929.12 of the Revised Code indicating a 680  
lesser likelihood of recidivism outweigh the applicable factors 681  
under that section indicating a greater likelihood of recidivism. 682

(b) A community control sanction or a combination of 683  
community control sanctions would not demean the seriousness of 684  
the offense, because one or more factors under section 2929.12 of 685  
the Revised Code that indicate that the offender's conduct was 686  
less serious than conduct normally constituting the offense are 687  
applicable, and they outweigh the applicable factors under that 688  
section that indicate that the offender's conduct was more serious 689  
than conduct normally constituting the offense. 690

(E)(1) Except as provided in division (F) of this section, 691  
for any drug offense that is a violation of any provision of 692  
Chapter 2925. of the Revised Code and that is a felony of the 693  
third, fourth, or fifth degree, the applicability of a presumption 694  
under division (D) of this section in favor of a prison term or of 695  
division (B) or (C) of this section in determining whether to 696  
impose a prison term for the offense shall be determined as 697  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 698

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

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

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

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by section 3793.02 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of treatment and recovery support services providers.



(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20 or 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following applies:

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(ii) The offense is a violation of division (A)(7), (8), or (9) of section 2907.03 of the Revised Code that was committed on or after August 3, 2006, and prior to the effective date of this amendment, or the offense is a violation of any other division of section 2907.03 of the Revised Code that was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

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

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if

the offender previously was convicted of or pleaded guilty to any 792  
of the following offenses: 793

(a) Aggravated murder, murder, involuntary manslaughter, 794  
rape, felonious sexual penetration as it existed under section 795  
2907.12 of the Revised Code prior to September 3, 1996, a felony 796  
of the first or second degree that resulted in the death of a 797  
person or in physical harm to a person, or complicity in or an 798  
attempt to commit any of those offenses; 799

(b) An offense under an existing or former law of this state, 800  
another state, or the United States that is or was substantially 801  
equivalent to an offense listed in division (F)(7)(a) of this 802  
section that resulted in the death of a person or in physical harm 803  
to a person. 804

(8) Any offense, other than a violation of section 2923.12 of 805  
the Revised Code, that is a felony, if the offender had a firearm 806  
on or about the offender's person or under the offender's control 807  
while committing the felony, with respect to a portion of the 808  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 809  
of the Revised Code for having the firearm; 810

(9) Any offense of violence that is a felony, if the offender 811  
wore or carried body armor while committing the felony offense of 812  
violence, with respect to the portion of the sentence imposed 813  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 814  
Code for wearing or carrying the body armor; 815

(10) Corrupt activity in violation of section 2923.32 of the 816  
Revised Code when the most serious offense in the pattern of 817  
corrupt activity that is the basis of the offense is a felony of 818  
the first degree; 819

(11) Any violent sex offense or designated homicide, assault, 820  
or kidnapping offense if, in relation to that offense, the 821  
offender is adjudicated a sexually violent predator; 822

(12) A violation of division (A)(1) or (2) of section 2921.36 823  
of the Revised Code, or a violation of division (C) of that 824  
section involving an item listed in division (A)(1) or (2) of that 825  
section, if the offender is an officer or employee of the 826  
department of rehabilitation and correction; 827

(13) A violation of division (A)(1) or (2) of section 2903.06 828  
of the Revised Code if the victim of the offense is a peace 829  
officer, as defined in section 2935.01 of the Revised Code, or an 830  
investigator of the bureau of criminal identification and 831  
investigation, as defined in section 2903.11 of the Revised Code, 832  
with respect to the portion of the sentence imposed pursuant to 833  
division (D)(5) of section 2929.14 of the Revised Code; 834

(14) A violation of division (A)(1) or (2) of section 2903.06 835  
of the Revised Code if the offender has been convicted of or 836  
pleaded guilty to three or more violations of division (A) or (B) 837  
of section 4511.19 of the Revised Code or an equivalent offense, 838  
as defined in section 2941.1415 of the Revised Code, or three or 839  
more violations of any combination of those divisions and 840  
offenses, with respect to the portion of the sentence imposed 841  
pursuant to division (D)(6) of section 2929.14 of the Revised 842  
Code; 843

(15) Kidnapping, in the circumstances specified in section 844  
2971.03 of the Revised Code and when no other provision of 845  
division (F) of this section applies; 846

(16) Kidnapping, abduction, compelling prostitution, 847  
promoting prostitution, engaging in a pattern of corrupt activity, 848  
illegal use of a minor in a nudity-oriented material or 849  
performance in violation of division (A)(1) or (2) of section 850  
2907.323 of the Revised Code, or endangering children in violation 851  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 852  
the Revised Code, if the offender is convicted of or pleads guilty 853  
to a specification as described in section 2941.1422 of the 854

Revised Code that was included in the indictment, count in the indictment, or information charging the offense;

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

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

(19) A felony violation of division (A)(7), (8), or (9) of section 2907.03 or of division (A)(6), (7), or (8) of section 2907.06 of the Revised Code, if division (B)(2) or (3) of section 2907.03 or division (C) of section 2907.06 of the Revised Code requires the imposition of a prison term;

(20) A felony violation of section 2907.04, 2907.05, 2907.07, or 2919.22 of the Revised Code, if the victim was in any circumstance specified in division (A)(1), (2), or (3) of section 2941.1424 of the Revised Code and the offender had the type of authority or disciplinary control specified in that division relative to the victim, with respect to the three-year mandatory prison term imposed pursuant to division (D)(9) of section 2929.14 of the Revised Code.

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

(1) If the offender is being sentenced for a fourth degree

felony OVI offense and if the offender has not been convicted of 886  
and has not pleaded guilty to a specification of the type 887  
described in section 2941.1413 of the Revised Code, the court may 888  
impose upon the offender a mandatory term of local incarceration 889  
of sixty days or one hundred twenty days as specified in division 890  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 891  
not reduce the term pursuant to section 2929.20, 2967.193, or any 892  
other provision of the Revised Code. The court that imposes a 893  
mandatory term of local incarceration under this division shall 894  
specify whether the term is to be served in a jail, a 895  
community-based correctional facility, a halfway house, or an 896  
alternative residential facility, and the offender shall serve the 897  
term in the type of facility specified by the court. A mandatory 898  
term of local incarceration imposed under division (G)(1) of this 899  
section is not subject to any other Revised Code provision that 900  
pertains to a prison term except as provided in division (A)(1) of 901  
this section. 902

(2) If the offender is being sentenced for a third degree 903  
felony OVI offense, or if the offender is being sentenced for a 904  
fourth degree felony OVI offense and the court does not impose a 905  
mandatory term of local incarceration under division (G)(1) of 906  
this section, the court shall impose upon the offender a mandatory 907  
prison term of one, two, three, four, or five years if the 908  
offender also is convicted of or also pleads guilty to a 909  
specification of the type described in section 2941.1413 of the 910  
Revised Code or shall impose upon the offender a mandatory prison 911  
term of sixty days or one hundred twenty days as specified in 912  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 913  
if the offender has not been convicted of and has not pleaded 914  
guilty to a specification of that type. The court shall not reduce 915  
the term pursuant to section 2929.20, 2967.193, or any other 916  
provision of the Revised Code. The offender shall serve the one-, 917  
two-, three-, four-, or five-year mandatory prison term 918

consecutively to and prior to the prison term imposed for the 919  
underlying offense and consecutively to any other mandatory prison 920  
term imposed in relation to the offense. In no case shall an 921  
offender who once has been sentenced to a mandatory term of local 922  
incarceration pursuant to division (G)(1) of this section for a 923  
fourth degree felony OVI offense be sentenced to another mandatory 924  
term of local incarceration under that division for any violation 925  
of division (A) of section 4511.19 of the Revised Code. In 926  
addition to the mandatory prison term described in division (G)(2) 927  
of this section, the court may sentence the offender to a 928  
community control sanction under section 2929.16 or 2929.17 of the 929  
Revised Code, but the offender shall serve the prison term prior 930  
to serving the community control sanction. The department of 931  
rehabilitation and correction may place an offender sentenced to a 932  
mandatory prison term under this division in an intensive program 933  
prison established pursuant to section 5120.033 of the Revised 934  
Code if the department gave the sentencing judge prior notice of 935  
its intent to place the offender in an intensive program prison 936  
established under that section and if the judge did not notify the 937  
department that the judge disapproved the placement. Upon the 938  
establishment of the initial intensive program prison pursuant to 939  
section 5120.033 of the Revised Code that is privately operated 940  
and managed by a contractor pursuant to a contract entered into 941  
under section 9.06 of the Revised Code, both of the following 942  
apply: 943

(a) The department of rehabilitation and correction shall 944  
make a reasonable effort to ensure that a sufficient number of 945  
offenders sentenced to a mandatory prison term under this division 946  
are placed in the privately operated and managed prison so that 947  
the privately operated and managed prison has full occupancy. 948

(b) Unless the privately operated and managed prison has full 949  
occupancy, the department of rehabilitation and correction shall 950

not place any offender sentenced to a mandatory prison term under 951  
this division in any intensive program prison established pursuant 952  
to section 5120.033 of the Revised Code other than the privately 953  
operated and managed prison. 954

(H) If an offender is being sentenced for a sexually oriented 955  
offense or child-victim oriented offense that is a felony 956  
committed on or after January 1, 1997, the judge shall require the 957  
offender to submit to a DNA specimen collection procedure pursuant 958  
to section 2901.07 of the Revised Code. 959

(I) If an offender is being sentenced for a sexually oriented 960  
offense or a child-victim oriented offense committed on or after 961  
January 1, 1997, the judge shall include in the sentence a summary 962  
of the offender's duties imposed under sections 2950.04, 2950.041, 963  
2950.05, and 2950.06 of the Revised Code and the duration of the 964  
duties. The judge shall inform the offender, at the time of 965  
sentencing, of those duties and of their duration. If required 966  
under division (A)(2) of section 2950.03 of the Revised Code, the 967  
judge shall perform the duties specified in that section, or, if 968  
required under division (A)(6) of section 2950.03 of the Revised 969  
Code, the judge shall perform the duties specified in that 970  
division. 971

(J)(1) Except as provided in division (J)(2) of this section, 972  
when considering sentencing factors under this section in relation 973  
to an offender who is convicted of or pleads guilty to an attempt 974  
to commit an offense in violation of section 2923.02 of the 975  
Revised Code, the sentencing court shall consider the factors 976  
applicable to the felony category of the violation of section 977  
2923.02 of the Revised Code instead of the factors applicable to 978  
the felony category of the offense attempted. 979

(2) When considering sentencing factors under this section in 980  
relation to an offender who is convicted of or pleads guilty to an 981  
attempt to commit a drug abuse offense for which the penalty is 982



determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section, "drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

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

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (D)(9), (G), (I), (J), or (L) of this section, in division (C) of section 2907.06 of the Revised Code, or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

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

(2) For a felony of the second degree, the prison term shall 1014  
be two, three, four, five, six, seven, or eight years. 1015

(3) For a felony of the third degree, the prison term shall 1016  
be one, two, three, four, or five years. 1017

(4) For a felony of the fourth degree, the prison term shall 1018  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1019  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1020

(5) For a felony of the fifth degree, the prison term shall 1021  
be six, seven, eight, nine, ten, eleven, or twelve months. 1022

(B) Except as provided in division (C), (D)(1), (D)(2), 1023  
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), (D)(9), (G), (I), (J), or 1024  
(L) of this section, in section 2907.02, 2907.03, 2907.05, 1025  
2907.06, or 2919.25 of the Revised Code, or in Chapter 2925. of 1026  
the Revised Code, if the court imposing a sentence upon an 1027  
offender for a felony elects or is required to impose a prison 1028  
term on the offender, the court shall impose the shortest prison 1029  
term authorized for the offense pursuant to division (A) of this 1030  
section, unless one or more of the following applies: 1031

(1) The offender was serving a prison term at the time of the 1032  
offense, or the offender previously had served a prison term. 1033

(2) The court finds on the record that the shortest prison 1034  
term will demean the seriousness of the offender's conduct or will 1035  
not adequately protect the public from future crime by the 1036  
offender or others. 1037

(C) Except as provided in division (D)(7), (D)(8), (D)(9), 1038  
(G), or (L) of this section, in section 2907.03, 2907.06, or 1039  
2919.25 of the Revised Code, or in Chapter 2925. of the Revised 1040  
Code, the court imposing a sentence upon an offender for a felony 1041  
may impose the longest prison term authorized for the offense 1042  
pursuant to division (A) of this section only upon offenders who 1043  
committed the worst forms of the offense, upon offenders who pose 1044

the greatest likelihood of committing future crimes, upon certain 1045  
major drug offenders under division (D)(3) of this section, and 1046  
upon certain repeat violent offenders in accordance with division 1047  
(D)(2) of this section. 1048

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1049  
section, if an offender who is convicted of or pleads guilty to a 1050  
felony also is convicted of or pleads guilty to a specification of 1051  
the type described in section 2941.141, 2941.144, or 2941.145 of 1052  
the Revised Code, the court shall impose on the offender one of 1053  
the following prison terms: 1054

(i) A prison term of six years if the specification is of the 1055  
type described in section 2941.144 of the Revised Code that 1056  
charges the offender with having a firearm that is an automatic 1057  
firearm or that was equipped with a firearm muffler or silencer on 1058  
or about the offender's person or under the offender's control 1059  
while committing the felony; 1060

(ii) A prison term of three years if the specification is of 1061  
the type described in section 2941.145 of the Revised Code that 1062  
charges the offender with having a firearm on or about the 1063  
offender's person or under the offender's control while committing 1064  
the offense and displaying the firearm, brandishing the firearm, 1065  
indicating that the offender possessed the firearm, or using it to 1066  
facilitate the offense; 1067

(iii) A prison term of one year if the specification is of 1068  
the type described in section 2941.141 of the Revised Code that 1069  
charges the offender with having a firearm on or about the 1070  
offender's person or under the offender's control while committing 1071  
the felony. 1072

(b) If a court imposes a prison term on an offender under 1073  
division (D)(1)(a) of this section, the prison term shall not be 1074  
reduced pursuant to section 2929.20, section 2967.193, or any 1075

other provision of Chapter 2967. or Chapter 5120. of the Revised 1076  
Code. Except as provided in division (D)(1)(g) of this section, a 1077  
court shall not impose more than one prison term on an offender 1078  
under division (D)(1)(a) of this section for felonies committed as 1079  
part of the same act or transaction. 1080

(c) Except as provided in division (D)(1)(e) of this section, 1081  
if an offender who is convicted of or pleads guilty to a violation 1082  
of section 2923.161 of the Revised Code or to a felony that 1083  
includes, as an essential element, purposely or knowingly causing 1084  
or attempting to cause the death of or physical harm to another, 1085  
also is convicted of or pleads guilty to a specification of the 1086  
type described in section 2941.146 of the Revised Code that 1087  
charges the offender with committing the offense by discharging a 1088  
firearm from a motor vehicle other than a manufactured home, the 1089  
court, after imposing a prison term on the offender for the 1090  
violation of section 2923.161 of the Revised Code or for the other 1091  
felony offense under division (A), (D)(2), or (D)(3) of this 1092  
section, shall impose an additional prison term of five years upon 1093  
the offender that shall not be reduced pursuant to section 1094  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1095  
or Chapter 5120. of the Revised Code. A court shall not impose 1096  
more than one additional prison term on an offender under division 1097  
(D)(1)(c) of this section for felonies committed as part of the 1098  
same act or transaction. If a court imposes an additional prison 1099  
term on an offender under division (D)(1)(c) of this section 1100  
relative to an offense, the court also shall impose a prison term 1101  
under division (D)(1)(a) of this section relative to the same 1102  
offense, provided the criteria specified in that division for 1103  
imposing an additional prison term are satisfied relative to the 1104  
offender and the offense. 1105

(d) If an offender who is convicted of or pleads guilty to an 1106  
offense of violence that is a felony also is convicted of or 1107

pleads guilty to a specification of the type described in section 1108  
2941.1411 of the Revised Code that charges the offender with 1109  
wearing or carrying body armor while committing the felony offense 1110  
of violence, the court shall impose on the offender a prison term 1111  
of two years. The prison term so imposed shall not be reduced 1112  
pursuant to section 2929.20, section 2967.193, or any other 1113  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1114  
court shall not impose more than one prison term on an offender 1115  
under division (D)(1)(d) of this section for felonies committed as 1116  
part of the same act or transaction. If a court imposes an 1117  
additional prison term under division (D)(1)(a) or (c) of this 1118  
section, the court is not precluded from imposing an additional 1119  
prison term under division (D)(1)(d) of this section. 1120

(e) The court shall not impose any of the prison terms 1121  
described in division (D)(1)(a) of this section or any of the 1122  
additional prison terms described in division (D)(1)(c) of this 1123  
section upon an offender for a violation of section 2923.12 or 1124  
2923.123 of the Revised Code. The court shall not impose any of 1125  
the prison terms described in division (D)(1)(a) or (b) of this 1126  
section upon an offender for a violation of section 2923.122 that 1127  
involves a deadly weapon that is a firearm other than a dangerous 1128  
ordnance, section 2923.16, or section 2923.121 of the Revised 1129  
Code. The court shall not impose any of the prison terms described 1130  
in division (D)(1)(a) of this section or any of the additional 1131  
prison terms described in division (D)(1)(c) of this section upon 1132  
an offender for a violation of section 2923.13 of the Revised Code 1133  
unless all of the following apply: 1134

(i) The offender previously has been convicted of aggravated 1135  
murder, murder, or any felony of the first or second degree. 1136

(ii) Less than five years have passed since the offender was 1137  
released from prison or post-release control, whichever is later, 1138  
for the prior offense. 1139

(f) If an offender is convicted of or pleads guilty to a 1140  
felony that includes, as an essential element, causing or 1141  
attempting to cause the death of or physical harm to another and 1142  
also is convicted of or pleads guilty to a specification of the 1143  
type described in section 2941.1412 of the Revised Code that 1144  
charges the offender with committing the offense by discharging a 1145  
firearm at a peace officer as defined in section 2935.01 of the 1146  
Revised Code or a corrections officer, as defined in section 1147  
2941.1412 of the Revised Code, the court, after imposing a prison 1148  
term on the offender for the felony offense under division (A), 1149  
(D)(2), or (D)(3) of this section, shall impose an additional 1150  
prison term of seven years upon the offender that shall not be 1151  
reduced pursuant to section 2929.20, section 2967.193, or any 1152  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1153  
Code. If an offender is convicted of or pleads guilty to two or 1154  
more felonies that include, as an essential element, causing or 1155  
attempting to cause the death or physical harm to another and also 1156  
is convicted of or pleads guilty to a specification of the type 1157  
described under division (D)(1)(f) of this section in connection 1158  
with two or more of the felonies of which the offender is 1159  
convicted or to which the offender pleads guilty, the sentencing 1160  
court shall impose on the offender the prison term specified under 1161  
division (D)(1)(f) of this section for each of two of the 1162  
specifications of which the offender is convicted or to which the 1163  
offender pleads guilty and, in its discretion, also may impose on 1164  
the offender the prison term specified under that division for any 1165  
or all of the remaining specifications. If a court imposes an 1166  
additional prison term on an offender under division (D)(1)(f) of 1167  
this section relative to an offense, the court shall not impose a 1168  
prison term under division (D)(1)(a) or (c) of this section 1169  
relative to the same offense. 1170

(g) If an offender is convicted of or pleads guilty to two or 1171  
more felonies, if one or more of those felonies is aggravated 1172

murder, murder, attempted aggravated murder, attempted murder, 1173  
aggravated robbery, felonious assault, or rape, and if the 1174  
offender is convicted of or pleads guilty to a specification of 1175  
the type described under division (D)(1)(a) of this section in 1176  
connection with two or more of the felonies, the sentencing court 1177  
shall impose on the offender the prison term specified under 1178  
division (D)(1)(a) of this section for each of the two most 1179  
serious specifications of which the offender is convicted or to 1180  
which the offender pleads guilty and, in its discretion, also may 1181  
impose on the offender the prison term specified under that 1182  
division for any or all of the remaining specifications. 1183

(2)(a) If division (D)(2)(b) of this section does not apply, 1184  
the court may impose on an offender, in addition to the longest 1185  
prison term authorized or required for the offense, an additional 1186  
definite prison term of one, two, three, four, five, six, seven, 1187  
eight, nine, or ten years if all of the following criteria are 1188  
met: 1189

(i) The offender is convicted of or pleads guilty to a 1190  
specification of the type described in section 2941.149 of the 1191  
Revised Code that the offender is a repeat violent offender. 1192

(ii) The offense of which the offender currently is convicted 1193  
or to which the offender currently pleads guilty is aggravated 1194  
murder and the court does not impose a sentence of death or life 1195  
imprisonment without parole, murder, terrorism and the court does 1196  
not impose a sentence of life imprisonment without parole, any 1197  
felony of the first degree that is an offense of violence and the 1198  
court does not impose a sentence of life imprisonment without 1199  
parole, or any felony of the second degree that is an offense of 1200  
violence and the trier of fact finds that the offense involved an 1201  
attempt to cause or a threat to cause serious physical harm to a 1202  
person or resulted in serious physical harm to a person. 1203

(iii) The court imposes the longest prison term for the 1204

offense that is not life imprisonment without parole. 1205

(iv) The court finds that the prison terms imposed pursuant 1206  
to division (D)(2)(a)(iii) of this section and, if applicable, 1207  
division (D)(1) or (3) of this section are inadequate to punish 1208  
the offender and protect the public from future crime, because the 1209  
applicable factors under section 2929.12 of the Revised Code 1210  
indicating a greater likelihood of recidivism outweigh the 1211  
applicable factors under that section indicating a lesser 1212  
likelihood of recidivism. 1213

(v) The court finds that the prison terms imposed pursuant to 1214  
division (D)(2)(a)(iii) of this section and, if applicable, 1215  
division (D)(1) or (3) of this section are demeaning to the 1216  
seriousness of the offense, because one or more of the factors 1217  
under section 2929.12 of the Revised Code indicating that the 1218  
offender's conduct is more serious than conduct normally 1219  
constituting the offense are present, and they outweigh the 1220  
applicable factors under that section indicating that the 1221  
offender's conduct is less serious than conduct normally 1222  
constituting the offense. 1223

(b) The court shall impose on an offender the longest prison 1224  
term authorized or required for the offense and shall impose on 1225  
the offender an additional definite prison term of one, two, 1226  
three, four, five, six, seven, eight, nine, or ten years if all of 1227  
the following criteria are met: 1228

(i) The offender is convicted of or pleads guilty to a 1229  
specification of the type described in section 2941.149 of the 1230  
Revised Code that the offender is a repeat violent offender. 1231

(ii) The offender within the preceding twenty years has been 1232  
convicted of or pleaded guilty to three or more offenses described 1233  
in division (CC)(1) of section 2929.01 of the Revised Code, 1234  
including all offenses described in that division of which the 1235



offender is convicted or to which the offender pleads guilty in 1236  
the current prosecution and all offenses described in that 1237  
division of which the offender previously has been convicted or to 1238  
which the offender previously pleaded guilty, whether prosecuted 1239  
together or separately. 1240

(iii) The offense or offenses of which the offender currently 1241  
is convicted or to which the offender currently pleads guilty is 1242  
aggravated murder and the court does not impose a sentence of 1243  
death or life imprisonment without parole, murder, terrorism and 1244  
the court does not impose a sentence of life imprisonment without 1245  
parole, any felony of the first degree that is an offense of 1246  
violence and the court does not impose a sentence of life 1247  
imprisonment without parole, or any felony of the second degree 1248  
that is an offense of violence and the trier of fact finds that 1249  
the offense involved an attempt to cause or a threat to cause 1250  
serious physical harm to a person or resulted in serious physical 1251  
harm to a person. 1252

(c) For purposes of division (D)(2)(b) of this section, two 1253  
or more offenses committed at the same time or as part of the same 1254  
act or event shall be considered one offense, and that one offense 1255  
shall be the offense with the greatest penalty. 1256

(d) A sentence imposed under division (D)(2)(a) or (b) of 1257  
this section shall not be reduced pursuant to section 2929.20 or 1258  
section 2967.193, or any other provision of Chapter 2967. or 1259  
Chapter 5120. of the Revised Code. The offender shall serve an 1260  
additional prison term imposed under this section consecutively to 1261  
and prior to the prison term imposed for the underlying offense. 1262

(e) When imposing a sentence pursuant to division (D)(2)(a) 1263  
or (b) of this section, the court shall state its findings 1264  
explaining the imposed sentence. 1265

(3)(a) Except when an offender commits a violation of section 1266

2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1267  
the violation is life imprisonment or commits a violation of 1268  
section 2903.02 of the Revised Code, if the offender commits a 1269  
violation of section 2925.03 or 2925.11 of the Revised Code and 1270  
that section classifies the offender as a major drug offender and 1271  
requires the imposition of a ten-year prison term on the offender, 1272  
if the offender commits a felony violation of section 2925.02, 1273  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1274  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1275  
division (C) of section 4729.51, or division (J) of section 1276  
4729.54 of the Revised Code that includes the sale, offer to sell, 1277  
or possession of a schedule I or II controlled substance, with the 1278  
exception of marihuana, and the court imposing sentence upon the 1279  
offender finds that the offender is guilty of a specification of 1280  
the type described in section 2941.1410 of the Revised Code 1281  
charging that the offender is a major drug offender, if the court 1282  
imposing sentence upon an offender for a felony finds that the 1283  
offender is guilty of corrupt activity with the most serious 1284  
offense in the pattern of corrupt activity being a felony of the 1285  
first degree, or if the offender is guilty of an attempted 1286  
violation of section 2907.02 of the Revised Code and, had the 1287  
offender completed the violation of section 2907.02 of the Revised 1288  
Code that was attempted, the offender would have been subject to a 1289  
sentence of life imprisonment or life imprisonment without parole 1290  
for the violation of section 2907.02 of the Revised Code, the 1291  
court shall impose upon the offender for the felony violation a 1292  
ten-year prison term that cannot be reduced pursuant to section 1293  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1294

(b) The court imposing a prison term on an offender under 1295  
division (D)(3)(a) of this section may impose an additional prison 1296  
term of one, two, three, four, five, six, seven, eight, nine, or 1297  
ten years, if the court, with respect to the term imposed under 1298  
division (D)(3)(a) of this section and, if applicable, divisions 1299

(D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(a)(iv) and (v) of this section.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, 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 1332  
OVI offense under division (G)(1) of section 2929.13 of the 1333  
Revised Code and the court imposes a mandatory term of local 1334  
incarceration, the court may impose a prison term as described in 1335  
division (A)(1) of that section. 1336

(5) If an offender is convicted of or pleads guilty to a 1337  
violation of division (A)(1) or (2) of section 2903.06 of the 1338  
Revised Code and also is convicted of or pleads guilty to a 1339  
specification of the type described in section 2941.1414 of the 1340  
Revised Code that charges that the victim of the offense is a 1341  
peace officer, as defined in section 2935.01 of the Revised Code, 1342  
or an investigator of the bureau of criminal identification and 1343  
investigation, as defined in section 2903.11 of the Revised Code, 1344  
the court shall impose on the offender a prison term of five 1345  
years. If a court imposes a prison term on an offender under 1346  
division (D)(5) of this section, the prison term shall not be 1347  
reduced pursuant to section 2929.20, section 2967.193, or any 1348  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1349  
Code. A court shall not impose more than one prison term on an 1350  
offender under division (D)(5) of this section for felonies 1351  
committed as part of the same act. 1352

(6) If an offender is convicted of or pleads guilty to a 1353  
violation of division (A)(1) or (2) of section 2903.06 of the 1354  
Revised Code and also is convicted of or pleads guilty to a 1355  
specification of the type described in section 2941.1415 of the 1356  
Revised Code that charges that the offender previously has been 1357  
convicted of or pleaded guilty to three or more violations of 1358  
division (A) or (B) of section 4511.19 of the Revised Code or an 1359  
equivalent offense, as defined in section 2941.1415 of the Revised 1360  
Code, or three or more violations of any combination of those 1361  
divisions and offenses, the court shall impose on the offender a 1362  
prison term of three years. If a court imposes a prison term on an 1363

offender under division (D)(6) of this section, the prison term 1364  
shall not be reduced pursuant to section 2929.20, section 1365  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1366  
of the Revised Code. A court shall not impose more than one prison 1367  
term on an offender under division (D)(6) of this section for 1368  
felonies committed as part of the same act. 1369

(7)(a) If an offender is convicted of or pleads guilty to a 1370  
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1371  
2923.32, division (A)(1) or (2) of section 2907.323, or division 1372  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 1373  
Code and also is convicted of or pleads guilty to a specification 1374  
of the type described in section 2941.1422 of the Revised Code 1375  
that charges that the offender knowingly committed the offense in 1376  
furtherance of human trafficking, the court shall impose on the 1377  
offender a mandatory prison term that is one of the following: 1378

(i) If the offense is a felony of the first degree, a 1379  
definite prison term of not less than five years and not greater 1380  
than ten years; 1381

(ii) If the offense is a felony of the second or third 1382  
degree, a definite prison term of not less than three years and 1383  
not greater than the maximum prison term allowed for the offense 1384  
by division (A) of section 2929.14 of the Revised Code; 1385

(iii) If the offense is a felony of the fourth or fifth 1386  
degree, a definite prison term that is the maximum prison term 1387  
allowed for the offense by division (A) of section 2929.14 of the 1388  
Revised Code. 1389

(b) The prison term imposed under division (D)(7)(a) of this 1390  
section shall not be reduced pursuant to section 2929.20, section 1391  
2967.193, or any other provision of Chapter 2967. of the Revised 1392  
Code. A court shall not impose more than one prison term on an 1393  
offender under division (D)(7)(a) of this section for felonies 1394

committed as part of the same act, scheme, or plan. 1395

(8) If an offender is convicted of or pleads guilty to a 1396  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1397  
Revised Code and also is convicted of or pleads guilty to a 1398  
specification of the type described in section 2941.1423 of the 1399  
Revised Code that charges that the victim of the violation was a 1400  
woman whom the offender knew was pregnant at the time of the 1401  
violation, notwithstanding the range of prison terms prescribed in 1402  
division (A) of this section for felonies of the same degree as 1403  
the violation, the court shall impose on the offender a mandatory 1404  
prison term that is either a definite prison term of six months or 1405  
one of the prison terms prescribed in section 2929.14 of the 1406  
Revised Code for felonies of the same degree as the violation. 1407

(9) If an offender is convicted of or pleads guilty to a 1408  
felony violation of section 2907.04, 2907.05, 2907.07, or 2919.22 1409  
of the Revised Code and also is convicted of or pleads guilty to a 1410  
specification of the type described in section 2941.1424 of the 1411  
Revised Code that charges that the victim was in any circumstance 1412  
specified in division (A)(1), (2), or (3) of that section and that 1413  
the offender had the type of authority or disciplinary control 1414  
specified in that division relative to the victim, the court shall 1415  
impose upon the offender a mandatory prison term of three years. 1416  
If a court imposes a prison term on an offender under division 1417  
(D)(9) of this section, the prison term shall not be reduced 1418  
pursuant to section 2929.20, section 2967.193, or any other 1419  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1420  
court shall not impose more than one prison term on an offender 1421  
under division (D)(9) of this section for felonies committed as 1422  
part of the same act. 1423

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1424  
mandatory prison term is imposed upon an offender pursuant to 1425  
division (D)(1)(a) of this section for having a firearm on or 1426

about the offender's person or under the offender's control while 1427  
committing a felony, if a mandatory prison term is imposed upon an 1428  
offender pursuant to division (D)(1)(c) of this section for 1429  
committing a felony specified in that division by discharging a 1430  
firearm from a motor vehicle, or if both types of mandatory prison 1431  
terms are imposed, the offender shall serve any mandatory prison 1432  
term imposed under either division consecutively to any other 1433  
mandatory prison term imposed under either division or under 1434  
division (D)(1)(d) of this section, consecutively to and prior to 1435  
any prison term imposed for the underlying felony pursuant to 1436  
division (A), (D)(2), or (D)(3) of this section or any other 1437  
section of the Revised Code, and consecutively to any other prison 1438  
term or mandatory prison term previously or subsequently imposed 1439  
upon the offender. 1440

(b) If a mandatory prison term is imposed upon an offender 1441  
pursuant to division (D)(1)(d) of this section for wearing or 1442  
carrying body armor while committing an offense of violence that 1443  
is a felony, the offender shall serve the mandatory term so 1444  
imposed consecutively to any other mandatory prison term imposed 1445  
under that division or under division (D)(1)(a) or (c) of this 1446  
section, consecutively to and prior to any prison term imposed for 1447  
the underlying felony under division (A), (D)(2), or (D)(3) of 1448  
this section or any other section of the Revised Code, and 1449  
consecutively to any other prison term or mandatory prison term 1450  
previously or subsequently imposed upon the offender. 1451

(c) If a mandatory prison term is imposed upon an offender 1452  
pursuant to division (D)(1)(f) of this section, the offender shall 1453  
serve the mandatory prison term so imposed consecutively to and 1454  
prior to any prison term imposed for the underlying felony under 1455  
division (A), (D)(2), or (D)(3) of this section or any other 1456  
section of the Revised Code, and consecutively to any other prison 1457  
term or mandatory prison term previously or subsequently imposed 1458

upon the offender. 1459

(d) If a mandatory prison term is imposed upon an offender 1460  
pursuant to division (D)(7) or (8) of this section, the offender 1461  
shall serve the mandatory prison term so imposed consecutively to 1462  
any other mandatory prison term imposed under that division or 1463  
under any other provision of law and consecutively to any other 1464  
prison term or mandatory prison term previously or subsequently 1465  
imposed upon the offender. 1466

(e) An offender shall serve a mandatory prison term imposed 1467  
pursuant to division (D)(9) of this section consecutively to any 1468  
other mandatory prison term imposed under that division, 1469  
consecutively to and prior to any prison term imposed for the 1470  
underlying felony under division (A) or (D)(2) or (3) of this 1471  
section or any other section of the Revised Code, and 1472  
consecutively to any other prison term or mandatory prison term 1473  
previously or subsequently imposed upon the offender. 1474

(2) If an offender who is an inmate in a jail, prison, or 1475  
other residential detention facility violates section 2917.02, 1476  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1477  
who is under detention at a detention facility commits a felony 1478  
violation of section 2923.131 of the Revised Code, or if an 1479  
offender who is an inmate in a jail, prison, or other residential 1480  
detention facility or is under detention at a detention facility 1481  
commits another felony while the offender is an escapee in 1482  
violation of section 2921.34 of the Revised Code, any prison term 1483  
imposed upon the offender for one of those violations shall be 1484  
served by the offender consecutively to the prison term or term of 1485  
imprisonment the offender was serving when the offender committed 1486  
that offense and to any other prison term previously or 1487  
subsequently imposed upon the offender. 1488

(3) If a prison term is imposed for a violation of division 1489  
(B) of section 2911.01 of the Revised Code, a violation of 1490



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

(4) If multiple prison terms are imposed on an offender for  
convictions of multiple offenses, the court may require the  
offender to serve the prison terms consecutively if the court  
finds that the consecutive service is necessary to protect the  
public from future crime or to punish the offender and that  
consecutive sentences are not disproportionate to the seriousness  
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 1522  
division (A)(1) or (2) of section 2903.06 of the Revised Code 1523  
pursuant to division (A) of this section or section 2929.142 of 1524  
the Revised Code. If a mandatory prison term is imposed upon an 1525  
offender pursuant to division (D)(5) of this section, and if a 1526  
mandatory prison term also is imposed upon the offender pursuant 1527  
to division (D)(6) of this section in relation to the same 1528  
violation, the offender shall serve the mandatory prison term 1529  
imposed pursuant to division (D)(5) of this section consecutively 1530  
to and prior to the mandatory prison term imposed pursuant to 1531  
division (D)(6) of this section and consecutively to and prior to 1532  
any prison term imposed for the underlying violation of division 1533  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 1534  
division (A) of this section or section 2929.142 of the Revised 1535  
Code. 1536

(6) When consecutive prison terms are imposed pursuant to 1537  
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 1538  
of this section, the term to be served is the aggregate of all of 1539  
the terms so imposed. 1540

(F)(1) If a court imposes a prison term for a felony of the 1541  
first degree, for a felony of the second degree, for a felony sex 1542  
offense, or for a felony of the third degree that is not a felony 1543  
sex offense and in the commission of which the offender caused or 1544  
threatened to cause physical harm to a person, it shall include in 1545  
the sentence a requirement that the offender be subject to a 1546  
period of post-release control after the offender's release from 1547  
imprisonment, in accordance with that division. If a court imposes 1548  
a sentence including a prison term of a type described in this 1549  
division on or after July 11, 2006, the failure of a court to 1550  
include a post-release control requirement in the sentence 1551  
pursuant to this division does not negate, limit, or otherwise 1552  
affect the mandatory period of post-release control that is 1553

required for the offender under division (B) of section 2967.28 of 1554  
the Revised Code. Section 2929.191 of the Revised Code applies if, 1555  
prior to July 11, 2006, a court imposed a sentence including a 1556  
prison term of a type described in this division and failed to 1557  
include in the sentence pursuant to this division a statement 1558  
regarding post-release control. 1559

(2) If a court imposes a prison term for a felony of the 1560  
third, fourth, or fifth degree that is not subject to division 1561  
(F)(1) of this section, it shall include in the sentence a 1562  
requirement that the offender be subject to a period of 1563  
post-release control after the offender's release from 1564  
imprisonment, in accordance with that division, if the parole 1565  
board determines that a period of post-release control is 1566  
necessary. Section 2929.191 of the Revised Code applies if, prior 1567  
to July 11, 2006, a court imposed a sentence including a prison 1568  
term of a type described in this division and failed to include in 1569  
the sentence pursuant to this division a statement regarding 1570  
post-release control. 1571

(G) The court shall impose sentence upon the offender in 1572  
accordance with section 2971.03 of the Revised Code, and Chapter 1573  
2971. of the Revised Code applies regarding the prison term or 1574  
term of life imprisonment without parole imposed upon the offender 1575  
and the service of that term of imprisonment if any of the 1576  
following apply: 1577

(1) A person is convicted of or pleads guilty to a violent 1578  
sex offense or a designated homicide, assault, or kidnapping 1579  
offense, and, in relation to that offense, the offender is 1580  
adjudicated a sexually violent predator. 1581

(2) A person is convicted of or pleads guilty to a violation 1582  
of division (A)(1)(b) of section 2907.02 of the Revised Code 1583  
committed on or after January 2, 2007, and either the court does 1584  
not impose a sentence of life without parole when authorized 1585

pursuant to division (B) of section 2907.02 of the Revised Code, 1586  
or division (B) of section 2907.02 of the Revised Code provides 1587  
that the court shall not sentence the offender pursuant to section 1588  
2971.03 of the Revised Code. 1589

(3) A person is convicted of or pleads guilty to attempted 1590  
rape committed on or after January 2, 2007, and a specification of 1591  
the type described in section 2941.1418, 2941.1419, or 2941.1420 1592  
of the Revised Code. 1593

(4) A person is convicted of or pleads guilty to a violation 1594  
of section 2905.01 of the Revised Code committed on or after 1595  
January 1, 2008, and that section requires the court to sentence 1596  
the offender pursuant to section 2971.03 of the Revised Code. 1597

(5) A person is convicted of or pleads guilty to aggravated 1598  
murder committed on or after January 1, 2008, and division 1599  
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 1600  
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 1601  
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 1602  
2929.06 of the Revised Code requires the court to sentence the 1603  
offender pursuant to division (B)(3) of section 2971.03 of the 1604  
Revised Code. 1605

(6) A person is convicted of or pleads guilty to murder 1606  
committed on or after January 1, 2008, and division (B)(2) of 1607  
section 2929.02 of the Revised Code requires the court to sentence 1608  
the offender pursuant to section 2971.03 of the Revised Code. 1609

(H) If a person who has been convicted of or pleaded guilty 1610  
to a felony is sentenced to a prison term or term of imprisonment 1611  
under this section, sections 2929.02 to 2929.06 of the Revised 1612  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 1613  
Revised Code, or any other provision of law, section 5120.163 of 1614  
the Revised Code applies regarding the person while the person is 1615  
confined in a state correctional institution. 1616

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

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

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

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

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

additional prison term of one, two, three, four, five, six, seven, 1649  
eight, nine, ten, eleven, or twelve months. 1650

(b) In lieu of imposing an additional prison term under 1651  
division (J)(2)(a) of this section, the court may directly impose 1652  
on the offender a sanction that requires the offender to wear a 1653  
real-time processing, continual tracking electronic monitoring 1654  
device during the period of time specified by the court. The 1655  
period of time specified by the court shall equal the duration of 1656  
an additional prison term that the court could have imposed upon 1657  
the offender under division (J)(2)(a) of this section. A sanction 1658  
imposed under this division shall commence on the date specified 1659  
by the court, provided that the sanction shall not commence until 1660  
after the offender has served the prison term imposed for the 1661  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 1662  
of the Revised Code and any residential sanction imposed for the 1663  
violation under section 2929.16 of the Revised Code. A sanction 1664  
imposed under this division shall be considered to be a community 1665  
control sanction for purposes of section 2929.15 of the Revised 1666  
Code, and all provisions of the Revised Code that pertain to 1667  
community control sanctions shall apply to a sanction imposed 1668  
under this division, except to the extent that they would by their 1669  
nature be clearly inapplicable. The offender shall pay all costs 1670  
associated with a sanction imposed under this division, including 1671  
the cost of the use of the monitoring device. 1672

(K) At the time of sentencing, the court may recommend the 1673  
offender for placement in a program of shock incarceration under 1674  
section 5120.031 of the Revised Code or for placement in an 1675  
intensive program prison under section 5120.032 of the Revised 1676  
Code, disapprove placement of the offender in a program of shock 1677  
incarceration or an intensive program prison of that nature, or 1678  
make no recommendation on placement of the offender. In no case 1679  
shall the department of rehabilitation and correction place the 1680

offender in a program or prison of that nature unless the 1681  
department determines as specified in section 5120.031 or 5120.032 1682  
of the Revised Code, whichever is applicable, that the offender is 1683  
eligible for the placement. 1684

If the court disapproves placement of the offender in a 1685  
program or prison of that nature, the department of rehabilitation 1686  
and correction shall not place the offender in any program of 1687  
shock incarceration or intensive program prison. 1688

If the court recommends placement of the offender in a 1689  
program of shock incarceration or in an intensive program prison, 1690  
and if the offender is subsequently placed in the recommended 1691  
program or prison, the department shall notify the court of the 1692  
placement and shall include with the notice a brief description of 1693  
the placement. 1694

If the court recommends placement of the offender in a 1695  
program of shock incarceration or in an intensive program prison 1696  
and the department does not subsequently place the offender in the 1697  
recommended program or prison, the department shall send a notice 1698  
to the court indicating why the offender was not placed in the 1699  
recommended program or prison. 1700

If the court does not make a recommendation under this 1701  
division with respect to an offender and if the department 1702  
determines as specified in section 5120.031 or 5120.032 of the 1703  
Revised Code, whichever is applicable, that the offender is 1704  
eligible for placement in a program or prison of that nature, the 1705  
department shall screen the offender and determine if there is an 1706  
available program of shock incarceration or an intensive program 1707  
prison for which the offender is suited. If there is an available 1708  
program of shock incarceration or an intensive program prison for 1709  
which the offender is suited, the department shall notify the 1710  
court of the proposed placement of the offender as specified in 1711  
section 5120.031 or 5120.032 of the Revised Code and shall include 1712

with the notice a brief description of the placement. The court 1713  
shall have ten days from receipt of the notice to disapprove the 1714  
placement. 1715

(L) If a person is convicted of or pleads guilty to 1716  
aggravated vehicular homicide in violation of division (A)(1) of 1717  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 1718  
section applies, the person shall be sentenced pursuant to section 1719  
2929.142 of the Revised Code. 1720

**Sec. 2929.22.** (A) Unless a mandatory jail term is required to 1721  
be imposed by section 2929.23 or 2929.24, division (G) of section 1722  
1547.99, division (B) of section 4510.14, division (G) of section 1723  
4511.19 of the Revised Code, or any other provision of the Revised 1724  
Code, a court that imposes a sentence under this chapter upon an 1725  
offender for a misdemeanor or minor misdemeanor has discretion to 1726  
determine the most effective way to achieve the purposes and 1727  
principles of sentencing set forth in section 2929.21 of the 1728  
Revised Code. 1729

Unless a specific sanction is required to be imposed or is 1730  
precluded from being imposed by the section setting forth an 1731  
offense or the penalty for an offense or by any provision of 1732  
sections 2929.23 to 2929.28 of the Revised Code, a court that 1733  
imposes a sentence upon an offender for a misdemeanor may impose 1734  
on the offender any sanction or combination of sanctions under 1735  
sections 2929.24 to 2929.28 of the Revised Code. The court shall 1736  
not impose a sentence that imposes an unnecessary burden on local 1737  
government resources. 1738

(B)(1) In determining the appropriate sentence for a 1739  
misdemeanor, the court shall consider all of the following 1740  
factors: 1741

(a) The nature and circumstances of the offense or offenses; 1742



(b) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the offender will commit another offense;

(c) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender's conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;

(d) Whether the victim's youth, age, disability, or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;

(e) Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (B)(1)(b) and (c) of this section.

(2) In determining the appropriate sentence for a misdemeanor, in addition to complying with division (B)(1) of this section, the court may consider any other factors that are relevant to achieving the purposes and principles of sentencing set forth in section 2929.21 of the Revised Code.

(C) Before imposing a jail term as a sentence for a misdemeanor, a court shall consider the appropriateness of imposing a community control sanction or a combination of community control sanctions under sections 2929.25, 2929.26, 2929.27, and 2929.28 of the Revised Code. A court may impose the longest jail term authorized under section 2929.24 of the Revised Code only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions

for prior offenses demonstrate that the imposition of the longest 1774  
jail term is necessary to deter the offender from committing a 1775  
future crime. 1776

(D)(1) A sentencing court shall consider any relevant oral or 1777  
written statement made by the victim, the defendant, the defense 1778  
attorney, or the prosecuting authority regarding sentencing for a 1779  
misdemeanor. This division does not create any rights to notice 1780  
other than those rights authorized by Chapter 2930. of the Revised 1781  
Code. 1782

(2) At the time of sentencing for a misdemeanor or as soon as 1783  
possible after sentencing, the court shall notify the victim of 1784  
the offense of the victim's right to file an application for an 1785  
award of reparations pursuant to sections 2743.51 to 2743.72 of 1786  
the Revised Code. 1787

**Sec. 2929.24.** (A) Except as provided in section 2929.22 or 1788  
2929.23 of the Revised Code or division (E) ~~or~~, (F), (G), or (H) 1789  
of this section and unless another term is required or authorized 1790  
pursuant to law, if the sentencing court imposing a sentence upon 1791  
an offender for a misdemeanor elects or is required to impose a 1792  
jail term on the offender pursuant to this chapter, the court 1793  
shall impose a definite jail term that shall be one of the 1794  
following: 1795

(1) For a misdemeanor of the first degree, not more than one 1796  
hundred eighty days; 1797

(2) For a misdemeanor of the second degree, not more than 1798  
ninety days; 1799

(3) For a misdemeanor of the third degree, not more than 1800  
sixty days; 1801

(4) For a misdemeanor of the fourth degree, not more than 1802  
thirty days. 1803

(B)(1) A court that sentences an offender to a jail term 1804  
under this section may permit the offender to serve the sentence 1805  
in intermittent confinement or may authorize a limited release of 1806  
the offender as provided in division (B) of section 2929.26 of the 1807  
Revised Code. The court retains jurisdiction over every offender 1808  
sentenced to jail to modify the jail sentence imposed at any time, 1809  
but the court shall not reduce any mandatory jail term. 1810

(2)(a) If a prosecutor, as defined in section 2935.01 of the 1811  
Revised Code, has filed a notice with the court that the 1812  
prosecutor wants to be notified about a particular case and if the 1813  
court is considering modifying the jail sentence of the offender 1814  
in that case, the court shall notify the prosecutor that the court 1815  
is considering modifying the jail sentence of the offender in that 1816  
case. The prosecutor may request a hearing regarding the court's 1817  
consideration of modifying the jail sentence of the offender in 1818  
that case, and, if the prosecutor requests a hearing, the court 1819  
shall notify the eligible offender of the hearing. 1820

(b) If the prosecutor requests a hearing regarding the 1821  
court's consideration of modifying the jail sentence of the 1822  
offender in that case, the court shall hold the hearing before 1823  
considering whether or not to release the offender from the 1824  
offender's jail sentence. 1825

(C) If a court sentences an offender to a jail term under 1826  
this section and the court assigns the offender to a county jail 1827  
that has established a county jail industry program pursuant to 1828  
section 5147.30 of the Revised Code, the court shall specify, as 1829  
part of the sentence, whether the offender may be considered for 1830  
participation in the program. During the offender's term in the 1831  
county jail, the court retains jurisdiction to modify its 1832  
specification regarding the offender's participation in the county 1833  
jail industry program. 1834

(D) If a person is sentenced to a jail term pursuant to this 1835

section, the court may impose as part of the sentence pursuant to 1836  
section 2929.28 of the Revised Code a reimbursement sanction, and, 1837  
if the local detention facility in which the term is to be served 1838  
is covered by a policy adopted pursuant to section 307.93, 341.14, 1839  
341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 1840  
2947.19 of the Revised Code and section 2929.37 of the Revised 1841  
Code, both of the following apply: 1842

(1) The court shall specify both of the following as part of 1843  
the sentence: 1844

(a) If the person is presented with an itemized bill pursuant 1845  
to section 2929.37 of the Revised Code for payment of the costs of 1846  
confinement, the person is required to pay the bill in accordance 1847  
with that section. 1848

(b) If the person does not dispute the bill described in 1849  
division (D)(1)(a) of this section and does not pay the bill by 1850  
the times specified in section 2929.37 of the Revised Code, the 1851  
clerk of the court may issue a certificate of judgment against the 1852  
person as described in that section. 1853

(2) The sentence automatically includes any certificate of 1854  
judgment issued as described in division (D)(1)(b) of this 1855  
section. 1856

(E) If an offender who is convicted of or pleads guilty to a 1857  
violation of division (B) of section 4511.19 of the Revised Code 1858  
also is convicted of or also pleads guilty to a specification of 1859  
the type described in section 2941.1416 of the Revised Code and if 1860  
the court imposes a jail term on the offender for the underlying 1861  
offense, the court shall impose upon the offender an additional 1862  
definite jail term of not more than six months. The additional 1863  
jail term shall not be reduced pursuant to any provision of the 1864  
Revised Code. The offender shall serve the additional jail term 1865  
consecutively to and prior to the jail term imposed for the 1866

underlying offense and consecutively to any other mandatory term 1867  
imposed in relation to the offense. 1868

(F)(1) If an offender is convicted of or pleads guilty to a 1869  
misdemeanor violation of section 2907.23, 2907.24, 2907.241, or 1870  
2907.25 of the Revised Code and to a specification of the type 1871  
described in section 2941.1421 of the Revised Code and if the 1872  
court imposes a jail term on the offender for the misdemeanor 1873  
violation, the court may impose upon the offender an additional 1874  
definite jail term as follows: 1875

(a) Subject to division (F)(1)(b) of this section, an 1876  
additional definite jail term of not more than sixty days; 1877

(b) If the offender previously has been convicted of or 1878  
pleaded guilty to one or more misdemeanor or felony violations of 1879  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 1880  
Revised Code and also was convicted of or pleaded guilty to a 1881  
specification of the type described in section 2941.1421 of the 1882  
Revised Code regarding one or more of those violations, an 1883  
additional definite jail term of not more than one hundred twenty 1884  
days. 1885

(2) In lieu of imposing an additional definite jail term 1886  
under division (F)(1) of this section, the court may directly 1887  
impose on the offender a sanction that requires the offender to 1888  
wear a real-time processing, continual tracking electronic 1889  
monitoring device during the period of time specified by the 1890  
court. The period of time specified by the court shall equal the 1891  
duration of an additional jail term that the court could have 1892  
imposed upon the offender under division (F)(1) of this section. A 1893  
sanction imposed under this division shall commence on the date 1894  
specified by the court, provided that the sanction shall not 1895  
commence until after the offender has served the jail term imposed 1896  
for the misdemeanor violation of section 2907.23, 2907.24, 1897  
2907.241, or 2907.25 of the Revised Code and any residential 1898

sanction imposed for the violation under section 2929.26 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.25 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(G) If an offender is convicted of or pleads guilty to a misdemeanor violation of section 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, the court shall impose on the offender a mandatory jail term that is a definite term of at least thirty days.

(H) If an offender is convicted of or pleads guilty to a misdemeanor violation of section 2907.04 or 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the victim was in any circumstance specified in division (A)(1), (2), or (3) of that section and that the offender had the type of authority or disciplinary control specified in that division relative to the victim, the court shall impose upon the offender a mandatory jail term of one year. If a court imposes a jail term on an offender under this division, the jail term shall not be reduced pursuant to any provision of the Revised Code. The offender shall serve the mandatory jail term so imposed consecutively to and prior to any jail term imposed for the underlying felony and consecutively to any other mandatory term

imposed in relation to the offense. 1931

Sec. 2941.1424. (A) Imposition of a mandatory prison term 1932  
under division (D)(9) of section 2929.14 of the Revised Code or a 1933  
mandatory jail term under division (H) of section 2929.24 of the 1934  
Revised Code is precluded unless the offender is convicted of or 1935  
pleads guilty to a violation of section 2907.04, 2907.05, 2907.07, 1936  
or 2919.22 of the Revised Code and unless the indictment, count in 1937  
the indictment, or information charging the offense specifies one 1938  
of the following: 1939

(1) That the offender is a teacher, administrator, coach, or 1940  
other person in authority employed by or serving in a school for 1941  
which the state board of education prescribed minimum standards 1942  
pursuant to division (D) of section 3301.07 of the Revised Code, 1943  
the victim is enrolled in or attends that school, and the offender 1944  
is not enrolled in and does not attend that school; 1945

(2) That the victim is a minor, the offender is a teacher, 1946  
administrator, coach, or other person in authority employed by or 1947  
serving in an institution of higher education, and the victim is 1948  
enrolled in or attends that institution; 1949

(3) That the victim is a minor, and the offender is the 1950  
victim's athletic or other type of coach, is the victim's 1951  
instructor, is the leader of a scouting troop of which the victim 1952  
is a member, or is a person with temporary or occasional 1953  
disciplinary control over the victim. 1954

(B) The specification required under division (A) of this 1955  
section shall be stated at the end of the body of the indictment, 1956  
count, or information and shall be stated in substantially the 1957  
following form: 1958

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1959  
Grand Jurors (or insert the person's or prosecuting attorney's 1960

name when appropriate) further find and specify that (set forth 1961  
the actual language of one or more of the circumstances described 1962  
in division (A)(1), (2), or (3) of this section, as applicable)." 1963

**Section 2.** That existing sections 2907.03, 2907.06, 2929.01, 1964  
2929.13, 2929.14, 2929.22, and 2929.24 of the Revised Code are 1965  
hereby repealed. 1966

**Section 3.** The General Assembly, applying the principle 1967  
stated in division (B) of section 1.52 of the Revised Code that 1968  
amendments are to be harmonized if reasonably capable of 1969  
simultaneous operation, finds that section 2929.14 of the Revised 1970  
Code, as presented in this act, is a composite of the section as 1971  
amended by both Am. Sub. H.B. 130 and Am. Sub. H.B. 280 of the 1972  
127th General Assembly and is the resulting version of the section 1973  
in effect prior to the effective date of the section as presented 1974  
in this act. 1975