

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 349

Representative Hackett

—

A B I L L

To amend sections 2929.01, 2929.13, and 2929.14 and 1
to enact section 2941.1424 of the Revised Code to 2
require an additional definite term of 3
imprisonment of 5 to 10 years for an offender who 4
is convicted of or pleads guilty to a felony 5
offense of violence if the offender is convicted 6
of or pleads guilty to a specification that the 7
victim suffered permanent disabling harm. 8

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

Section 1. That sections 2929.01, 2929.13, and 2929.14 be 9
amended and section 2941.1424 of the Revised Code be enacted to 10
read as follows: 11

Sec. 2929.01. As used in this chapter: 12

(A)(1) "Alternative residential facility" means, subject to 13
division (A)(2) of this section, any facility other than an 14
offender's home or residence in which an offender is assigned to 15
live and that satisfies all of the following criteria: 16

(a) It provides programs through which the offender may seek 17
or maintain employment or may receive education, training, 18
treatment, or habilitation. 19

(b) It has received the appropriate license or certificate 20
for any specialized education, training, treatment, habilitation, 21
or other service that it provides from the government agency that 22
is responsible for licensing or certifying that type of education, 23
training, treatment, habilitation, or service. 24

(2) "Alternative residential facility" does not include a 25
community-based correctional facility, jail, halfway house, or 26
prison. 27

(B) "Basic probation supervision" means a requirement that 28
the offender maintain contact with a person appointed to supervise 29
the offender in accordance with sanctions imposed by the court or 30
imposed by the parole board pursuant to section 2967.28 of the 31
Revised Code. "Basic probation supervision" includes basic parole 32
supervision and basic post-release control supervision. 33

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the 34
same meanings as in section 2925.01 of the Revised Code. 35

(D) "Community-based correctional facility" means a 36
community-based correctional facility and program or district 37
community-based correctional facility and program developed 38
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 39

(E) "Community control sanction" means a sanction that is not 40
a prison term and that is described in section 2929.15, 2929.16, 41
2929.17, or 2929.18 of the Revised Code or a sanction that is not 42
a jail term and that is described in section 2929.26, 2929.27, or 43
2929.28 of the Revised Code. "Community control sanction" includes 44
probation if the sentence involved was imposed for a felony that 45
was committed prior to July 1, 1996, or if the sentence involved 46
was imposed for a misdemeanor that was committed prior to January 47
1, 2004. 48

(F) "Controlled substance," "marihuana," "schedule I," and 49
"schedule II" have the same meanings as in section 3719.01 of the 50

Revised Code.	51
(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.	52 53
(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.	54 55 56 57 58
(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	59 60
(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.	61 62 63 64
(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.	65 66 67 68 69 70 71 72
(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.	73 74 75 76 77 78 79
(M) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or	80 81

technical college or vocational study and also includes the 82
completion of primary school, secondary school, and literacy 83
curricula or their equivalent. 84

(N) "Firearm" has the same meaning as in section 2923.11 of 85
the Revised Code. 86

(O) "Halfway house" means a facility licensed by the division 87
of parole and community services of the department of 88
rehabilitation and correction pursuant to section 2967.14 of the 89
Revised Code as a suitable facility for the care and treatment of 90
adult offenders. 91

(P) "House arrest" means a period of confinement of an 92
offender that is in the offender's home or in other premises 93
specified by the sentencing court or by the parole board pursuant 94
to section 2967.28 of the Revised Code and during which all of the 95
following apply: 96

(1) The offender is required to remain in the offender's home 97
or other specified premises for the specified period of 98
confinement, except for periods of time during which the offender 99
is at the offender's place of employment or at other premises as 100
authorized by the sentencing court or by the parole board. 101

(2) The offender is required to report periodically to a 102
person designated by the court or parole board. 103

(3) The offender is subject to any other restrictions and 104
requirements that may be imposed by the sentencing court or by the 105
parole board. 106

(Q) "Intensive probation supervision" means a requirement 107
that an offender maintain frequent contact with a person appointed 108
by the court, or by the parole board pursuant to section 2967.28 109
of the Revised Code, to supervise the offender while the offender 110
is seeking or maintaining necessary employment and participating 111
in training, education, and treatment programs as required in the 112

court's or parole board's order. "Intensive probation supervision" 113
includes intensive parole supervision and intensive post-release 114
control supervision. 115

(R) "Jail" means a jail, workhouse, minimum security jail, or 116
other residential facility used for the confinement of alleged or 117
convicted offenders that is operated by a political subdivision or 118
a combination of political subdivisions of this state. 119

(S) "Jail term" means the term in a jail that a sentencing 120
court imposes or is authorized to impose pursuant to section 121
2929.24 or 2929.25 of the Revised Code or pursuant to any other 122
provision of the Revised Code that authorizes a term in a jail for 123
a misdemeanor conviction. 124

(T) "Mandatory jail term" means the term in a jail that a 125
sentencing court is required to impose pursuant to division (G) of 126
section 1547.99 of the Revised Code, division (E) of section 127
2903.06 or division (D) of section 2903.08 of the Revised Code, 128
division (E) or (G) of section 2929.24 of the Revised Code, 129
division (B) of section 4510.14 of the Revised Code, or division 130
(G) of section 4511.19 of the Revised Code or pursuant to any 131
other provision of the Revised Code that requires a term in a jail 132
for a misdemeanor conviction. 133

(U) "Delinquent child" has the same meaning as in section 134
2152.02 of the Revised Code. 135

(V) "License violation report" means a report that is made by 136
a sentencing court, or by the parole board pursuant to section 137
2967.28 of the Revised Code, to the regulatory or licensing board 138
or agency that issued an offender a professional license or a 139
license or permit to do business in this state and that specifies 140
that the offender has been convicted of or pleaded guilty to an 141
offense that may violate the conditions under which the offender's 142
professional license or license or permit to do business in this 143

state was granted or an offense for which the offender's 144
professional license or license or permit to do business in this 145
state may be revoked or suspended. 146

(W) "Major drug offender" means an offender who is convicted 147
of or pleads guilty to the possession of, sale of, or offer to 148
sell any drug, compound, mixture, preparation, or substance that 149
consists of or contains at least one thousand grams of hashish; at 150
least one hundred grams of cocaine; at least two thousand five 151
hundred unit doses or two hundred fifty grams of heroin; at least 152
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 153
in a liquid concentrate, liquid extract, or liquid distillate 154
form; at least fifty grams of a controlled substance analog; or at 155
least one hundred times the amount of any other schedule I or II 156
controlled substance other than marihuana that is necessary to 157
commit a felony of the third degree pursuant to section 2925.03, 158
2925.04, 2925.05, or 2925.11 of the Revised Code that is based on 159
the possession of, sale of, or offer to sell the controlled 160
substance. 161

(X) "Mandatory prison term" means any of the following: 162

(1) Subject to division (X)(2) of this section, the term in 163
prison that must be imposed for the offenses or circumstances set 164
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 165
2929.13 and division (B) of section 2929.14 of the Revised Code. 166
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 167
and 2925.11 of the Revised Code, unless the maximum or another 168
specific term is required under section 2929.14 or 2929.142 of the 169
Revised Code, a mandatory prison term described in this division 170
may be any prison term authorized for the level of offense. 171

(2) The term of sixty or one hundred twenty days in prison 172
that a sentencing court is required to impose for a third or 173
fourth degree felony OVI offense pursuant to division (G)(2) of 174
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 175

of the Revised Code or the term of one, two, three, four, or five 176
years in prison that a sentencing court is required to impose 177
pursuant to division (G)(2) of section 2929.13 of the Revised 178
Code. 179

(3) The term in prison imposed pursuant to division (A) of 180
section 2971.03 of the Revised Code for the offenses and in the 181
circumstances described in division (F)(11) of section 2929.13 of 182
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 183
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 184
2971.03 of the Revised Code and that term as modified or 185
terminated pursuant to section 2971.05 of the Revised Code. 186

(Y) "Monitored time" means a period of time during which an 187
offender continues to be under the control of the sentencing court 188
or parole board, subject to no conditions other than leading a 189
law-abiding life. 190

(Z) "Offender" means a person who, in this state, is 191
convicted of or pleads guilty to a felony or a misdemeanor. 192

(AA) "Prison" means a residential facility used for the 193
confinement of convicted felony offenders that is under the 194
control of the department of rehabilitation and correction but 195
does not include a violation sanction center operated under 196
authority of section 2967.141 of the Revised Code. 197

(BB) "Prison term" includes either of the following sanctions 198
for an offender: 199

(1) A stated prison term; 200

(2) A term in a prison shortened by, or with the approval of, 201
the sentencing court pursuant to section 2929.143, 2929.20, 202
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 203

(CC) "Repeat violent offender" means a person about whom both 204
of the following apply: 205

(1) The person is being sentenced for committing or for	206
complicity in committing any of the following:	207
(a) Aggravated murder, murder, any felony of the first or	208
second degree that is an offense of violence, or an attempt to	209
commit any of these offenses if the attempt is a felony of the	210
first or second degree;	211
(b) An offense under an existing or former law of this state,	212
another state, or the United States that is or was substantially	213
equivalent to an offense described in division (CC)(1)(a) of this	214
section.	215
(2) The person previously was convicted of or pleaded guilty	216
to an offense described in division (CC)(1)(a) or (b) of this	217
section.	218
(DD) "Sanction" means any penalty imposed upon an offender	219
who is convicted of or pleads guilty to an offense, as punishment	220
for the offense. "Sanction" includes any sanction imposed pursuant	221
to any provision of sections 2929.14 to 2929.18 or 2929.24 to	222
2929.28 of the Revised Code.	223
(EE) "Sentence" means the sanction or combination of	224
sanctions imposed by the sentencing court on an offender who is	225
convicted of or pleads guilty to an offense.	226
(FF) "Stated prison term" means the prison term, mandatory	227
prison term, or combination of all prison terms and mandatory	228
prison terms imposed by the sentencing court pursuant to section	229
2929.14, 2929.142, or 2971.03 of the Revised Code or under section	230
2919.25 of the Revised Code. "Stated prison term" includes any	231
credit received by the offender for time spent in jail awaiting	232
trial, sentencing, or transfer to prison for the offense and any	233
time spent under house arrest or house arrest with electronic	234
monitoring imposed after earning credits pursuant to section	235
2967.193 of the Revised Code. If an offender is serving a prison	236

term as a risk reduction sentence under sections 2929.143 and 237
5120.036 of the Revised Code, "stated prison term" includes any 238
period of time by which the prison term imposed upon the offender 239
is shortened by the offender's successful completion of all 240
assessment and treatment or programming pursuant to those 241
sections. 242

(GG) "Victim-offender mediation" means a reconciliation or 243
mediation program that involves an offender and the victim of the 244
offense committed by the offender and that includes a meeting in 245
which the offender and the victim may discuss the offense, discuss 246
restitution, and consider other sanctions for the offense. 247

(HH) "Fourth degree felony OVI offense" means a violation of 248
division (A) of section 4511.19 of the Revised Code that, under 249
division (G) of that section, is a felony of the fourth degree. 250

(II) "Mandatory term of local incarceration" means the term 251
of sixty or one hundred twenty days in a jail, a community-based 252
correctional facility, a halfway house, or an alternative 253
residential facility that a sentencing court may impose upon a 254
person who is convicted of or pleads guilty to a fourth degree 255
felony OVI offense pursuant to division (G)(1) of section 2929.13 256
of the Revised Code and division (G)(1)(d) or (e) of section 257
4511.19 of the Revised Code. 258

(JJ) "Designated homicide, assault, or kidnapping offense," 259
"violent sex offense," "sexual motivation specification," 260
"sexually violent offense," "sexually violent predator," and 261
"sexually violent predator specification" have the same meanings 262
as in section 2971.01 of the Revised Code. 263

(KK) "Sexually oriented offense," "child-victim oriented 264
offense," and "tier III sex offender/child-victim offender" have 265
the same meanings as in section 2950.01 of the Revised Code. 266

(LL) An offense is "committed in the vicinity of a child" if 267

the offender commits the offense within thirty feet of or within 268
the same residential unit as a child who is under eighteen years 269
of age, regardless of whether the offender knows the age of the 270
child or whether the offender knows the offense is being committed 271
within thirty feet of or within the same residential unit as the 272
child and regardless of whether the child actually views the 273
commission of the offense. 274

(MM) "Family or household member" has the same meaning as in 275
section 2919.25 of the Revised Code. 276

(NN) "Motor vehicle" and "manufactured home" have the same 277
meanings as in section 4501.01 of the Revised Code. 278

(OO) "Detention" and "detention facility" have the same 279
meanings as in section 2921.01 of the Revised Code. 280

(PP) "Third degree felony OVI offense" means a violation of 281
division (A) of section 4511.19 of the Revised Code that, under 282
division (G) of that section, is a felony of the third degree. 283

(QQ) "Random drug testing" has the same meaning as in section 284
5120.63 of the Revised Code. 285

(RR) "Felony sex offense" has the same meaning as in section 286
2967.28 of the Revised Code. 287

(SS) "Body armor" has the same meaning as in section 288
2941.1411 of the Revised Code. 289

(TT) "Electronic monitoring" means monitoring through the use 290
of an electronic monitoring device. 291

(UU) "Electronic monitoring device" means any of the 292
following: 293

(1) Any device that can be operated by electrical or battery 294
power and that conforms with all of the following: 295

(a) The device has a transmitter that can be attached to a 296
person, that will transmit a specified signal to a receiver of the 297

type described in division (UU)(1)(b) of this section if the 298
transmitter is removed from the person, turned off, or altered in 299
any manner without prior court approval in relation to electronic 300
monitoring or without prior approval of the department of 301
rehabilitation and correction in relation to the use of an 302
electronic monitoring device for an inmate on transitional control 303
or otherwise is tampered with, that can transmit continuously and 304
periodically a signal to that receiver when the person is within a 305
specified distance from the receiver, and that can transmit an 306
appropriate signal to that receiver if the person to whom it is 307
attached travels a specified distance from that receiver. 308

(b) The device has a receiver that can receive continuously 309
the signals transmitted by a transmitter of the type described in 310
division (UU)(1)(a) of this section, can transmit continuously 311
those signals by a wireless or landline telephone connection to a 312
central monitoring computer of the type described in division 313
(UU)(1)(c) of this section, and can transmit continuously an 314
appropriate signal to that central monitoring computer if the 315
device has been turned off or altered without prior court approval 316
or otherwise tampered with. The device is designed specifically 317
for use in electronic monitoring, is not a converted wireless 318
phone or another tracking device that is clearly not designed for 319
electronic monitoring, and provides a means of text-based or voice 320
communication with the person. 321

(c) The device has a central monitoring computer that can 322
receive continuously the signals transmitted by a wireless or 323
landline telephone connection by a receiver of the type described 324
in division (UU)(1)(b) of this section and can monitor 325
continuously the person to whom an electronic monitoring device of 326
the type described in division (UU)(1)(a) of this section is 327
attached. 328

(2) Any device that is not a device of the type described in 329

division (UU)(1) of this section and that conforms with all of the 330
following: 331

(a) The device includes a transmitter and receiver that can 332
monitor and determine the location of a subject person at any 333
time, or at a designated point in time, through the use of a 334
central monitoring computer or through other electronic means. 335

(b) The device includes a transmitter and receiver that can 336
determine at any time, or at a designated point in time, through 337
the use of a central monitoring computer or other electronic means 338
the fact that the transmitter is turned off or altered in any 339
manner without prior approval of the court in relation to the 340
electronic monitoring or without prior approval of the department 341
of rehabilitation and correction in relation to the use of an 342
electronic monitoring device for an inmate on transitional control 343
or otherwise is tampered with. 344

(3) Any type of technology that can adequately track or 345
determine the location of a subject person at any time and that is 346
approved by the director of rehabilitation and correction, 347
including, but not limited to, any satellite technology, voice 348
tracking system, or retinal scanning system that is so approved. 349

(VV) "Non-economic loss" means nonpecuniary harm suffered by 350
a victim of an offense as a result of or related to the commission 351
of the offense, including, but not limited to, pain and suffering; 352
loss of society, consortium, companionship, care, assistance, 353
attention, protection, advice, guidance, counsel, instruction, 354
training, or education; mental anguish; and any other intangible 355
loss. 356

(WW) "Prosecutor" has the same meaning as in section 2935.01 357
of the Revised Code. 358

(XX) "Continuous alcohol monitoring" means the ability to 359
automatically test and periodically transmit alcohol consumption 360

levels and tamper attempts at least every hour, regardless of the 361
location of the person who is being monitored. 362

(YY) A person is "adjudicated a sexually violent predator" if 363
the person is convicted of or pleads guilty to a violent sex 364
offense and also is convicted of or pleads guilty to a sexually 365
violent predator specification that was included in the 366
indictment, count in the indictment, or information charging that 367
violent sex offense or if the person is convicted of or pleads 368
guilty to a designated homicide, assault, or kidnapping offense 369
and also is convicted of or pleads guilty to both a sexual 370
motivation specification and a sexually violent predator 371
specification that were included in the indictment, count in the 372
indictment, or information charging that designated homicide, 373
assault, or kidnapping offense. 374

(ZZ) An offense is "committed in proximity to a school" if 375
the offender commits the offense in a school safety zone or within 376
five hundred feet of any school building or the boundaries of any 377
school premises, regardless of whether the offender knows the 378
offense is being committed in a school safety zone or within five 379
hundred feet of any school building or the boundaries of any 380
school premises. 381

(AAA) "Human trafficking" means a scheme or plan to which all 382
of the following apply: 383

(1) Its object is to subject a victim or victims to 384
involuntary servitude, as defined in section 2905.31 of the 385
Revised Code, to compel a victim or victims to engage in sexual 386
activity for hire, to engage in a performance that is obscene, 387
sexually oriented, or nudity oriented, or to be a model or 388
participant in the production of material that is obscene, 389
sexually oriented, or nudity oriented. 390

(2) It involves at least two felony offenses, whether or not 391

there has been a prior conviction for any of the felony offenses, 392
to which all of the following apply: 393

(a) Each of the felony offenses is a violation of section 394
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 395
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 396
(4), or (5) of section 2919.22 of the Revised Code or is a 397
violation of a law of any state other than this state that is 398
substantially similar to any of the sections or divisions of the 399
Revised Code identified in this division. 400

(b) At least one of the felony offenses was committed in this 401
state. 402

(c) The felony offenses are related to the same scheme or 403
plan and are not isolated instances. 404

(BBB) "Material," "nudity," "obscene," "performance," and 405
"sexual activity" have the same meanings as in section 2907.01 of 406
the Revised Code. 407

(CCC) "Material that is obscene, sexually oriented, or nudity 408
oriented" means any material that is obscene, that shows a person 409
participating or engaging in sexual activity, masturbation, or 410
bestiality, or that shows a person in a state of nudity. 411

(DDD) "Performance that is obscene, sexually oriented, or 412
nudity oriented" means any performance that is obscene, that shows 413
a person participating or engaging in sexual activity, 414
masturbation, or bestiality, or that shows a person in a state of 415
nudity. 416

(EEE) "Permanent disabling harm" means serious physical harm 417
that results in permanent injury to the intellectual, physical, or 418
sensory functions and that permanently and substantially impairs a 419
person's ability to meet the ordinary demands of life. 420

Sec. 2929.13. (A) Except as provided in division (E), (F), or 421

(G) of this section and unless a specific sanction is required to 422
be imposed or is precluded from being imposed pursuant to law, a 423
court that imposes a sentence upon an offender for a felony may 424
impose any sanction or combination of sanctions on the offender 425
that are provided in sections 2929.14 to 2929.18 of the Revised 426
Code. 427

If the offender is eligible to be sentenced to community 428
control sanctions, the court shall consider the appropriateness of 429
imposing a financial sanction pursuant to section 2929.18 of the 430
Revised Code or a sanction of community service pursuant to 431
section 2929.17 of the Revised Code as the sole sanction for the 432
offense. Except as otherwise provided in this division, if the 433
court is required to impose a mandatory prison term for the 434
offense for which sentence is being imposed, the court also shall 435
impose any financial sanction pursuant to section 2929.18 of the 436
Revised Code that is required for the offense and may impose any 437
other financial sanction pursuant to that section but may not 438
impose any additional sanction or combination of sanctions under 439
section 2929.16 or 2929.17 of the Revised Code. 440

If the offender is being sentenced for a fourth degree felony 441
OVI offense or for a third degree felony OVI offense, in addition 442
to the mandatory term of local incarceration or the mandatory 443
prison term required for the offense by division (G)(1) or (2) of 444
this section, the court shall impose upon the offender a mandatory 445
fine in accordance with division (B)(3) of section 2929.18 of the 446
Revised Code and may impose whichever of the following is 447
applicable: 448

(1) For a fourth degree felony OVI offense for which sentence 449
is imposed under division (G)(1) of this section, an additional 450
community control sanction or combination of community control 451
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 452
the court imposes upon the offender a community control sanction 453

and the offender violates any condition of the community control 454
sanction, the court may take any action prescribed in division (B) 455
of section 2929.15 of the Revised Code relative to the offender, 456
including imposing a prison term on the offender pursuant to that 457
division. 458

(2) For a third or fourth degree felony OVI offense for which 459
sentence is imposed under division (G)(2) of this section, an 460
additional prison term as described in division (B)(4) of section 461
2929.14 of the Revised Code or a community control sanction as 462
described in division (G)(2) of this section. 463

(B)(1)(a) Except as provided in division (B)(1)(b) of this 464
section, if an offender is convicted of or pleads guilty to a 465
felony of the fourth or fifth degree that is not an offense of 466
violence or that is a qualifying assault offense, the court shall 467
sentence the offender to a community control sanction of at least 468
one year's duration if all of the following apply: 469

(i) The offender previously has not been convicted of or 470
pleaded guilty to a felony offense. 471

(ii) The most serious charge against the offender at the time 472
of sentencing is a felony of the fourth or fifth degree. 473

(iii) If the court made a request of the department of 474
rehabilitation and correction pursuant to division (B)(1)(c) of 475
this section, the department, within the forty-five-day period 476
specified in that division, provided the court with the names of, 477
contact information for, and program details of one or more 478
community control sanctions of at least one year's duration that 479
are available for persons sentenced by the court. 480

(iv) The offender previously has not been convicted of or 481
pleaded guilty to a misdemeanor offense of violence that the 482
offender committed within two years prior to the offense for which 483
sentence is being imposed. 484

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

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

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.

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

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

(v) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.

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

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

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

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

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

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

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

of, contact information for, and program details of one or more 547
community control sanctions of at least one year's duration that 548
are available for persons sentenced by the court or for forty-five 549
days, whichever is the earlier. 550

If the department provides the court with the names of, 551
contact information for, and program details of one or more 552
community control sanctions of at least one year's duration that 553
are available for persons sentenced by the court within the 554
forty-five-day period specified in this division, the court shall 555
impose upon the offender a community control sanction under 556
division (B)(1)(a) of this section, except that the court may 557
impose a prison term under division (B)(1)(b) of this section if a 558
factor described in division (B)(1)(b)(i) or (ii) of this section 559
applies. If the department does not provide the court with the 560
names of, contact information for, and program details of one or 561
more community control sanctions of at least one year's duration 562
that are available for persons sentenced by the court within the 563
forty-five-day period specified in this division, the court may 564
impose upon the offender a prison term under division 565
(B)(1)(b)(iv) of this section. 566

(d) A sentencing court may impose an additional penalty under 567
division (B) of section 2929.15 of the Revised Code upon an 568
offender sentenced to a community control sanction under division 569
(B)(1)(a) of this section if the offender violates the conditions 570
of the community control sanction, violates a law, or leaves the 571
state without the permission of the court or the offender's 572
probation officer. 573

(2) If division (B)(1) of this section does not apply, except 574
as provided in division (E), (F), or (G) of this section, in 575
determining whether to impose a prison term as a sanction for a 576
felony of the fourth or fifth degree, the sentencing court shall 577
comply with the purposes and principles of sentencing under 578

section 2929.11 of the Revised Code and with section 2929.12 of 579
the Revised Code. 580

(C) Except as provided in division (D), (E), (F), or (G) of 581
this section, in determining whether to impose a prison term as a 582
sanction for a felony of the third degree or a felony drug offense 583
that is a violation of a provision of Chapter 2925. of the Revised 584
Code and that is specified as being subject to this division for 585
purposes of sentencing, the sentencing court shall comply with the 586
purposes and principles of sentencing under section 2929.11 of the 587
Revised Code and with section 2929.12 of the Revised Code. 588

(D)(1) Except as provided in division (E) or (F) of this 589
section, for a felony of the first or second degree, for a felony 590
drug offense that is a violation of any provision of Chapter 591
2925., 3719., or 4729. of the Revised Code for which a presumption 592
in favor of a prison term is specified as being applicable, and 593
for a violation of division (A)(4) or (B) of section 2907.05 of 594
the Revised Code for which a presumption in favor of a prison term 595
is specified as being applicable, it is presumed that a prison 596
term is necessary in order to comply with the purposes and 597
principles of sentencing under section 2929.11 of the Revised 598
Code. Division (D)(2) of this section does not apply to a 599
presumption established under this division for a violation of 600
division (A)(4) of section 2907.05 of the Revised Code. 601

(2) Notwithstanding the presumption established under 602
division (D)(1) of this section for the offenses listed in that 603
division other than a violation of division (A)(4) or (B) of 604
section 2907.05 of the Revised Code, the sentencing court may 605
impose a community control sanction or a combination of community 606
control sanctions instead of a prison term on an offender for a 607
felony of the first or second degree or for a felony drug offense 608
that is a violation of any provision of Chapter 2925., 3719., or 609
4729. of the Revised Code for which a presumption in favor of a 610

prison term is specified as being applicable if it makes both of 611
the following findings: 612

(a) A community control sanction or a combination of 613
community control sanctions would adequately punish the offender 614
and protect the public from future crime, because the applicable 615
factors under section 2929.12 of the Revised Code indicating a 616
lesser likelihood of recidivism outweigh the applicable factors 617
under that section indicating a greater likelihood of recidivism. 618

(b) A community control sanction or a combination of 619
community control sanctions would not demean the seriousness of 620
the offense, because one or more factors under section 2929.12 of 621
the Revised Code that indicate that the offender's conduct was 622
less serious than conduct normally constituting the offense are 623
applicable, and they outweigh the applicable factors under that 624
section that indicate that the offender's conduct was more serious 625
than conduct normally constituting the offense. 626

(E)(1) Except as provided in division (F) of this section, 627
for any drug offense that is a violation of any provision of 628
Chapter 2925. of the Revised Code and that is a felony of the 629
third, fourth, or fifth degree, the applicability of a presumption 630
under division (D) of this section in favor of a prison term or of 631
division (B) or (C) of this section in determining whether to 632
impose a prison term for the offense shall be determined as 633
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 634
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 635
Revised Code, whichever is applicable regarding the violation. 636

(2) If an offender who was convicted of or pleaded guilty to 637
a felony violates the conditions of a community control sanction 638
imposed for the offense solely by reason of producing positive 639
results on a drug test, the court, as punishment for the violation 640
of the sanction, shall not order that the offender be imprisoned 641
unless the court determines on the record either of the following: 642

(a) The offender had been ordered as a sanction for the 643
felony to participate in a drug treatment program, in a drug 644
education program, or in narcotics anonymous or a similar program, 645
and the offender continued to use illegal drugs after a reasonable 646
period of participation in the program. 647

(b) The imprisonment of the offender for the violation is 648
consistent with the purposes and principles of sentencing set 649
forth in section 2929.11 of the Revised Code. 650

(3) A court that sentences an offender for a drug abuse 651
offense that is a felony of the third, fourth, or fifth degree may 652
require that the offender be assessed by a properly credentialed 653
professional within a specified period of time. The court shall 654
require the professional to file a written assessment of the 655
offender with the court. If the offender is eligible for a 656
community control sanction and after considering the written 657
assessment, the court may impose a community control sanction that 658
includes treatment and recovery support services authorized by 659
section 3793.02 of the Revised Code. If the court imposes 660
treatment and recovery support services as a community control 661
sanction, the court shall direct the level and type of treatment 662
and recovery support services after considering the assessment and 663
recommendation of treatment and recovery support services 664
providers. 665

(F) Notwithstanding divisions (A) to (E) of this section, the 666
court shall impose a prison term or terms under sections 2929.02 667
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 668
of the Revised Code and except as specifically provided in section 669
2929.20, divisions (C) to (I) of section 2967.19, or section 670
2967.191 of the Revised Code or when parole is authorized for the 671
offense under section 2967.13 of the Revised Code shall not reduce 672
the term or terms pursuant to section 2929.20, section 2967.19, 673
section 2967.193, or any other provision of Chapter 2967. or 674

Chapter 5120. of the Revised Code for any of the following	675
offenses:	676
(1) Aggravated murder when death is not imposed or murder;	677
(2) Any rape, regardless of whether force was involved and	678
regardless of the age of the victim, or an attempt to commit rape	679
if, had the offender completed the rape that was attempted, the	680
offender would have been guilty of a violation of division	681
(A)(1)(b) of section 2907.02 of the Revised Code and would be	682
sentenced under section 2971.03 of the Revised Code;	683
(3) Gross sexual imposition or sexual battery, if the victim	684
is less than thirteen years of age and if any of the following	685
applies:	686
(a) Regarding gross sexual imposition, the offender	687
previously was convicted of or pleaded guilty to rape, the former	688
offense of felonious sexual penetration, gross sexual imposition,	689
or sexual battery, and the victim of the previous offense was less	690
than thirteen years of age;	691
(b) Regarding gross sexual imposition, the offense was	692
committed on or after August 3, 2006, and evidence other than the	693
testimony of the victim was admitted in the case corroborating the	694
violation.	695
(c) Regarding sexual battery, either of the following	696
applies:	697
(i) The offense was committed prior to August 3, 2006, the	698
offender previously was convicted of or pleaded guilty to rape,	699
the former offense of felonious sexual penetration, or sexual	700
battery, and the victim of the previous offense was less than	701
thirteen years of age.	702
(ii) The offense was committed on or after August 3, 2006.	703
(4) A felony violation of section 2903.04, 2903.06, 2903.08,	704

2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 705
if the section requires the imposition of a prison term; 706

(5) A first, second, or third degree felony drug offense for 707
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 708
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 709
4729.99 of the Revised Code, whichever is applicable regarding the 710
violation, requires the imposition of a mandatory prison term; 711

(6) Any offense that is a first or second degree felony and 712
that is not set forth in division (F)(1), (2), (3), or (4) of this 713
section, if the offender previously was convicted of or pleaded 714
guilty to aggravated murder, murder, any first or second degree 715
felony, or an offense under an existing or former law of this 716
state, another state, or the United States that is or was 717
substantially equivalent to one of those offenses; 718

(7) Any offense that is a third degree felony and either is a 719
violation of section 2903.04 of the Revised Code or an attempt to 720
commit a felony of the second degree that is an offense of 721
violence and involved an attempt to cause serious physical harm to 722
a person or that resulted in serious physical harm to a person if 723
the offender previously was convicted of or pleaded guilty to any 724
of the following offenses: 725

(a) Aggravated murder, murder, involuntary manslaughter, 726
rape, felonious sexual penetration as it existed under section 727
2907.12 of the Revised Code prior to September 3, 1996, a felony 728
of the first or second degree that resulted in the death of a 729
person or in physical harm to a person, or complicity in or an 730
attempt to commit any of those offenses; 731

(b) An offense under an existing or former law of this state, 732
another state, or the United States that is or was substantially 733
equivalent to an offense listed in division (F)(7)(a) of this 734
section that resulted in the death of a person or in physical harm 735

to a person. 736

(8) Any offense, other than a violation of section 2923.12 of 737
the Revised Code, that is a felony, if the offender had a firearm 738
on or about the offender's person or under the offender's control 739
while committing the felony, with respect to a portion of the 740
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 741
of the Revised Code for having the firearm; 742

(9) Any offense of violence that is a felony, if the offender 743
wore or carried body armor while committing the felony offense of 744
violence, with respect to the portion of the sentence imposed 745
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 746
Code for wearing or carrying the body armor; 747

(10) Corrupt activity in violation of section 2923.32 of the 748
Revised Code when the most serious offense in the pattern of 749
corrupt activity that is the basis of the offense is a felony of 750
the first degree; 751

(11) Any violent sex offense or designated homicide, assault, 752
or kidnapping offense if, in relation to that offense, the 753
offender is adjudicated a sexually violent predator; 754

(12) A violation of division (A)(1) or (2) of section 2921.36 755
of the Revised Code, or a violation of division (C) of that 756
section involving an item listed in division (A)(1) or (2) of that 757
section, if the offender is an officer or employee of the 758
department of rehabilitation and correction; 759

(13) A violation of division (A)(1) or (2) of section 2903.06 760
of the Revised Code if the victim of the offense is a peace 761
officer, as defined in section 2935.01 of the Revised Code, or an 762
investigator of the bureau of criminal identification and 763
investigation, as defined in section 2903.11 of the Revised Code, 764
with respect to the portion of the sentence imposed pursuant to 765
division (B)(5) of section 2929.14 of the Revised Code; 766

(14) A violation of division (A)(1) or (2) of section 2903.06 767
of the Revised Code if the offender has been convicted of or 768
pleaded guilty to three or more violations of division (A) or (B) 769
of section 4511.19 of the Revised Code or an equivalent offense, 770
as defined in section 2941.1415 of the Revised Code, or three or 771
more violations of any combination of those divisions and 772
offenses, with respect to the portion of the sentence imposed 773
pursuant to division (B)(6) of section 2929.14 of the Revised 774
Code; 775

(15) Kidnapping, in the circumstances specified in section 776
2971.03 of the Revised Code and when no other provision of 777
division (F) of this section applies; 778

(16) Kidnapping, abduction, compelling prostitution, 779
promoting prostitution, engaging in a pattern of corrupt activity, 780
illegal use of a minor in a nudity-oriented material or 781
performance in violation of division (A)(1) or (2) of section 782
2907.323 of the Revised Code, or endangering children in violation 783
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 784
the Revised Code, if the offender is convicted of or pleads guilty 785
to a specification as described in section 2941.1422 of the 786
Revised Code that was included in the indictment, count in the 787
indictment, or information charging the offense; 788

(17) A felony violation of division (A) or (B) of section 789
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 790
that section, and division (D)(6) of that section, require the 791
imposition of a prison term; 792

(18) A felony violation of section 2903.11, 2903.12, or 793
2903.13 of the Revised Code, if the victim of the offense was a 794
woman that the offender knew was pregnant at the time of the 795
violation, with respect to a portion of the sentence imposed 796
pursuant to division (B)(8) of section 2929.14 of the Revised 797
Code; 798

(19) Any offense of violence that is a felony, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1424 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense.

(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 and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

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

this section, the court shall impose upon the offender a mandatory 831
prison term of one, two, three, four, or five years if the 832
offender also is convicted of or also pleads guilty to a 833
specification of the type described in section 2941.1413 of the 834
Revised Code or shall impose upon the offender a mandatory prison 835
term of sixty days or one hundred twenty days as specified in 836
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 837
if the offender has not been convicted of and has not pleaded 838
guilty to a specification of that type. Subject to divisions (C) 839
to (I) of section 2967.19 of the Revised Code, the court shall not 840
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 841
any other provision of the Revised Code. The offender shall serve 842
the one-, two-, three-, four-, or five-year mandatory prison term 843
consecutively to and prior to the prison term imposed for the 844
underlying offense and consecutively to any other mandatory prison 845
term imposed in relation to the offense. In no case shall an 846
offender who once has been sentenced to a mandatory term of local 847
incarceration pursuant to division (G)(1) of this section for a 848
fourth degree felony OVI offense be sentenced to another mandatory 849
term of local incarceration under that division for any violation 850
of division (A) of section 4511.19 of the Revised Code. In 851
addition to the mandatory prison term described in division (G)(2) 852
of this section, the court may sentence the offender to a 853
community control sanction under section 2929.16 or 2929.17 of the 854
Revised Code, but the offender shall serve the prison term prior 855
to serving the community control sanction. The department of 856
rehabilitation and correction may place an offender sentenced to a 857
mandatory prison term under this division in an intensive program 858
prison established pursuant to section 5120.033 of the Revised 859
Code if the department gave the sentencing judge prior notice of 860
its intent to place the offender in an intensive program prison 861
established under that section and if the judge did not notify the 862
department that the judge disapproved the placement. Upon the 863

establishment of the initial intensive program prison pursuant to 864
section 5120.033 of the Revised Code that is privately operated 865
and managed by a contractor pursuant to a contract entered into 866
under section 9.06 of the Revised Code, both of the following 867
apply: 868

(a) The department of rehabilitation and correction shall 869
make a reasonable effort to ensure that a sufficient number of 870
offenders sentenced to a mandatory prison term under this division 871
are placed in the privately operated and managed prison so that 872
the privately operated and managed prison has full occupancy. 873

(b) Unless the privately operated and managed prison has full 874
occupancy, the department of rehabilitation and correction shall 875
not place any offender sentenced to a mandatory prison term under 876
this division in any intensive program prison established pursuant 877
to section 5120.033 of the Revised Code other than the privately 878
operated and managed prison. 879

(H) If an offender is being sentenced for a sexually oriented 880
offense or child-victim oriented offense that is a felony 881
committed on or after January 1, 1997, the judge shall require the 882
offender to submit to a DNA specimen collection procedure pursuant 883
to section 2901.07 of the Revised Code. 884

(I) If an offender is being sentenced for a sexually oriented 885
offense or a child-victim oriented offense committed on or after 886
January 1, 1997, the judge shall include in the sentence a summary 887
of the offender's duties imposed under sections 2950.04, 2950.041, 888
2950.05, and 2950.06 of the Revised Code and the duration of the 889
duties. The judge shall inform the offender, at the time of 890
sentencing, of those duties and of their duration. If required 891
under division (A)(2) of section 2950.03 of the Revised Code, the 892
judge shall perform the duties specified in that section, or, if 893
required under division (A)(6) of section 2950.03 of the Revised 894
Code, the judge shall perform the duties specified in that 895

division. 896

(J)(1) Except as provided in division (J)(2) of this section, 897
when considering sentencing factors under this section in relation 898
to an offender who is convicted of or pleads guilty to an attempt 899
to commit an offense in violation of section 2923.02 of the 900
Revised Code, the sentencing court shall consider the factors 901
applicable to the felony category of the violation of section 902
2923.02 of the Revised Code instead of the factors applicable to 903
the felony category of the offense attempted. 904

(2) When considering sentencing factors under this section in 905
relation to an offender who is convicted of or pleads guilty to an 906
attempt to commit a drug abuse offense for which the penalty is 907
determined by the amount or number of unit doses of the controlled 908
substance involved in the drug abuse offense, the sentencing court 909
shall consider the factors applicable to the felony category that 910
the drug abuse offense attempted would be if that drug abuse 911
offense had been committed and had involved an amount or number of 912
unit doses of the controlled substance that is within the next 913
lower range of controlled substance amounts than was involved in 914
the attempt. 915

(K) As used in this section: 916

(1) "Drug abuse offense" has the same meaning as in section 917
2925.01 of the Revised Code. 918

(2) "Qualifying assault offense" means a violation of section 919
2903.13 of the Revised Code for which the penalty provision in 920
division (C)(8)(b) or (C)(9)(b) of that section applies. 921

(L) At the time of sentencing an offender for any sexually 922
oriented offense, if the offender is a tier III sex 923
offender/child-victim offender relative to that offense and the 924
offender does not serve a prison term or jail term, the court may 925
require that the offender be monitored by means of a global 926

positioning device. If the court requires such monitoring, the 927
cost of monitoring shall be borne by the offender. If the offender 928
is indigent, the cost of compliance shall be paid by the crime 929
victims reparations fund. 930

Sec. 2929.14. (A) Except as provided in division (B)(1), 931
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 932
(E), (G), (H), or (J) of this section or in division (D)(6) of 933
section 2919.25 of the Revised Code and except in relation to an 934
offense for which a sentence of death or life imprisonment is to 935
be imposed, if the court imposing a sentence upon an offender for 936
a felony elects or is required to impose a prison term on the 937
offender pursuant to this chapter, the court shall impose a 938
definite prison term that shall be one of the following: 939

(1) For a felony of the first degree, the prison term shall 940
be three, four, five, six, seven, eight, nine, ten, or eleven 941
years. 942

(2) For a felony of the second degree, the prison term shall 943
be two, three, four, five, six, seven, or eight years. 944

(3)(a) For a felony of the third degree that is a violation 945
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 946
Revised Code or that is a violation of section 2911.02 or 2911.12 947
of the Revised Code if the offender previously has been convicted 948
of or pleaded guilty in two or more separate proceedings to two or 949
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 950
of the Revised Code, the prison term shall be twelve, eighteen, 951
twenty-four, thirty, thirty-six, forty-two, forty-eight, 952
fifty-four, or sixty months. 953

(b) For a felony of the third degree that is not an offense 954
for which division (A)(3)(a) of this section applies, the prison 955
term shall be nine, twelve, eighteen, twenty-four, thirty, or 956
thirty-six months. 957

(4) For a felony of the fourth degree, the prison term shall 958
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 959
fourteen, fifteen, sixteen, seventeen, or eighteen months. 960

(5) For a felony of the fifth degree, the prison term shall 961
be six, seven, eight, nine, ten, eleven, or twelve months. 962

(B)(1)(a) Except as provided in division (B)(1)(e) of this 963
section, if an offender who is convicted of or pleads guilty to a 964
felony also is convicted of or pleads guilty to a specification of 965
the type described in section 2941.141, 2941.144, or 2941.145 of 966
the Revised Code, the court shall impose on the offender one of 967
the following prison terms: 968

(i) A prison term of six years if the specification is of the 969
type described in section 2941.144 of the Revised Code that 970
charges the offender with having a firearm that is an automatic 971
firearm or that was equipped with a firearm muffler or silencer on 972
or about the offender's person or under the offender's control 973
while committing the felony; 974

(ii) A prison term of three years if the specification is of 975
the type described in section 2941.145 of the Revised Code that 976
charges the offender with having a firearm on or about the 977
offender's person or under the offender's control while committing 978
the offense and displaying the firearm, brandishing the firearm, 979
indicating that the offender possessed the firearm, or using it to 980
facilitate the offense; 981

(iii) A prison term of one year if the specification is of 982
the type described in section 2941.141 of the Revised Code that 983
charges the offender with having a firearm on or about the 984
offender's person or under the offender's control while committing 985
the felony. 986

(b) If a court imposes a prison term on an offender under 987
division (B)(1)(a) of this section, the prison term shall not be 988

reduced pursuant to section 2967.19, section 2929.20, section 989
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 990
of the Revised Code. Except as provided in division (B)(1)(g) of 991
this section, a court shall not impose more than one prison term 992
on an offender under division (B)(1)(a) of this section for 993
felonies committed as part of the same act or transaction. 994

(c) Except as provided in division (B)(1)(e) of this section, 995
if an offender who is convicted of or pleads guilty to a violation 996
of section 2923.161 of the Revised Code or to a felony that 997
includes, as an essential element, purposely or knowingly causing 998
or attempting to cause the death of or physical harm to another, 999
also is convicted of or pleads guilty to a specification of the 1000
type described in section 2941.146 of the Revised Code that 1001
charges the offender with committing the offense by discharging a 1002
firearm from a motor vehicle other than a manufactured home, the 1003
court, after imposing a prison term on the offender for the 1004
violation of section 2923.161 of the Revised Code or for the other 1005
felony offense under division (A), (B)(2), or (B)(3) of this 1006
section, shall impose an additional prison term of five years upon 1007
the offender that shall not be reduced pursuant to section 1008
2929.20, section 2967.19, section 2967.193, or any other provision 1009
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 1010
shall not impose more than one additional prison term on an 1011
offender under division (B)(1)(c) of this section for felonies 1012
committed as part of the same act or transaction. If a court 1013
imposes an additional prison term on an offender under division 1014
(B)(1)(c) of this section relative to an offense, the court also 1015
shall impose a prison term under division (B)(1)(a) of this 1016
section relative to the same offense, provided the criteria 1017
specified in that division for imposing an additional prison term 1018
are satisfied relative to the offender and the offense. 1019

(d) If an offender who is convicted of or pleads guilty to an 1020

offense of violence that is a felony also is convicted of or 1021
pleads guilty to a specification of the type described in section 1022
2941.1411 of the Revised Code that charges the offender with 1023
wearing or carrying body armor while committing the felony offense 1024
of violence, the court shall impose on the offender a prison term 1025
of two years. The prison term so imposed, subject to divisions (C) 1026
to (I) of section 2967.19 of the Revised Code, shall not be 1027
reduced pursuant to section 2929.20, section 2967.19, section 1028
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1029
of the Revised Code. A court shall not impose more than one prison 1030
term on an offender under division (B)(1)(d) of this section for 1031
felonies committed as part of the same act or transaction. If a 1032
court imposes an additional prison term under division (B)(1)(a) 1033
or (c) of this section, the court is not precluded from imposing 1034
an additional prison term under division (B)(1)(d) of this 1035
section. 1036

(e) The court shall not impose any of the prison terms 1037
described in division (B)(1)(a) of this section or any of the 1038
additional prison terms described in division (B)(1)(c) of this 1039
section upon an offender for a violation of section 2923.12 or 1040
2923.123 of the Revised Code. The court shall not impose any of 1041
the prison terms described in division (B)(1)(a) or (b) of this 1042
section upon an offender for a violation of section 2923.122 that 1043
involves a deadly weapon that is a firearm other than a dangerous 1044
ordnance, section 2923.16, or section 2923.121 of the Revised 1045
Code. The court shall not impose any of the prison terms described 1046
in division (B)(1)(a) of this section or any of the additional 1047
prison terms described in division (B)(1)(c) of this section upon 1048
an offender for a violation of section 2923.13 of the Revised Code 1049
unless all of the following apply: 1050

(i) The offender previously has been convicted of aggravated 1051
murder, murder, or any felony of the first or second degree. 1052

(ii) Less than five years have passed since the offender was 1053
released from prison or post-release control, whichever is later, 1054
for the prior offense. 1055

(f) If an offender is convicted of or pleads guilty to a 1056
felony that includes, as an essential element, causing or 1057
attempting to cause the death of or physical harm to another and 1058
also is convicted of or pleads guilty to a specification of the 1059
type described in section 2941.1412 of the Revised Code that 1060
charges the offender with committing the offense by discharging a 1061
firearm at a peace officer as defined in section 2935.01 of the 1062
Revised Code or a corrections officer, as defined in section 1063
2941.1412 of the Revised Code, the court, after imposing a prison 1064
term on the offender for the felony offense under division (A), 1065
(B)(2), or (B)(3) of this section, shall impose an additional 1066
prison term of seven years upon the offender that shall not be 1067
reduced pursuant to section 2929.20, section 2967.19, section 1068
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1069
of the Revised Code. If an offender is convicted of or pleads 1070
guilty to two or more felonies that include, as an essential 1071
element, causing or attempting to cause the death or physical harm 1072
to another and also is convicted of or pleads guilty to a 1073
specification of the type described under division (B)(1)(f) of 1074
this section in connection with two or more of the felonies of 1075
which the offender is convicted or to which the offender pleads 1076
guilty, the sentencing court shall impose on the offender the 1077
prison term specified under division (B)(1)(f) of this section for 1078
each of two of the specifications of which the offender is 1079
convicted or to which the offender pleads guilty and, in its 1080
discretion, also may impose on the offender the prison term 1081
specified under that division for any or all of the remaining 1082
specifications. If a court imposes an additional prison term on an 1083
offender under division (B)(1)(f) of this section relative to an 1084
offense, the court shall not impose a prison term under division 1085

(B)(1)(a) or (c) of this section relative to the same offense. 1086

(g) If an offender is convicted of or pleads guilty to two or 1087
more felonies, if one or more of those felonies are aggravated 1088
murder, murder, attempted aggravated murder, attempted murder, 1089
aggravated robbery, felonious assault, or rape, and if the 1090
offender is convicted of or pleads guilty to a specification of 1091
the type described under division (B)(1)(a) of this section in 1092
connection with two or more of the felonies, the sentencing court 1093
shall impose on the offender the prison term specified under 1094
division (B)(1)(a) of this section for each of the two most 1095
serious specifications of which the offender is convicted or to 1096
which the offender pleads guilty and, in its discretion, also may 1097
impose on the offender the prison term specified under that 1098
division for any or all of the remaining specifications. 1099

(2)(a) If division (B)(2)(b) of this section does not apply, 1100
the court may impose on an offender, in addition to the longest 1101
prison term authorized or required for the offense, an additional 1102
definite prison term of one, two, three, four, five, six, seven, 1103
eight, nine, or ten years if all of the following criteria are 1104
met: 1105

(i) The offender is convicted of or pleads guilty to a 1106
specification of the type described in section 2941.149 of the 1107
Revised Code that the offender is a repeat violent offender. 1108

(ii) The offense of which the offender currently is convicted 1109
or to which the offender currently pleads guilty is aggravated 1110
murder and the court does not impose a sentence of death or life 1111
imprisonment without parole, murder, terrorism and the court does 1112
not impose a sentence of life imprisonment without parole, any 1113
felony of the first degree that is an offense of violence and the 1114
court does not impose a sentence of life imprisonment without 1115
parole, or any felony of the second degree that is an offense of 1116
violence and the trier of fact finds that the offense involved an 1117

attempt to cause or a threat to cause serious physical harm to a 1118
person or resulted in serious physical harm to a person. 1119

(iii) The court imposes the longest prison term for the 1120
offense that is not life imprisonment without parole. 1121

(iv) The court finds that the prison terms imposed pursuant 1122
to division (B)(2)(a)(iii) of this section and, if applicable, 1123
division (B)(1) or (3) of this section are inadequate to punish 1124
the offender and protect the public from future crime, because the 1125
applicable factors under section 2929.12 of the Revised Code 1126
indicating a greater likelihood of recidivism outweigh the 1127
applicable factors under that section indicating a lesser 1128
likelihood of recidivism. 1129

(v) The court finds that the prison terms imposed pursuant to 1130
division (B)(2)(a)(iii) of this section and, if applicable, 1131
division (B)(1) or (3) of this section are demeaning to the 1132
seriousness of the offense, because one or more of the factors 1133
under section 2929.12 of the Revised Code indicating that the 1134
offender's conduct is more serious than conduct normally 1135
constituting the offense are present, and they outweigh the 1136
applicable factors under that section indicating that the 1137
offender's conduct is less serious than conduct normally 1138
constituting the offense. 1139

(b) The court shall impose on an offender the longest prison 1140
term authorized or required for the offense and shall impose on 1141
the offender an additional definite prison term of one, two, 1142
three, four, five, six, seven, eight, nine, or ten years if all of 1143
the following criteria are met: 1144

(i) The offender is convicted of or pleads guilty to a 1145
specification of the type described in section 2941.149 of the 1146
Revised Code that the offender is a repeat violent offender. 1147

(ii) The offender within the preceding twenty years has been 1148

convicted of or pleaded guilty to three or more offenses described 1149
in division (CC)(1) of section 2929.01 of the Revised Code, 1150
including all offenses described in that division of which the 1151
offender is convicted or to which the offender pleads guilty in 1152
the current prosecution and all offenses described in that 1153
division of which the offender previously has been convicted or to 1154
which the offender previously pleaded guilty, whether prosecuted 1155
together or separately. 1156

(iii) The offense or offenses of which the offender currently 1157
is convicted or to which the offender currently pleads guilty is 1158
aggravated murder and the court does not impose a sentence of 1159
death or life imprisonment without parole, murder, terrorism and 1160
the court does not impose a sentence of life imprisonment without 1161
parole, any felony of the first degree that is an offense of 1162
violence and the court does not impose a sentence of life 1163
imprisonment without parole, or any felony of the second degree 1164
that is an offense of violence and the trier of fact finds that 1165
the offense involved an attempt to cause or a threat to cause 1166
serious physical harm to a person or resulted in serious physical 1167
harm to a person. 1168

(c) For purposes of division (B)(2)(b) of this section, two 1169
or more offenses committed at the same time or as part of the same 1170
act or event shall be considered one offense, and that one offense 1171
shall be the offense with the greatest penalty. 1172

(d) A sentence imposed under division (B)(2)(a) or (b) of 1173
this section shall not be reduced pursuant to section 2929.20, 1174
section 2967.19, or section 2967.193, or any other provision of 1175
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1176
shall serve an additional prison term imposed under this section 1177
consecutively to and prior to the prison term imposed for the 1178
underlying offense. 1179

(e) When imposing a sentence pursuant to division (B)(2)(a) 1180

or (b) of this section, the court shall state its findings 1181
explaining the imposed sentence. 1182

(3) Except when an offender commits a violation of section 1183
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1184
the violation is life imprisonment or commits a violation of 1185
section 2903.02 of the Revised Code, if the offender commits a 1186
violation of section 2925.03 or 2925.11 of the Revised Code and 1187
that section classifies the offender as a major drug offender, if 1188
the offender commits a felony violation of section 2925.02, 1189
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1190
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1191
division (C) of section 4729.51, or division (J) of section 1192
4729.54 of the Revised Code that includes the sale, offer to sell, 1193
or possession of a schedule I or II controlled substance, with the 1194
exception of marihuana, and the court imposing sentence upon the 1195
offender finds that the offender is guilty of a specification of 1196
the type described in section 2941.1410 of the Revised Code 1197
charging that the offender is a major drug offender, if the court 1198
imposing sentence upon an offender for a felony finds that the 1199
offender is guilty of corrupt activity with the most serious 1200
offense in the pattern of corrupt activity being a felony of the 1201
first degree, or if the offender is guilty of an attempted 1202
violation of section 2907.02 of the Revised Code and, had the 1203
offender completed the violation of section 2907.02 of the Revised 1204
Code that was attempted, the offender would have been subject to a 1205
sentence of life imprisonment or life imprisonment without parole 1206
for the violation of section 2907.02 of the Revised Code, the 1207
court shall impose upon the offender for the felony violation a 1208
mandatory prison term of the maximum prison term prescribed for a 1209
felony of the first degree that, subject to divisions (C) to (I) 1210
of section 2967.19 of the Revised Code, cannot be reduced pursuant 1211
to section 2929.20, section 2967.19, or any other provision of 1212
Chapter 2967. or 5120. of the Revised Code. 1213

(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 (B)(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 (B)(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 (B)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code and the court imposes a mandatory term of local

incarceration, the court may impose a prison term as described in 1247
division (A)(1) of that section. 1248

(5) If an offender is convicted of or pleads guilty to a 1249
violation of division (A)(1) or (2) of section 2903.06 of the 1250
Revised Code and also is convicted of or pleads guilty to a 1251
specification of the type described in section 2941.1414 of the 1252
Revised Code that charges that the victim of the offense is a 1253
peace officer, as defined in section 2935.01 of the Revised Code, 1254
or an investigator of the bureau of criminal identification and 1255
investigation, as defined in section 2903.11 of the Revised Code, 1256
the court shall impose on the offender a prison term of five 1257
years. If a court imposes a prison term on an offender under 1258
division (B)(5) of this section, the prison term, subject to 1259
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 1260
not be reduced pursuant to section 2929.20, section 2967.19, 1261
section 2967.193, or any other provision of Chapter 2967. or 1262
Chapter 5120. of the Revised Code. A court shall not impose more 1263
than one prison term on an offender under division (B)(5) of this 1264
section for felonies committed as part of the same act. 1265

(6) If an offender is convicted of or pleads guilty to a 1266
violation of division (A)(1) or (2) of section 2903.06 of the 1267
Revised Code and also is convicted of or pleads guilty to a 1268
specification of the type described in section 2941.1415 of the 1269
Revised Code that charges that the offender previously has been 1270
convicted of or pleaded guilty to three or more violations of 1271
division (A) or (B) of section 4511.19 of the Revised Code or an 1272
equivalent offense, as defined in section 2941.1415 of the Revised 1273
Code, or three or more violations of any combination of those 1274
divisions and offenses, the court shall impose on the offender a 1275
prison term of three years. If a court imposes a prison term on an 1276
offender under division (B)(6) of this section, the prison term, 1277
subject to divisions (C) to (I) of section 2967.19 of the Revised 1278

Code, shall not be reduced pursuant to section 2929.20, section 1279
2967.19, section 2967.193, or any other provision of Chapter 2967. 1280
or Chapter 5120. of the Revised Code. A court shall not impose 1281
more than one prison term on an offender under division (B)(6) of 1282
this section for felonies committed as part of the same act. 1283

(7)(a) If an offender is convicted of or pleads guilty to a 1284
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1285
2923.32, division (A)(1) or (2) of section 2907.323, or division 1286
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 1287
Code and also is convicted of or pleads guilty to a specification 1288
of the type described in section 2941.1422 of the Revised Code 1289
that charges that the offender knowingly committed the offense in 1290
furtherance of human trafficking, the court shall impose on the 1291
offender a mandatory prison term that is one of the following: 1292

(i) If the offense is a felony of the first degree, a 1293
definite prison term of not less than five years and not greater 1294
than ten years; 1295

(ii) If the offense is a felony of the second or third 1296
degree, a definite prison term of not less than three years and 1297
not greater than the maximum prison term allowed for the offense 1298
by division (A) of section 2929.14 of the Revised Code; 1299

(iii) If the offense is a felony of the fourth or fifth 1300
degree, a definite prison term that is the maximum prison term 1301
allowed for the offense by division (A) of section 2929.14 of the 1302
Revised Code. 1303

(b) Subject to divisions (C) to (I) of section 2967.19 of the 1304
Revised Code, the prison term imposed under division (B)(7)(a) of 1305
this section shall not be reduced pursuant to section 2929.20, 1306
section 2967.19, section 2967.193, or any other provision of 1307
Chapter 2967. of the Revised Code. A court shall not impose more 1308
than one prison term on an offender under division (B)(7)(a) of 1309

this section for felonies committed as part of the same act, 1310
scheme, or plan. 1311

(8) If an offender is convicted of or pleads guilty to a 1312
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1313
Revised Code and also is convicted of or pleads guilty to a 1314
specification of the type described in section 2941.1423 of the 1315
Revised Code that charges that the victim of the violation was a 1316
woman whom the offender knew was pregnant at the time of the 1317
violation, notwithstanding the range of prison terms prescribed in 1318
division (A) of this section for felonies of the same degree as 1319
the violation, the court shall impose on the offender a mandatory 1320
prison term that is either a definite prison term of six months or 1321
one of the prison terms prescribed in section 2929.14 of the 1322
Revised Code for felonies of the same degree as the violation. 1323

(9) If an offender is convicted of or pleads guilty to a 1324
felony offense of violence and also is convicted of or pleads 1325
guilty to a specification of the type described in section 1326
2941.1424 of the Revised Code that charges that the victim of the 1327
offense suffered permanent disabling harm as a result of the 1328
offense, the court shall impose upon the offender an additional 1329
definite prison term of five, six, seven, eight, nine, or ten 1330
years. A prison term imposed upon an offender under division 1331
(B)(9) of this section shall not be reduced pursuant to section 1332
2929.20, section 2967.193, or any other provision of Chapter 2967. 1333
or Chapter 5120. of the Revised Code. 1334

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 1335
mandatory prison term is imposed upon an offender pursuant to 1336
division (B)(1)(a) of this section for having a firearm on or 1337
about the offender's person or under the offender's control while 1338
committing a felony, if a mandatory prison term is imposed upon an 1339
offender pursuant to division (B)(1)(c) of this section for 1340
committing a felony specified in that division by discharging a 1341

firearm from a motor vehicle, or if both types of mandatory prison 1342
terms are imposed, the offender shall serve any mandatory prison 1343
term imposed under either division consecutively to any other 1344
mandatory prison term imposed under either division or under 1345
division (B)(1)(d) of this section, consecutively to and prior to 1346
any prison term imposed for the underlying felony pursuant to 1347
division (A), (B)(2), or (B)(3) of this section or any other 1348
section of the Revised Code, and consecutively to any other prison 1349
term or mandatory prison term previously or subsequently imposed 1350
upon the offender. 1351

(b) If a mandatory prison term is imposed upon an offender 1352
pursuant to division (B)(1)(d) of this section for wearing or 1353
carrying body armor while committing an offense of violence that 1354
is a felony, the offender shall serve the mandatory term so 1355
imposed consecutively to any other mandatory prison term imposed 1356
under that division or under division (B)(1)(a) or (c) of this 1357
section, consecutively to and prior to any prison term imposed for 1358
the underlying felony under division (A), (B)(2), or (B)(3) of 1359
this section or any other section of the Revised Code, and 1360
consecutively to any other prison term or mandatory prison term 1361
previously or subsequently imposed upon the offender. 1362

(c) If a mandatory prison term is imposed upon an offender 1363
pursuant to division (B)(1)(f) of this section, the offender shall 1364
serve the mandatory prison term so imposed consecutively to and 1365
prior to any prison term imposed for the underlying felony under 1366
division (A), (B)(2), or (B)(3) of this section or any other 1367
section of the Revised Code, and consecutively to any other prison 1368
term or mandatory prison term previously or subsequently imposed 1369
upon the offender. 1370

(d) If a mandatory prison term is imposed upon an offender 1371
pursuant to division (B)(7) or (8) of this section, the offender 1372
shall serve the mandatory prison term so imposed consecutively to 1373

any other mandatory prison term imposed under that division or 1374
under any other provision of law and consecutively to any other 1375
prison term or mandatory prison term previously or subsequently 1376
imposed upon the offender. 1377

(2) If an offender who is an inmate in a jail, prison, or 1378
other residential detention facility violates section 2917.02, 1379
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 1380
of section 2921.34 of the Revised Code, if an offender who is 1381
under detention at a detention facility commits a felony violation 1382
of section 2923.131 of the Revised Code, or if an offender who is 1383
an inmate in a jail, prison, or other residential detention 1384
facility or is under detention at a detention facility commits 1385
another felony while the offender is an escapee in violation of 1386
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 1387
prison term imposed upon the offender for one of those violations 1388
shall be served by the offender consecutively to the prison term 1389
or term of imprisonment the offender was serving when the offender 1390
committed that offense and to any other prison term previously or 1391
subsequently imposed upon the offender. 1392

(3) If a prison term is imposed for a violation of division 1393
(B) of section 2911.01 of the Revised Code, a violation of 1394
division (A) of section 2913.02 of the Revised Code in which the 1395
stolen property is a firearm or dangerous ordnance, or a felony 1396
violation of division (B) of section 2921.331 of the Revised Code, 1397
the offender shall serve that prison term consecutively to any 1398
other prison term or mandatory prison term previously or 1399
subsequently imposed upon the offender. 1400

(4) If multiple prison terms are imposed on an offender for 1401
convictions of multiple offenses, the court may require the 1402
offender to serve the prison terms consecutively if the court 1403
finds that the consecutive service is necessary to protect the 1404
public from future crime or to punish the offender and that 1405

consecutive sentences are not disproportionate to the seriousness 1406
of the offender's conduct and to the danger the offender poses to 1407
the public, and if the court also finds any of the following: 1408

(a) The offender committed one or more of the multiple 1409
offenses while the offender was awaiting trial or sentencing, was 1410
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1411
2929.18 of the Revised Code, or was under post-release control for 1412
a prior offense. 1413

(b) At least two of the multiple offenses were committed as 1414
part of one or more courses of conduct, and the harm caused by two 1415
or more of the multiple offenses so committed was so great or 1416
unusual that no single prison term for any of the offenses 1417
committed as part of any of the courses of conduct adequately 1418
reflects the seriousness of the offender's conduct. 1419

(c) The offender's history of criminal conduct demonstrates 1420
that consecutive sentences are necessary to protect the public 1421
from future crime by the offender. 1422

(5) If a mandatory prison term is imposed upon an offender 1423
pursuant to division (B)(5) or (6) of this section, the offender 1424
shall serve the mandatory prison term consecutively to and prior 1425
to any prison term imposed for the underlying violation of 1426
division (A)(1) or (2) of section 2903.06 of the Revised Code 1427
pursuant to division (A) of this section or section 2929.142 of 1428
the Revised Code. If a mandatory prison term is imposed upon an 1429
offender pursuant to division (B)(5) of this section, and if a 1430
mandatory prison term also is imposed upon the offender pursuant 1431
to division (B)(6) of this section in relation to the same 1432
violation, the offender shall serve the mandatory prison term 1433
imposed pursuant to division (B)(5) of this section consecutively 1434
to and prior to the mandatory prison term imposed pursuant to 1435
division (B)(6) of this section and consecutively to and prior to 1436
any prison term imposed for the underlying violation of division 1437

(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 1438
division (A) of this section or section 2929.142 of the Revised 1439
Code. 1440

(6) If a mandatory prison term is imposed upon an offender 1441
pursuant to division (B)(9) of this section, the offender shall 1442
serve that mandatory prison term consecutively to and prior to any 1443
prison term imposed for the underlying violation of an offense of 1444
violence and consecutively to and prior to any other prison term 1445
or mandatory prison term previously or subsequently imposed upon 1446
the offender. 1447

(7) When consecutive prison terms are imposed pursuant to 1448
division (C)(1), (2), (3), (4), ~~or~~ (5), or (6) or division (H)(1) 1449
or (2) of this section, the term to be served is the aggregate of 1450
all of the terms so imposed. 1451

(D)(1) If a court imposes a prison term for a felony of the 1452
first degree, for a felony of the second degree, for a felony sex 1453
offense, or for a felony of the third degree that is not a felony 1454
sex offense and in the commission of which the offender caused or 1455
threatened to cause physical harm to a person, it shall include in 1456
the sentence a requirement that the offender be subject to a 1457
period of post-release control after the offender's release from 1458
imprisonment, in accordance with that division. If a court imposes 1459
a sentence including a prison term of a type described in this 1460
division on or after July 11, 2006, the failure of a court to 1461
include a post-release control requirement in the sentence 1462
pursuant to this division does not negate, limit, or otherwise 1463
affect the mandatory period of post-release control that is 1464
required for the offender under division (B) of section 2967.28 of 1465
the Revised Code. Section 2929.191 of the Revised Code applies if, 1466
prior to July 11, 2006, a court imposed a sentence including a 1467
prison term of a type described in this division and failed to 1468
include in the sentence pursuant to this division a statement 1469

regarding post-release control. 1470

(2) If a court imposes a prison term for a felony of the 1471
third, fourth, or fifth degree that is not subject to division 1472
(D)(1) of this section, it shall include in the sentence a 1473
requirement that the offender be subject to a period of 1474
post-release control after the offender's release from 1475
imprisonment, in accordance with that division, if the parole 1476
board determines that a period of post-release control is 1477
necessary. Section 2929.191 of the Revised Code applies if, prior 1478
to July 11, 2006, a court imposed a sentence including a prison 1479
term of a type described in this division and failed to include in 1480
the sentence pursuant to this division a statement regarding 1481
post-release control. 1482

(E) The court shall impose sentence upon the offender in 1483
accordance with section 2971.03 of the Revised Code, and Chapter 1484
2971. of the Revised Code applies regarding the prison term or 1485
term of life imprisonment without parole imposed upon the offender 1486
and the service of that term of imprisonment if any of the 1487
following apply: 1488

(1) A person is convicted of or pleads guilty to a violent 1489
sex offense or a designated homicide, assault, or kidnapping 1490
offense, and, in relation to that offense, the offender is 1491
adjudicated a sexually violent predator. 1492

(2) A person is convicted of or pleads guilty to a violation 1493
of division (A)(1)(b) of section 2907.02 of the Revised Code 1494
committed on or after January 2, 2007, and either the court does 1495
not impose a sentence of life without parole when authorized 1496
pursuant to division (B) of section 2907.02 of the Revised Code, 1497
or division (B) of section 2907.02 of the Revised Code provides 1498
that the court shall not sentence the offender pursuant to section 1499
2971.03 of the Revised Code. 1500

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

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

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

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

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

(G) 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 1532
court shall impose upon the offender an additional prison term of 1533
one, two, or three years. 1534

(H)(1) If an offender who is convicted of or pleads guilty to 1535
aggravated murder, murder, or a felony of the first, second, or 1536
third degree that is an offense of violence also is convicted of 1537
or pleads guilty to a specification of the type described in 1538
section 2941.143 of the Revised Code that charges the offender 1539
with having committed the offense in a school safety zone or 1540
towards a person in a school safety zone, the court shall impose 1541
upon the offender an additional prison term of two years. The 1542
offender shall serve the additional two years consecutively to and 1543
prior to the prison term imposed for the underlying offense. 1544

(2)(a) If an offender is convicted of or pleads guilty to a 1545
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 1546
of the Revised Code and to a specification of the type described 1547
in section 2941.1421 of the Revised Code and if the court imposes 1548
a prison term on the offender for the felony violation, the court 1549
may impose upon the offender an additional prison term as follows: 1550

(i) Subject to division (H)(2)(a)(ii) of this section, an 1551
additional prison term of one, two, three, four, five, or six 1552
months; 1553

(ii) If the offender previously has been convicted of or 1554
pleaded guilty to one or more felony or misdemeanor violations of 1555
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 1556
Revised Code and also was convicted of or pleaded guilty to a 1557
specification of the type described in section 2941.1421 of the 1558
Revised Code regarding one or more of those violations, an 1559
additional prison term of one, two, three, four, five, six, seven, 1560
eight, nine, ten, eleven, or twelve months. 1561

(b) In lieu of imposing an additional prison term under 1562

division (H)(2)(a) of this section, the court may directly impose 1563
on the offender a sanction that requires the offender to wear a 1564
real-time processing, continual tracking electronic monitoring 1565
device during the period of time specified by the court. The 1566
period of time specified by the court shall equal the duration of 1567
an additional prison term that the court could have imposed upon 1568
the offender under division (H)(2)(a) of this section. A sanction 1569
imposed under this division shall commence on the date specified 1570
by the court, provided that the sanction shall not commence until 1571
after the offender has served the prison term imposed for the 1572
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 1573
of the Revised Code and any residential sanction imposed for the 1574
violation under section 2929.16 of the Revised Code. A sanction 1575
imposed under this division shall be considered to be a community 1576
control sanction for purposes of section 2929.15 of the Revised 1577
Code, and all provisions of the Revised Code that pertain to 1578
community control sanctions shall apply to a sanction imposed 1579
under this division, except to the extent that they would by their 1580
nature be clearly inapplicable. The offender shall pay all costs 1581
associated with a sanction imposed under this division, including 1582
the cost of the use of the monitoring device. 1583

(I) At the time of sentencing, the court may recommend the 1584
offender for placement in a program of shock incarceration under 1585
section 5120.031 of the Revised Code or for placement in an 1586
intensive program prison under section 5120.032 of the Revised 1587
Code, disapprove placement of the offender in a program of shock 1588
incarceration or an intensive program prison of that nature, or 1589
make no recommendation on placement of the offender. In no case 1590
shall the department of rehabilitation and correction place the 1591
offender in a program or prison of that nature unless the 1592
department determines as specified in section 5120.031 or 5120.032 1593
of the Revised Code, whichever is applicable, that the offender is 1594
eligible for the placement. 1595

If the court disapproves placement of the offender in a 1596
program or prison of that nature, the department of rehabilitation 1597
and correction shall not place the offender in any program of 1598
shock incarceration or intensive program prison. 1599

If the court recommends placement of the offender in a 1600
program of shock incarceration or in an intensive program prison, 1601
and if the offender is subsequently placed in the recommended 1602
program or prison, the department shall notify the court of the 1603
placement and shall include with the notice a brief description of 1604
the placement. 1605

If the court recommends placement of the offender in a 1606
program of shock incarceration or in an intensive program prison 1607
and the department does not subsequently place the offender in the 1608
recommended program or prison, the department shall send a notice 1609
to the court indicating why the offender was not placed in the 1610
recommended program or prison. 1611

If the court does not make a recommendation under this 1612
division with respect to an offender and if the department 1613
determines as specified in section 5120.031 or 5120.032 of the 1614
Revised Code, whichever is applicable, that the offender is 1615
eligible for placement in a program or prison of that nature, the 1616
department shall screen the offender and determine if there is an 1617
available program of shock incarceration or an intensive program 1618
prison for which the offender is suited. If there is an available 1619
program of shock incarceration or an intensive program prison for 1620
which the offender is suited, the department shall notify the 1621
court of the proposed placement of the offender as specified in 1622
section 5120.031 or 5120.032 of the Revised Code and shall include 1623
with the notice a brief description of the placement. The court 1624
shall have ten days from receipt of the notice to disapprove the 1625
placement. 1626

(J) If a person is convicted of or pleads guilty to 1627

aggravated vehicular homicide in violation of division (A)(1) of 1628
section 2903.06 of the Revised Code and division (B)(2)(c) of that 1629
section applies, the person shall be sentenced pursuant to section 1630
2929.142 of the Revised Code. 1631

Sec. 2941.1424. (A) Imposition of a mandatory prison term of 1632
five, six, seven, eight, nine, or ten years upon an offender under 1633
division (B)(9) of section 2929.14 of the Revised Code is 1634
precluded unless the offender is convicted of or pleads guilty to 1635
a felony offense of violence and unless the indictment, count in 1636
the indictment, or information charging the offense specifies that 1637
the victim of the offense suffered permanent disabling harm as a 1638
result of the offense. The specification shall be stated at the 1639
end of the body of the indictment, count, or information and shall 1640
be stated in substantially the following form: 1641

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1642
Grand Jurors (or insert the person's or the prosecuting attorney's 1643
name when appropriate) further find and specify that (set forth 1644
that the victim of the offense suffered permanent disabling harm 1645
as a result of the offense)." 1646

Section 2. That existing sections 2929.01, 2929.13, and 1647
2929.14 of the Revised Code are hereby repealed. 1648

Section 3. This act shall be known as "Destiny's Law." 1649