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Representative Gonzales

Cosponsors: Representatives Winburn, Garland, Pillich, Uecker, Adams, R., Antonio, Baker, Barnes, Beck, Brenner, Celeste, Clyde, Combs, Driehaus, Fedor, Gerberry, Hackett, Hagan, C., Johnson, Luckie, Lundy, Milkovich, Newbold, Patmon, Reece, Ruhl, Schuring, Sears, Slesnick, Stinziano, Szollosi, Weddington, Yuko Speaker Batchelder Senators Wagoner, Oelslager, LaRose

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A B I L L

To amend sections 2903.13 and 2929.13 and to enact 1
section 3727.18 of the Revised Code to authorize a 2
\$5,000 fine for assault when the victim is a 3
hospital health care professional, health care 4
worker, or security officer whom the offender 5
knows or has reasonable cause to know is such a 6
professional, worker, or officer, the victim is 7
engaged in the performance of the victim's duties, 8
and the hospital offers de-escalation or crisis 9
intervention training; to increase the penalty for 10
assault to a felony of the fifth degree when 11
committed against any of the specified hospital 12
personnel in the specified circumstances if the 13
offender previously was convicted of a specified 14
assault or homicide offense committed in those 15
circumstances; to authorize a \$5,000 fine for 16
assault when the victim is a judge, magistrate, 17
prosecutor, or court official or employee whom the 18

offender knows or has reasonable cause to know is 19
a judge, magistrate, prosecutor, or court official 20
or employee and the victim is engaged in the 21
performance of the victim's duties; to increase 22
the penalty for assault to a felony of the fifth 23
degree when committed against any of the specified 24
justice system personnel in the specified 25
circumstances if the offender previously was 26
convicted of a specified assault or homicide 27
offense committed against any of the specified 28
justice system personnel in the specified 29
circumstances; to include felony assault when 30
committed against any of the specified hospital or 31
justice system personnel in the specified 32
circumstances within the community control 33
presumption of the Felony Sentencing Law; to make 34
clarifying changes in that presumption; and to 35
authorize hospitals to post a warning sign 36
indicating that abuse or assault of staff will not 37
be tolerated and might result in a felony 38
conviction. 39

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

Section 1. That sections 2903.13 and 2929.13 be amended and 40
section 3727.18 of the Revised Code be enacted to read as follows: 41

Sec. 2903.13. (A) No person shall knowingly cause or attempt 42
to cause physical harm to another or to another's unborn. 43

(B) No person shall recklessly cause serious physical harm to 44
another or to another's unborn. 45

(C) (1) Whoever violates this section is guilty of assault, 46

and the court shall sentence the offender as provided in this 47
division and divisions (C)(1), (2), (3), (4), (5), ~~and (6), (7),~~ 48
~~and (8)~~ of this section. Except as otherwise provided in division 49
(C)~~(1)~~, (2), (3), (4), ~~or (5), (6), or (7)~~ of this section, 50
assault is a misdemeanor of the first degree. 51

~~(1)~~(2) Except as otherwise provided in this division, if the 52
offense is committed by a caretaker against a functionally 53
impaired person under the caretaker's care, assault is a felony of 54
the fourth degree. If the offense is committed by a caretaker 55
against a functionally impaired person under the caretaker's care, 56
if the offender previously has been convicted of or pleaded guilty 57
to a violation of this section or section 2903.11 or 2903.16 of 58
the Revised Code, and if in relation to the previous conviction 59
the offender was a caretaker and the victim was a functionally 60
impaired person under the offender's care, assault is a felony of 61
the third degree. 62

~~(2)~~(3) If the offense is committed in any of the following 63
circumstances, assault is a felony of the fifth degree: 64

(a) The offense occurs in or on the grounds of a state 65
correctional institution or an institution of the department of 66
youth services, the victim of the offense is an employee of the 67
department of rehabilitation and correction, the department of 68
youth services, or a probation department or is on the premises of 69
the particular institution for business purposes or as a visitor, 70
and the offense is committed by a person incarcerated in the state 71
correctional institution, by a person institutionalized in the 72
department of youth services institution pursuant to a commitment 73
to the department of youth services, by a parolee, by an offender 74
under transitional control, under a community control sanction, or 75
on an escorted visit, by a person under post-release control, or 76
by an offender under any other type of supervision by a government 77
agency. 78

(b) The offense occurs in or on the grounds of a local 79
correctional facility, the victim of the offense is an employee of 80
the local correctional facility or a probation department or is on 81
the premises of the facility for business purposes or as a 82
visitor, and the offense is committed by a person who is under 83
custody in the facility subsequent to the person's arrest for any 84
crime or delinquent act, subsequent to the person's being charged 85
with or convicted of any crime, or subsequent to the person's 86
being alleged to be or adjudicated a delinquent child. 87

(c) The offense occurs off the grounds of a state 88
correctional institution and off the grounds of an institution of 89
the department of youth services, the victim of the offense is an 90
employee of the department of rehabilitation and correction, the 91
department of youth services, or a probation department, the 92
offense occurs during the employee's official work hours and while 93
the employee is engaged in official work responsibilities, and the 94
offense is committed by a person incarcerated in a state 95
correctional institution or institutionalized in the department of 96
youth services who temporarily is outside of the institution for 97
any purpose, by a parolee, by an offender under transitional 98
control, under a community control sanction, or on an escorted 99
visit, by a person under post-release control, or by an offender 100
under any other type of supervision by a government agency. 101

(d) The offense occurs off the grounds of a local 102
correctional facility, the victim of the offense is an employee of 103
the local correctional facility or a probation department, the 104
offense occurs during the employee's official work hours and while 105
the employee is engaged in official work responsibilities, and the 106
offense is committed by a person who is under custody in the 107
facility subsequent to the person's arrest for any crime or 108
delinquent act, subsequent to the person being charged with or 109
convicted of any crime, or subsequent to the person being alleged 110

to be or adjudicated a delinquent child and who temporarily is 111
outside of the facility for any purpose or by a parolee, by an 112
offender under transitional control, under a community control 113
sanction, or on an escorted visit, by a person under post-release 114
control, or by an offender under any other type of supervision by 115
a government agency. 116

(e) The victim of the offense is a school teacher or 117
administrator or a school bus operator, and the offense occurs in 118
a school, on school premises, in a school building, on a school 119
bus, or while the victim is outside of school premises or a school 120
bus and is engaged in duties or official responsibilities 121
associated with the victim's employment or position as a school 122
teacher or administrator or a school bus operator, including, but 123
not limited to, driving, accompanying, or chaperoning students at 124
or on class or field trips, athletic events, or other school 125
extracurricular activities or functions outside of school 126
premises. 127

~~(3)~~(4) If the victim of the offense is a peace officer or an 128
investigator of the bureau of criminal identification and 129
investigation, a firefighter, or a person performing emergency 130
medical service, while in the performance of their official 131
duties, assault is a felony of the fourth degree. 132

~~(4)~~(5) If the victim of the offense is a peace officer or an 133
investigator of the bureau of criminal identification and 134
investigation and if the victim suffered serious physical harm as 135
a result of the commission of the offense, assault is a felony of 136
the fourth degree, and the court, pursuant to division (F) of 137
section 2929.13 of the Revised Code, shall impose as a mandatory 138
prison term one of the prison terms prescribed for a felony of the 139
fourth degree that is at least twelve months in duration. 140

~~(5)~~(6) If the victim of the offense is an officer or employee 141
of a public children services agency or a private child placing 142

agency and the offense relates to the officer's or employee's 143
performance or anticipated performance of official 144
responsibilities or duties, assault is either a felony of the 145
fifth degree or, if the offender previously has been convicted of 146
or pleaded guilty to an offense of violence, the victim of that 147
prior offense was an officer or employee of a public children 148
services agency or private child placing agency, and that prior 149
offense related to the officer's or employee's performance or 150
anticipated performance of official responsibilities or duties, a 151
felony of the fourth degree. 152

(6)(7) If the victim of the offense is a health care 153
professional of a hospital, a health care worker of a hospital, or 154
a security officer of a hospital whom the offender knows or has 155
reasonable cause to know is a health care professional of a 156
hospital, a health care worker of a hospital, or a security 157
officer of a hospital, if the victim is engaged in the performance 158
of the victim's duties, and if the hospital offers de-escalation 159
or crisis intervention training for such professionals, workers, 160
or officers, assault is one of the following: 161

(a) Except as otherwise provided in division (C)(7)(b) of 162
this section, assault committed in the specified circumstances is 163
a misdemeanor of the first degree. Notwithstanding the fine 164
specified in division (A)(2)(b) of section 2929.28 of the Revised 165
Code for a misdemeanor of the first degree, in sentencing the 166
offender under this division and if the court decides to impose a 167
fine, the court may impose upon the offender a fine of not more 168
than five thousand dollars. 169

(b) If the offender previously has been convicted of or 170
pleaded guilty to one or more assault or homicide offenses 171
committed against hospital personnel, assault committed in the 172
specified circumstances is a felony of the fifth degree. 173

(8) If the victim of the offense is a judge, magistrate, 174

prosecutor, or court official or employee whom the offender knows 175
or has reasonable cause to know is a judge, magistrate, 176
prosecutor, or court official or employee, and if the victim is 177
engaged in the performance of the victim's duties, assault is one 178
of the following: 179

(a) Except as otherwise provided in division (C)(7)(b) of 180
this section, assault committed in the specified circumstances is 181
a misdemeanor of the first degree. In sentencing the offender 182
under this division, if the court decides to impose a fine, 183
notwithstanding the fine specified in division (A)(2)(b) of 184
section 2929.28 of the Revised Code for a misdemeanor of the first 185
degree, the court may impose upon the offender a fine of not more 186
than five thousand dollars. 187

(b) If the offender previously has been convicted of or 188
pleaded guilty to one or more assault or homicide offenses 189
committed against justice system personnel, assault committed in 190
the specified circumstances is a felony of the fifth degree. 191

(9) If an offender who is convicted of or pleads guilty to 192
assault when it is a misdemeanor also is convicted of or pleads 193
guilty to a specification as described in section 2941.1423 of the 194
Revised Code that was included in the indictment, count in the 195
indictment, or information charging the offense, the court shall 196
sentence the offender to a mandatory jail term as provided in 197
division (G) of section 2929.24 of the Revised Code. 198

If an offender who is convicted of or pleads guilty to 199
assault when it is a felony also is convicted of or pleads guilty 200
to a specification as described in section 2941.1423 of the 201
Revised Code that was included in the indictment, count in the 202
indictment, or information charging the offense, except as 203
otherwise provided in division (C)~~(4)~~(5) of this section, the 204
court shall sentence the offender to a mandatory prison term as 205
provided in division (B)(8) of section 2929.14 of the Revised 206

Code.	207
(D) As used in this section:	208
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	209 210
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	211 212
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	213 214
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	215 216 217 218 219 220 221 222
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	223 224 225 226 227
(6) "School teacher or administrator" means either of the following:	228 229
(a) A person who is employed in the public schools of the state under a contract described in section 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	230 231 232 233 234
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under	235 236

section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.

(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.

(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.

(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:

(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(c) The victim was engaged in the performance of the victim's duties.

(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.

(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care

professionals of a hospital, health care workers of a hospital, 267
and security officers of a hospital to facilitate interaction with 268
patients, members of a patient's family, and visitors, including 269
those with mental impairments. 270

(14) "Assault or homicide offense committed against justice 271
system personnel" means a violation of this section or of section 272
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 273
2903.14 of the Revised Code committed in circumstances in which 274
the victim of the offense was a judge, magistrate, prosecutor, or 275
court official or employee whom the offender knew or had 276
reasonable cause to know was a judge, magistrate, prosecutor, or 277
court official or employee, and the victim was engaged in the 278
performance of the victim's duties. 279

(15) "Court official or employee" means any official or 280
employee of a court created under the constitution or statutes of 281
this state or of a United States court located in this state. 282

(16) "Judge" means a judge of a court created under the 283
constitution or statutes of this state or of a United States court 284
located in this state. 285

(17) "Magistrate" means an individual who is appointed by a 286
court of record of this state and who has the powers and may 287
perform the functions specified in Civil Rule 53, Criminal Rule 288
19, or Juvenile Rule 40, or an individual who is appointed by a 289
United States court located in this state who has similar powers 290
and functions. 291

(18) "Prosecutor" has the same meaning as in section 2935.01 292
of the Revised Code. 293

(19)(a) "Hospital" means, subject to division (D)(19)(b) of 294
this section, an institution classified as a hospital under 295
section 3701.01 of the Revised Code in which are provided to 296
patients diagnostic, medical, surgical, obstetrical, psychiatric, 297

or rehabilitation care or a hospital operated by a health 298
maintenance organization. 299

(b) "Hospital" does not include any of the following: 300

(i) A facility licensed under Chapter 3721. of the Revised 301
Code, a health care facility operated by the department of mental 302
health or the department of developmental disabilities, a health 303
maintenance organization that does not operate a hospital, or the 304
office of any private, licensed health care professional, whether 305
organized for individual or group practice; 306

(ii) An institution for the sick that is operated exclusively 307
for patients who use spiritual means for healing and for whom the 308
acceptance of medical care is inconsistent with their religious 309
beliefs, accredited by a national accrediting organization, exempt 310
from federal income taxation under section 501 of the "Internal 311
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 312
and providing twenty-four-hour nursing care pursuant to the 313
exemption in division (E) of section 4723.32 of the Revised Code 314
from the licensing requirements of Chapter 4723. of the Revised 315
Code. 316

(20) "Health maintenance organization" has the same meaning 317
as in section 3727.01 of the Revised Code. 318

Sec. 2929.13. (A) Except as provided in division (E), (F), or 319
(G) of this section and unless a specific sanction is required to 320
be imposed or is precluded from being imposed pursuant to law, a 321
court that imposes a sentence upon an offender for a felony may 322
impose any sanction or combination of sanctions on the offender 323
that are provided in sections 2929.14 to 2929.18 of the Revised 324
Code. 325

If the offender is eligible to be sentenced to community 326
control sanctions, the court shall consider the appropriateness of 327

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 to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

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

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section

2929.14 of the Revised Code or a community control sanction as 360
described in division (G)(2) of this section. 361

(B)(1)(a) Except as provided in division (B)(1)(b) of this 362
section, if an offender is convicted of or pleads guilty to a 363
felony of the fourth or fifth degree that is not an offense of 364
violence or that is a qualifying assault offense, the court shall 365
sentence the offender to a community control sanction of at least 366
one year's duration if all of the following apply: 367

(i) The offender previously has not been convicted of or 368
pleaded guilty to a felony offense or to an offense of violence 369
that is a misdemeanor and that the offender committed within two 370
years prior to the offense for which sentence is being imposed. 371

(ii) The most serious charge against the offender at the time 372
of sentencing is a felony of the fourth or fifth degree. 373

(iii) If the court made a request of the department of 374
rehabilitation and correction pursuant to division (B)(1)(c) of 375
this section, the department, within the forty-five-day period 376
specified in that division, provided the court with the names of, 377
contact information for, and program details of one or more 378
community control sanctions of at least one year's duration that 379
are available for persons sentenced by the court. 380

(b) The court has discretion to impose a prison term upon an 381
offender who is convicted of or pleads guilty to a felony of the 382
fourth or fifth degree that is not an offense of violence or that 383
is a qualifying assault offense if any of the following apply: 384

(i) The offender committed the offense while having a firearm 385
on or about the offender's person or under the offender's control. 386

(ii) ~~The~~ If the offense is a qualifying assault offense, the 387
offender caused serious physical harm to another person while 388
committing the offense, and, if the offense is not a qualifying 389
assault offense, the offender caused physical harm to another 390

person while committing the offense. 391

(iii) The offender violated a term of the conditions of bond 392
as set by the court. 393

(iv) The court made a request of the department of 394
rehabilitation and correction pursuant to division (B)(1)(c) of 395
this section, and the department, within the forty-five-day period 396
specified in that division, did not provide the court with the 397
name of, contact information for, and program details of any 398
community control sanction of at least one year's duration that is 399
available for persons sentenced by the court. 400

(c) If a court that is sentencing an offender who is 401
convicted of or pleads guilty to a felony of the fourth or fifth 402
degree that is not an offense of violence or that is a qualifying 403
assault offense believes that no community control sanctions are 404
available for its use that, if imposed on the offender, will 405
adequately fulfill the overriding principles and purposes of 406
sentencing, the court shall contact the department of 407
rehabilitation and correction and ask the department to provide 408
the court with the names of, contact information for, and program 409
details of one or more community control sanctions of at least one 410
year's duration that are available for persons sentenced by the 411
court. Not later than forty-five days after receipt of a request 412
from a court under this division, the department shall provide the 413
court with the names of, contact information for, and program 414
details of one or more community control sanctions of at least one 415
year's duration that are available for persons sentenced by the 416
court, if any. Upon making a request under this division that 417
relates to a particular offender, a court shall defer sentencing 418
of that offender until it receives from the department the names 419
of, contact information for, and program details of one or more 420
community control sanctions of at least one year's duration that 421
are available for persons sentenced by the court or for forty-five 422

days, whichever is the earlier. 423

If the department provides the court with the names of, 424
contact information for, and program details of one or more 425
community control sanctions of at least one year's duration that 426
are available for persons sentenced by the court within the 427
forty-five-day period specified in this division, the court shall 428
impose upon the offender a community control sanction under 429
division (B)(1)(a) of this section, ~~subject to divisions~~ except 430
that the court may impose a prison term under division (B)(1)(b) 431
of this section if a factor described in division (B)(1)(b)(i) and 432
or (ii) of this section applies. If the department does not 433
provide the court with the names of, contact information for, and 434
program details of one or more community control sanctions of at 435
least one year's duration that are available for persons sentenced 436
by the court within the forty-five-day period specified in this 437
division, the court may impose upon the offender a prison term 438
under division (B)(1)(b)~~(iii)~~(iv) of this section. 439

(d) A sentencing court may impose an additional penalty under 440
division (B) of section 2929.15 of the Revised Code upon an 441
offender sentenced to a community control sanction under division 442
(B)(1)(a) of this section if the offender violates the conditions 443
of the community control sanction, violates a law, or leaves the 444
state without the permission of the court or the offender's 445
probation officer. 446

(2) If division (B)(1) of this section does not apply, except 447
as provided in division (B)(3), (E), (F), or (G) of this section, 448
in sentencing an offender for a felony of the fourth or fifth 449
degree, the sentencing court shall determine whether any of the 450
following apply: 451

(a) In committing the offense, the offender caused physical 452
harm to a person. 453

(b) In committing the offense, the offender attempted to 454
cause or made an actual threat of physical harm to a person with a 455
deadly weapon. 456

(c) In committing the offense, the offender attempted to 457
cause or made an actual threat of physical harm to a person, and 458
the offender previously was convicted of an offense that caused 459
physical harm to a person. 460

(d) The offender held a public office or position of trust 461
and the offense related to that office or position; the offender's 462
position obliged the offender to prevent the offense or to bring 463
those committing it to justice; or the offender's professional 464
reputation or position facilitated the offense or was likely to 465
influence the future conduct of others. 466

(e) The offender committed the offense for hire or as part of 467
an organized criminal activity. 468

(f) The offense is a sex offense that is a fourth or fifth 469
degree felony violation of section 2907.03, 2907.04, 2907.05, 470
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 471
Revised Code. 472

(g) The offender at the time of the offense was serving, or 473
the offender previously had served, a prison term. 474

(h) The offender committed the offense while under a 475
community control sanction, while on probation, or while released 476
from custody on a bond or personal recognizance. 477

(i) The offender committed the offense while in possession of 478
a firearm. 479

(3)(a) If the court makes a finding described in division 480
(B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 481
section and if the court, after considering the factors set forth 482
in section 2929.12 of the Revised Code, finds that a prison term 483

is consistent with the purposes and principles of sentencing set 484
forth in section 2929.11 of the Revised Code and finds that the 485
offender is not amenable to an available community control 486
sanction, the court shall impose a prison term upon the offender. 487

(b) Except as provided in division (E), (F), or (G) of this 488
section, if the court does not make a finding described in 489
division (B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 490
this section and if the court, after considering the factors set 491
forth in section 2929.12 of the Revised Code, finds that a 492
community control sanction or combination of community control 493
sanctions is consistent with the purposes and principles of 494
sentencing set forth in section 2929.11 of the Revised Code, the 495
court shall impose a community control sanction or combination of 496
community control sanctions upon the offender. 497

(C) Except as provided in division (D), (E), (F), or (G) of 498
this section, in determining whether to impose a prison term as a 499
sanction for a felony of the third degree or a felony drug offense 500
that is a violation of a provision of Chapter 2925. of the Revised 501
Code and that is specified as being subject to this division for 502
purposes of sentencing, the sentencing court shall comply with the 503
purposes and principles of sentencing under section 2929.11 of the 504
Revised Code and with section 2929.12 of the Revised Code. 505

(D)(1) Except as provided in division (E) or (F) of this 506
section, for a felony of the first or second degree, for a felony 507
drug offense that is a violation of any provision of Chapter 508
2925., 3719., or 4729. of the Revised Code for which a presumption 509
in favor of a prison term is specified as being applicable, and 510
for a violation of division (A)(4) or (B) of section 2907.05 of 511
the Revised Code for which a presumption in favor of a prison term 512
is specified as being applicable, it is presumed that a prison 513
term is necessary in order to comply with the purposes and 514
principles of sentencing under section 2929.11 of the Revised 515

Code. Division (D)(2) of this section does not apply to a 516
presumption established under this division for a violation of 517
division (A)(4) of section 2907.05 of the Revised Code. 518

(2) Notwithstanding the presumption established under 519
division (D)(1) of this section for the offenses listed in that 520
division other than a violation of division (A)(4) or (B) of 521
section 2907.05 of the Revised Code, the sentencing court may 522
impose a community control sanction or a combination of community 523
control sanctions instead of a prison term on an offender for a 524
felony of the first or second degree or for a felony drug offense 525
that is a violation of any provision of Chapter 2925., 3719., or 526
4729. of the Revised Code for which a presumption in favor of a 527
prison term is specified as being applicable if it makes both of 528
the following findings: 529

(a) A community control sanction or a combination of 530
community control sanctions would adequately punish the offender 531
and protect the public from future crime, because the applicable 532
factors under section 2929.12 of the Revised Code indicating a 533
lesser likelihood of recidivism outweigh the applicable factors 534
under that section indicating a greater likelihood of recidivism. 535

(b) A community control sanction or a combination of 536
community control sanctions would not demean the seriousness of 537
the offense, because one or more factors under section 2929.12 of 538
the Revised Code that indicate that the offender's conduct was 539
less serious than conduct normally constituting the offense are 540
applicable, and they outweigh the applicable factors under that 541
section that indicate that the offender's conduct was more serious 542
than conduct normally constituting the offense. 543

(E)(1) Except as provided in division (F) of this section, 544
for any drug offense that is a violation of any provision of 545
Chapter 2925. of the Revised Code and that is a felony of the 546
third, fourth, or fifth degree, the applicability of a presumption 547

under division (D) of this section in favor of a prison term or of 548
division (B) or (C) of this section in determining whether to 549
impose a prison term for the offense shall be determined as 550
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 551
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 552
Revised Code, whichever is applicable regarding the violation. 553

(2) If an offender who was convicted of or pleaded guilty to 554
a felony violates the conditions of a community control sanction 555
imposed for the offense solely by reason of producing positive 556
results on a drug test, the court, as punishment for the violation 557
of the sanction, shall not order that the offender be imprisoned 558
unless the court determines on the record either of the following: 559

(a) The offender had been ordered as a sanction for the 560
felony to participate in a drug treatment program, in a drug 561
education program, or in narcotics anonymous or a similar program, 562
and the offender continued to use illegal drugs after a reasonable 563
period of participation in the program. 564

(b) The imprisonment of the offender for the violation is 565
consistent with the purposes and principles of sentencing set 566
forth in section 2929.11 of the Revised Code. 567

(3) A court that sentences an offender for a drug abuse 568
offense that is a felony of the third, fourth, or fifth degree may 569
require that the offender be assessed by a properly credentialed 570
professional within a specified period of time. The court shall 571
require the professional to file a written assessment of the 572
offender with the court. If the offender is eligible for a 573
community control sanction and after considering the written 574
assessment, the court may impose a community control sanction that 575
includes treatment and recovery support services authorized by 576
section 3793.02 of the Revised Code. If the court imposes 577
treatment and recovery support services as a community control 578
sanction, the court shall direct the level and type of treatment 579

and recovery support services after considering the assessment and 580
recommendation of treatment and recovery support services 581
providers. 582

(F) Notwithstanding divisions (A) to (E) of this section, the 583
court shall impose a prison term or terms under sections 2929.02 584
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 585
of the Revised Code and except as specifically provided in section 586
2929.20, divisions (C) to (I) of section 2967.19, or section 587
2967.191 of the Revised Code or when parole is authorized for the 588
offense under section 2967.13 of the Revised Code shall not reduce 589
the term or terms pursuant to section 2929.20, section 2967.19, 590
section 2967.193, or any other provision of Chapter 2967. or 591
Chapter 5120. of the Revised Code for any of the following 592
offenses: 593

(1) Aggravated murder when death is not imposed or murder; 594

(2) Any rape, regardless of whether force was involved and 595
regardless of the age of the victim, or an attempt to commit rape 596
if, had the offender completed the rape that was attempted, the 597
offender would have been guilty of a violation of division 598
(A)(1)(b) of section 2907.02 of the Revised Code and would be 599
sentenced under section 2971.03 of the Revised Code; 600

(3) Gross sexual imposition or sexual battery, if the victim 601
is less than thirteen years of age and if any of the following 602
applies: 603

(a) Regarding gross sexual imposition, the offender 604
previously was convicted of or pleaded guilty to rape, the former 605
offense of felonious sexual penetration, gross sexual imposition, 606
or sexual battery, and the victim of the previous offense was less 607
than thirteen years of age; 608

(b) Regarding gross sexual imposition, the offense was 609
committed on or after August 3, 2006, and evidence other than the 610

testimony of the victim was admitted in the case corroborating the violation. 611
612

(c) Regarding sexual battery, either of the following applies: 613
614

(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. 615
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(ii) The offense was committed on or after August 3, 2006. 620

(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; 621
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623

(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; 624
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(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; 629
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(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 636
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- of the following offenses: 642
- (a) Aggravated murder, murder, involuntary manslaughter, 643
rape, felonious sexual penetration as it existed under section 644
2907.12 of the Revised Code prior to September 3, 1996, a felony 645
of the first or second degree that resulted in the death of a 646
person or in physical harm to a person, or complicity in or an 647
attempt to commit any of those offenses; 648
- (b) An offense under an existing or former law of this state, 649
another state, or the United States that is or was substantially 650
equivalent to an offense listed in division (F)(7)(a) of this 651
section that resulted in the death of a person or in physical harm 652
to a person. 653
- (8) Any offense, other than a violation of section 2923.12 of 654
the Revised Code, that is a felony, if the offender had a firearm 655
on or about the offender's person or under the offender's control 656
while committing the felony, with respect to a portion of the 657
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 658
of the Revised Code for having the firearm; 659
- (9) Any offense of violence that is a felony, if the offender 660
wore or carried body armor while committing the felony offense of 661
violence, with respect to the portion of the sentence imposed 662
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 663
Code for wearing or carrying the body armor; 664
- (10) Corrupt activity in violation of section 2923.32 of the 665
Revised Code when the most serious offense in the pattern of 666
corrupt activity that is the basis of the offense is a felony of 667
the first degree; 668
- (11) Any violent sex offense or designated homicide, assault, 669
or kidnapping offense if, in relation to that offense, the 670
offender is adjudicated a sexually violent predator; 671
- (12) A violation of division (A)(1) or (2) of section 2921.36 672

of the Revised Code, or a violation of division (C) of that 673
section involving an item listed in division (A)(1) or (2) of that 674
section, if the offender is an officer or employee of the 675
department of rehabilitation and correction; 676

(13) A violation of division (A)(1) or (2) of section 2903.06 677
of the Revised Code if the victim of the offense is a peace 678
officer, as defined in section 2935.01 of the Revised Code, or an 679
investigator of the bureau of criminal identification and 680
investigation, as defined in section 2903.11 of the Revised Code, 681
with respect to the portion of the sentence imposed pursuant to 682
division (B)(5) of section 2929.14 of the Revised Code; 683

(14) A violation of division (A)(1) or (2) of section 2903.06 684
of the Revised Code if the offender has been convicted of or 685
pleaded guilty to three or more violations of division (A) or (B) 686
of section 4511.19 of the Revised Code or an equivalent offense, 687
as defined in section 2941.1415 of the Revised Code, or three or 688
more violations of any combination of those divisions and 689
offenses, with respect to the portion of the sentence imposed 690
pursuant to division (B)(6) of section 2929.14 of the Revised 691
Code; 692

(15) Kidnapping, in the circumstances specified in section 693
2971.03 of the Revised Code and when no other provision of 694
division (F) of this section applies; 695

(16) Kidnapping, abduction, compelling prostitution, 696
promoting prostitution, engaging in a pattern of corrupt activity, 697
illegal use of a minor in a nudity-oriented material or 698
performance in violation of division (A)(1) or (2) of section 699
2907.323 of the Revised Code, or endangering children in violation 700
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 701
the Revised Code, if the offender is convicted of or pleads guilty 702
to a specification as described in section 2941.1422 of the 703
Revised Code that was included in the indictment, count in the 704

indictment, or information charging the offense; 705

(17) A felony violation of division (A) or (B) of section 706
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 707
that section, and division (D)(6) of that section, require the 708
imposition of a prison term; 709

(18) A felony violation of section 2903.11, 2903.12, or 710
2903.13 of the Revised Code, if the victim of the offense was a 711
woman that the offender knew was pregnant at the time of the 712
violation, with respect to a portion of the sentence imposed 713
pursuant to division (B)(8) of section 2929.14 of the Revised 714
Code. 715

(G) Notwithstanding divisions (A) to (E) of this section, if 716
an offender is being sentenced for a fourth degree felony OVI 717
offense or for a third degree felony OVI offense, the court shall 718
impose upon the offender a mandatory term of local incarceration 719
or a mandatory prison term in accordance with the following: 720

(1) If the offender is being sentenced for a fourth degree 721
felony OVI offense and if the offender has not been convicted of 722
and has not pleaded guilty to a specification of the type 723
described in section 2941.1413 of the Revised Code, the court may 724
impose upon the offender a mandatory term of local incarceration 725
of sixty days or one hundred twenty days as specified in division 726
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 727
not reduce the term pursuant to section 2929.20, 2967.193, or any 728
other provision of the Revised Code. The court that imposes a 729
mandatory term of local incarceration under this division shall 730
specify whether the term is to be served in a jail, a 731
community-based correctional facility, a halfway house, or an 732
alternative residential facility, and the offender shall serve the 733
term in the type of facility specified by the court. A mandatory 734
term of local incarceration imposed under division (G)(1) of this 735
section is not subject to any other Revised Code provision that 736

pertains to a prison term except as provided in division (A)(1) of 737
this section. 738

(2) If the offender is being sentenced for a third degree 739
felony OVI offense, or if the offender is being sentenced for a 740
fourth degree felony OVI offense and the court does not impose a 741
mandatory term of local incarceration under division (G)(1) of 742
this section, the court shall impose upon the offender a mandatory 743
prison term of one, two, three, four, or five years if the 744
offender also is convicted of or also pleads guilty to a 745
specification of the type described in section 2941.1413 of the 746
Revised Code or shall impose upon the offender a mandatory prison 747
term of sixty days or one hundred twenty days as specified in 748
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 749
if the offender has not been convicted of and has not pleaded 750
guilty to a specification of that type. Subject to divisions (C) 751
to (I) of section 2967.19 of the Revised Code, the court shall not 752
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 753
any other provision of the Revised Code. The offender shall serve 754
the one-, two-, three-, four-, or five-year mandatory prison term 755
consecutively to and prior to the prison term imposed for the 756
underlying offense and consecutively to any other mandatory prison 757
term imposed in relation to the offense. In no case shall an 758
offender who once has been sentenced to a mandatory term of local 759
incarceration pursuant to division (G)(1) of this section for a 760
fourth degree felony OVI offense be sentenced to another mandatory 761
term of local incarceration under that division for any violation 762
of division (A) of section 4511.19 of the Revised Code. In 763
addition to the mandatory prison term described in division (G)(2) 764
of this section, the court may sentence the offender to a 765
community control sanction under section 2929.16 or 2929.17 of the 766
Revised Code, but the offender shall serve the prison term prior 767
to serving the community control sanction. The department of 768
rehabilitation and correction may place an offender sentenced to a 769

mandatory prison term under this division in an intensive program 770
prison established pursuant to section 5120.033 of the Revised 771
Code if the department gave the sentencing judge prior notice of 772
its intent to place the offender in an intensive program prison 773
established under that section and if the judge did not notify the 774
department that the judge disapproved the placement. Upon the 775
establishment of the initial intensive program prison pursuant to 776
section 5120.033 of the Revised Code that is privately operated 777
and managed by a contractor pursuant to a contract entered into 778
under section 9.06 of the Revised Code, both of the following 779
apply: 780

(a) The department of rehabilitation and correction shall 781
make a reasonable effort to ensure that a sufficient number of 782
offenders sentenced to a mandatory prison term under this division 783
are placed in the privately operated and managed prison so that 784
the privately operated and managed prison has full occupancy. 785

(b) Unless the privately operated and managed prison has full 786
occupancy, the department of rehabilitation and correction shall 787
not place any offender sentenced to a mandatory prison term under 788
this division in any intensive program prison established pursuant 789
to section 5120.033 of the Revised Code other than the privately 790
operated and managed prison. 791

(H) If an offender is being sentenced for a sexually oriented 792
offense or child-victim oriented offense that is a felony 793
committed on or after January 1, 1997, the judge shall require the 794
offender to submit to a DNA specimen collection procedure pursuant 795
to section 2901.07 of the Revised Code. 796

(I) If an offender is being sentenced for a sexually oriented 797
offense or a child-victim oriented offense committed on or after 798
January 1, 1997, the judge shall include in the sentence a summary 799
of the offender's duties imposed under sections 2950.04, 2950.041, 800
2950.05, and 2950.06 of the Revised Code and the duration of the 801

duties. The judge shall inform the offender, at the time of 802
sentencing, of those duties and of their duration. If required 803
under division (A)(2) of section 2950.03 of the Revised Code, the 804
judge shall perform the duties specified in that section, or, if 805
required under division (A)(6) of section 2950.03 of the Revised 806
Code, the judge shall perform the duties specified in that 807
division. 808

(J)(1) Except as provided in division (J)(2) of this section, 809
when considering sentencing factors under this section in relation 810
to an offender who is convicted of or pleads guilty to an attempt 811
to commit an offense in violation of section 2923.02 of the 812
Revised Code, the sentencing court shall consider the factors 813
applicable to the felony category of the violation of section 814
2923.02 of the Revised Code instead of the factors applicable to 815
the felony category of the offense attempted. 816

(2) When considering sentencing factors under this section in 817
relation to an offender who is convicted of or pleads guilty to an 818
attempt to commit a drug abuse offense for which the penalty is 819
determined by the amount or number of unit doses of the controlled 820
substance involved in the drug abuse offense, the sentencing court 821
shall consider the factors applicable to the felony category that 822
the drug abuse offense attempted would be if that drug abuse 823
offense had been committed and had involved an amount or number of 824
unit doses of the controlled substance that is within the next 825
lower range of controlled substance amounts than was involved in 826
the attempt. 827

(K) As used in this section, ~~"drug:~~ 828

(1) "Drug abuse offense" has the same meaning as in section 829
2925.01 of the Revised Code. 830

(2) "Qualifying assault offense" means a violation of section 831
2903.13 of the Revised Code for which the penalty provision in 832

division (C)(7)(b) or (C)(8)(b) of that section applies. 833

(L) At the time of sentencing an offender for any sexually 834
oriented offense, if the offender is a tier III sex 835
offender/child-victim offender relative to that offense and the 836
offender does not serve a prison term or jail term, the court may 837
require that the offender be monitored by means of a global 838
positioning device. If the court requires such monitoring, the 839
cost of monitoring shall be borne by the offender. If the offender 840
is indigent, the cost of compliance shall be paid by the crime 841
victims reparations fund. 842

Sec. 3727.18. (A) Any hospital may post the notice described 843
in division (B) of this section in accordance with this division. 844
A hospital that decides to post the notice shall consider posting 845
it in a conspicuous location in all of the following areas: 846

(1) Major waiting room areas, including the waiting room 847
areas of the emergency department, the labor and delivery 848
department, the surgical department or unit, and the intensive 849
care unit; 850

(2) The main entrance to the hospital; 851

(3) Any other area that the hospital determines to be 852
appropriate. 853

(B) A notice posted pursuant to division (A) of this section 854
shall include, at a minimum, all of the following statements and 855
information: 856

"WE WILL NOT TOLERATE 857
any form of threatening or 858
aggressive behavior 859
toward our staff. 860
Assaults against our staff might 861
result in a felony conviction. 862

All staff have the right to carry out 863

their work without fearing for their safety." 864

Section 2. That existing sections 2903.13 and 2929.13 of the 865
Revised Code are hereby repealed. 866