

As Reported by the House Judiciary Committee

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Representative Hackett

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A B I L L

To amend sections 2743.51, 2743.60, 2743.65, 2929.01, 1
2929.13, and 2929.14 and to enact sections 2
2743.611 and 2941.1424 of the Revised Code to 3
require an additional definite term of 4
imprisonment of 5 to 10 years for an offender who 5
is convicted of or pleads guilty to a felony 6
offense of violence if the offender is convicted 7
of or pleads guilty to a specification that the 8
victim suffered permanent disabling harm and to 9
establish a procedure for the Attorney General to 10
award additional reparations to a claimant if a 11
victim suffered catastrophic disabling harm from 12
the injury sustained due to the criminal conduct 13
giving rise to the claim. 14

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

Section 1. That sections 2743.51, 2743.60, 2743.65, 2929.01, 15
2929.13, and 2929.14 be amended and sections 2743.611 and 16
2941.1424 of the Revised Code be enacted to read as follows: 17

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 18
Revised Code: 19

(A) "Claimant" means both of the following categories of 20

persons:	21
(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	22 23
(a) A victim who was one of the following at the time of the criminally injurious conduct:	24 25
(i) A resident of the United States;	26
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.	27 28 29
(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;	30 31
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	32 33 34 35 36 37 38
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	39 40 41
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	42 43
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	44 45
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	46 47 48 49
(i) Had a permanent place of employment in this state;	50

(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	51 52 53 54
(iii) Was retired and receiving social security or any other retirement income;	55 56
(iv) Was sixty years of age or older;	57
(v) Was temporarily in another state for the purpose of receiving medical treatment;	58 59
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	60 61 62 63
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	64 65 66 67
(viii) Was a full-time student at an academic institution, college, or university located in another state;	68 69
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	70 71 72 73
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	74 75
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of	76 77 78 79 80

the claim and may include, but are not limited to, medical or 81
burial expenses; 82

(d) A person who is authorized to act on behalf of any person 83
who is described in division (A)(2)(a), (b), or (c) of this 84
section; 85

(e) The estate of a deceased victim who is described in 86
division (A)(2)(a) of this section. 87

(B) "Collateral source" means a source of benefits or 88
advantages for economic loss otherwise reparable that the victim 89
or claimant has received, or that is readily available to the 90
victim or claimant, from any of the following sources: 91

(1) The offender; 92

(2) The government of the United States or any of its 93
agencies, a state or any of its political subdivisions, or an 94
instrumentality of two or more states, unless the law providing 95
for the benefits or advantages makes them excess or secondary to 96
benefits under sections 2743.51 to 2743.72 of the Revised Code; 97

(3) Social security, medicare, and medicaid; 98

(4) State-required, temporary, nonoccupational disability 99
insurance; 100

(5) Workers' compensation; 101

(6) Wage continuation programs of any employer; 102

(7) Proceeds of a contract of insurance payable to the victim 103
for loss that the victim sustained because of the criminally 104
injurious conduct; 105

(8) A contract providing prepaid hospital and other health 106
care services, or benefits for disability; 107

(9) That portion of the proceeds of all contracts of 108
insurance payable to the claimant on account of the death of the 109

victim that exceeds fifty thousand dollars; 110

(10) Any compensation recovered or recoverable under the laws 111
of another state, district, territory, or foreign country because 112
the victim was the victim of an offense committed in that state, 113
district, territory, or country. 114

"Collateral source" does not include any money, or the 115
monetary value of any property, that is subject to sections 116
2969.01 to 2969.06 of the Revised Code or that is received as a 117
benefit from the Ohio public safety officers death benefit fund 118
created by section 742.62 of the Revised Code. 119

(C) "Criminally injurious conduct" means one of the 120
following: 121

(1) For the purposes of any person described in division 122
(A)(1) of this section, any conduct that occurs or is attempted in 123
this state; poses a substantial threat of personal injury or 124
death; and is punishable by fine, imprisonment, or death, or would 125
be so punishable but for the fact that the person engaging in the 126
conduct lacked capacity to commit the crime under the laws of this 127
state. Criminally injurious conduct does not include conduct 128
arising out of the ownership, maintenance, or use of a motor 129
vehicle, except when any of the following applies: 130

(a) The person engaging in the conduct intended to cause 131
personal injury or death; 132

(b) The person engaging in the conduct was using the vehicle 133
to flee immediately after committing a felony or an act that would 134
constitute a felony but for the fact that the person engaging in 135
the conduct lacked the capacity to commit the felony under the 136
laws of this state; 137

(c) The person engaging in the conduct was using the vehicle 138
in a manner that constitutes an OVI violation; 139

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code;

(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.

(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;

(d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district,

territory, or foreign country in which the conduct occurred, and 171
that law is substantially similar to a violation of section 172
2903.08 of the Revised Code; 173

(e) The person engaging in the conduct acted in a manner that 174
caused serious physical harm to a person and that constituted a 175
violation of any law of the state, district, territory, or foreign 176
country in which the conduct occurred, and that law is 177
substantially similar to section 4549.02 or 4549.021 of the 178
Revised Code. 179

(3) For the purposes of any person described in division 180
(A)(1) or (2) of this section, terrorism that occurs within or 181
outside the territorial jurisdiction of the United States. 182

(D) "Dependent" means an individual wholly or partially 183
dependent upon the victim for care and support, and includes a 184
child of the victim born after the victim's death. 185

(E) "Economic loss" means economic detriment consisting only 186
of allowable expense, work loss, funeral expense, unemployment 187
benefits loss, replacement services loss, cost of crime scene 188
cleanup, and cost of evidence replacement. If criminally injurious 189
conduct causes death, economic loss includes a dependent's 190
economic loss and a dependent's replacement services loss. 191
Noneconomic detriment is not economic loss; however, economic loss 192
may be caused by pain and suffering or physical impairment. 193

(F)(1) "Allowable expense" means reasonable charges incurred 194
for reasonably needed products, services, and accommodations, 195
including those for medical care, rehabilitation, rehabilitative 196
occupational training, and other remedial treatment and care and 197
including replacement costs for hearing aids; dentures, retainers, 198
and other dental appliances; canes, walkers, and other mobility 199
tools; and eyeglasses and other corrective lenses. It does not 200
include that portion of a charge for a room in a hospital, clinic, 201

convalescent home, nursing home, or any other institution engaged 202
in providing nursing care and related services in excess of a 203
reasonable and customary charge for semiprivate accommodations, 204
unless accommodations other than semiprivate accommodations are 205
medically required. 206

(2) An immediate family member of a victim of criminally 207
injurious conduct that consists of a homicide, a sexual assault, 208
domestic violence, or a severe and permanent incapacitating injury 209
resulting in paraplegia or a similar life-altering condition, who 210
requires psychiatric care or counseling as a result of the 211
criminally injurious conduct, may be reimbursed for that care or 212
counseling as an allowable expense through the victim's 213
application. The cumulative allowable expense for care or 214
counseling of that nature shall not exceed two thousand five 215
hundred dollars for each immediate family member of a victim of 216
that type and seven thousand five hundred dollars in the aggregate 217
for all immediate family members of a victim of that type. 218

(3) A family member of a victim who died as a proximate 219
result of criminally injurious conduct may be reimbursed as an 220
allowable expense through the victim's application for wages lost 221
and travel expenses incurred in order to attend criminal justice 222
proceedings arising from the criminally injurious conduct. The 223
cumulative allowable expense for wages lost and travel expenses 224
incurred by a family member to attend criminal justice proceedings 225
shall not exceed five hundred dollars for each family member of 226
the victim and two thousand dollars in the aggregate for all 227
family members of the victim. 228

(4)(a) "Allowable expense" includes reasonable expenses and 229
fees necessary to obtain a guardian's bond pursuant to section 230
2109.04 of the Revised Code when the bond is required to pay an 231
award to a fiduciary on behalf of a minor or other incompetent. 232

(b) "Allowable expense" includes attorney's fees not 233

exceeding one thousand dollars, at a rate not exceeding one 234
hundred dollars per hour, incurred to successfully obtain a 235
restraining order, custody order, or other order to physically 236
separate a victim from an offender. Attorney's fees for the 237
services described in this division may include an amount for 238
reasonable travel time incurred to attend court hearings, not 239
exceeding three hours' round-trip for each court hearing, assessed 240
at a rate not exceeding thirty dollars per hour. 241

(G) "Work loss" means loss of income from work that the 242
injured person would have performed if the person had not been 243
injured and expenses reasonably incurred by the person to obtain 244
services in lieu of those the person would have performed for 245
income, reduced by any income from substitute work actually 246
performed by the person, or by income the person would have earned 247
in available appropriate substitute work that the person was 248
capable of performing but unreasonably failed to undertake. 249

(H) "Replacement services loss" means expenses reasonably 250
incurred in obtaining ordinary and necessary services in lieu of 251
those the injured person would have performed, not for income, but 252
for the benefit of the person's self or family, if the person had 253
not been injured. 254

(I) "Dependent's economic loss" means loss after a victim's 255
death of contributions of things of economic value to the victim's 256
dependents, not including services they would have received from 257
the victim if the victim had not suffered the fatal injury, less 258
expenses of the dependents avoided by reason of the victim's 259
death. If a minor child of a victim is adopted after the victim's 260
death, the minor child continues after the adoption to incur a 261
dependent's economic loss as a result of the victim's death. If 262
the surviving spouse of a victim remarries, the surviving spouse 263
continues after the remarriage to incur a dependent's economic 264
loss as a result of the victim's death. 265

(J) "Dependent's replacement services loss" means loss 266
reasonably incurred by dependents after a victim's death in 267
obtaining ordinary and necessary services in lieu of those the 268
victim would have performed for their benefit if the victim had 269
not suffered the fatal injury, less expenses of the dependents 270
avoided by reason of the victim's death and not subtracted in 271
calculating the dependent's economic loss. If a minor child of a 272
victim is adopted after the victim's death, the minor child 273
continues after the adoption to incur a dependent's replacement 274
services loss as a result of the victim's death. If the surviving 275
spouse of a victim remarries, the surviving spouse continues after 276
the remarriage to incur a dependent's replacement services loss as 277
a result of the victim's death. 278

(K) "Noneconomic detriment" means pain, suffering, 279
inconvenience, physical impairment, or other nonpecuniary damage. 280

(L) "Victim" means a person who suffers personal injury or 281
death as a result of any of the following: 282

(1) Criminally injurious conduct; 283

(2) The good faith effort of any person to prevent criminally 284
injurious conduct; 285

(3) The good faith effort of any person to apprehend a person 286
suspected of engaging in criminally injurious conduct. 287

(M) "Contributory misconduct" means any conduct of the 288
claimant or of the victim through whom the claimant claims an 289
award of reparations that is unlawful or intentionally tortious 290
and that, without regard to the conduct's proximity in time or 291
space to the criminally injurious conduct, has a causal 292
relationship to the criminally injurious conduct that is the basis 293
of the claim. 294

(N)(1) "Funeral expense" means any reasonable charges that 295
are not in excess of seven thousand five hundred dollars per 296

funeral and that are incurred for expenses directly related to a 297
victim's funeral, cremation, or burial and any wages lost or 298
travel expenses incurred by a family member of a victim in order 299
to attend the victim's funeral, cremation, or burial. 300

(2) An award for funeral expenses shall be applied first to 301
expenses directly related to the victim's funeral, cremation, or 302
burial. An award for wages lost or travel expenses incurred by a 303
family member of the victim shall not exceed five hundred dollars 304
for each family member and shall not exceed in the aggregate the 305
difference between seven thousand five hundred dollars and 306
expenses that are reimbursed by the program and that are directly 307
related to the victim's funeral, cremation, or burial. 308

(O) "Unemployment benefits loss" means a loss of unemployment 309
benefits pursuant to Chapter 4141. of the Revised Code when the 310
loss arises solely from the inability of a victim to meet the able 311
to work, available for suitable work, or the actively seeking 312
suitable work requirements of division (A)(4)(a) of section 313
4141.29 of the Revised Code. 314

(P) "OVI violation" means any of the following: 315

(1) A violation of section 4511.19 of the Revised Code, of 316
any municipal ordinance prohibiting the operation of a vehicle 317
while under the influence of alcohol, a drug of abuse, or a 318
combination of them, or of any municipal ordinance prohibiting the 319
operation of a vehicle with a prohibited concentration of alcohol, 320
a controlled substance, or a metabolite of a controlled substance 321
in the whole blood, blood serum or plasma, breath, or urine; 322

(2) A violation of division (A)(1) of section 2903.06 of the 323
Revised Code; 324

(3) A violation of division (A)(2), (3), or (4) of section 325
2903.06 of the Revised Code or of a municipal ordinance 326
substantially similar to any of those divisions, if the offender 327

was under the influence of alcohol, a drug of abuse, or a 328
combination of them, at the time of the commission of the offense; 329

(4) For purposes of any person described in division (A)(2) 330
of this section, a violation of any law of the state, district, 331
territory, or foreign country in which the criminally injurious 332
conduct occurred, if that law is substantially similar to a 333
violation described in division (P)(1) or (2) of this section or 334
if that law is substantially similar to a violation described in 335
division (P)(3) of this section and the offender was under the 336
influence of alcohol, a drug of abuse, or a combination of them, 337
at the time of the commission of the offense. 338

(Q) "Pendency of the claim" for an original reparations 339
application or supplemental reparations application means the 340
period of time from the date the criminally injurious conduct upon 341
which the application is based occurred until the date a final 342
decision, order, or judgment concerning that original reparations 343
application or supplemental reparations application is issued. 344

(R) "Terrorism" means any activity to which all of the 345
following apply: 346

(1) The activity involves a violent act or an act that is 347
dangerous to human life. 348

(2) The act described in division (R)(1) of this section is 349
committed within the territorial jurisdiction of the United States 350
and is a violation of the criminal laws of the United States, this 351
state, or any other state or the act described in division (R)(1) 352
of this section is committed outside the territorial jurisdiction 353
of the United States and would be a violation of the criminal laws 354
of the United States, this state, or any other state if committed 355
within the territorial jurisdiction of the United States. 356

(3) The activity appears to be intended to do any of the 357
following: 358

(a) Intimidate or coerce a civilian population;	359
(b) Influence the policy of any government by intimidation or coercion;	360 361
(c) Affect the conduct of any government by assassination or kidnapping.	362 363
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.	364 365 366 367 368 369 370
(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.	371 372 373 374
(T) "Cost of crime scene cleanup" means any of the following:	375
(1) The replacement cost for items of clothing removed from a victim in order to make an assessment of possible physical harm or to treat physical harm;	376 377 378
(2) Reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.	379 380 381 382
(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.	383 384 385 386
(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an	387 388

allowable expense or a funeral expense. 389

(W) "Immediate family member" means an individual who resided 390
in the same permanent household as a victim at the time of the 391
criminally injurious conduct and who is related to the victim by 392
affinity or consanguinity. 393

(X) "Family member" means an individual who is related to a 394
victim by affinity or consanguinity. 395

(Y) "Catastrophic disabling harm" means a severe physical 396
injury that causes a substantial and lifelong impairment to a 397
victim's ability to perform the necessary daily activities 398
required to care for one's self and maintain meaningful 399
employment. 400

(Z) "Catastrophic disability compensation" means compensation 401
for which a claimant is eligible due to catastrophic disabling 402
harm suffered by a victim. 403

Sec. 2743.60. (A) The attorney general or the court of claims 404
shall not make or order an award of reparations to a claimant if 405
the criminally injurious conduct upon which the claimant bases a 406
claim never was reported to a law enforcement officer or agency. 407
408

(B)(1) The attorney general or the court of claims shall not 409
make or order an award of reparations to a claimant if any of the 410
following apply: 411

(a) The claimant is the offender or an accomplice of the 412
offender who committed the criminally injurious conduct, or the 413
award would unjustly benefit the offender or accomplice. 414

(b) Except as provided in division (B)(2) of this section, 415
both of the following apply: 416

(i) The victim was a passenger in a motor vehicle and knew or 417
reasonably should have known that the driver was under the 418

influence of alcohol, a drug of abuse, or both. 419

(ii) The claimant is seeking compensation for injuries 420
proximately caused by the driver described in division 421
(B)(1)(b)(i) of this section being under the influence of alcohol, 422
a drug of abuse, or both. 423

(c) Both of the following apply: 424

(i) The victim was under the influence of alcohol, a drug of 425
abuse, or both and was a passenger in a motor vehicle and, if 426
sober, should have reasonably known that the driver was under the 427
influence of alcohol, a drug of abuse, or both. 428

(ii) The claimant is seeking compensation for injuries 429
proximately caused by the driver described in division 430
(B)(1)(b)(i) of this section being under the influence of alcohol, 431
a drug of abuse, or both. 432

(2) Division (B)(1)(b) of this section does not apply if on 433
the date of the occurrence of the criminally injurious conduct, 434
the victim was under sixteen years of age or was at least sixteen 435
years of age but less than eighteen years of age and was riding 436
with a parent, guardian, or care-provider. 437

(C) The attorney general or the court of claims, upon a 438
finding that the claimant or victim has not fully cooperated with 439
appropriate law enforcement agencies, may deny a claim or 440
reconsider and reduce an award of reparations. 441

(D) The attorney general or the court of claims shall reduce 442
an award of reparations or deny a claim for an award of 443
reparations that is otherwise payable to a claimant to the extent 444
that the economic loss upon which the claim is based is recouped 445
from other persons, including collateral sources. If an award is 446
reduced or a claim is denied because of the expected recoupment of 447
all or part of the economic loss of the claimant from a collateral 448
source, the amount of the award or the denial of the claim shall 449

be conditioned upon the claimant's economic loss being recouped by 450
the collateral source. If the award or denial is conditioned upon 451
the recoupment of the claimant's economic loss from a collateral 452
source and it is determined that the claimant did not unreasonably 453
fail to present a timely claim to the collateral source and will 454
not receive all or part of the expected recoupment, the claim may 455
be reopened and an award may be made in an amount equal to the 456
amount of expected recoupment that it is determined the claimant 457
will not receive from the collateral source. 458

If the claimant recoups all or part of the economic loss upon 459
which the claim is based from any other person or entity, 460
including a collateral source, the attorney general may recover 461
pursuant to section 2743.72 of the Revised Code the part of the 462
award that represents the economic loss for which the claimant 463
received the recoupment from the other person or entity. 464

(E)(1) Except as otherwise provided in division (E)(2) of 465
this section, the attorney general or the court of claims shall 466
not make an award to a claimant if any of the following applies: 467

(a) The victim was convicted of a felony within ten years 468
prior to the criminally injurious conduct that gave rise to the 469
claim or is convicted of a felony during the pendency of the 470
claim. 471

(b) The claimant was convicted of a felony within ten years 472
prior to the criminally injurious conduct that gave rise to the 473
claim or is convicted of a felony during the pendency of the 474
claim. 475

(c) It is proved by a preponderance of the evidence that the 476
victim or the claimant engaged, within ten years prior to the 477
criminally injurious conduct that gave rise to the claim or during 478
the pendency of the claim, in an offense of violence, a violation 479
of section 2925.03 of the Revised Code, or any substantially 480

similar offense that also would constitute a felony under the laws 481
of this state, another state, or the United States. 482

(d) The claimant was convicted of a violation of section 483
2919.22 or 2919.25 of the Revised Code, or of any state law or 484
municipal ordinance substantially similar to either section, 485
within ten years prior to the criminally injurious conduct that 486
gave rise to the claim or during the pendency of the claim. 487

(e) It is proved by a preponderance of the evidence that the 488
victim at the time of the criminally injurious conduct that gave 489
rise to the claim engaged in conduct that was a felony violation 490
of section 2925.11 of the Revised Code or engaged in any 491
substantially similar conduct that would constitute a felony under 492
the laws of this state, another state, or the United States. 493

(2) The attorney general or the court of claims may make an 494
award to a minor dependent of a deceased victim for dependent's 495
economic loss or for counseling pursuant to division (F)(2) of 496
section 2743.51 of the Revised Code if the minor dependent is not 497
ineligible under division (E)(1) of this section due to the minor 498
dependent's criminal history and if the victim was not killed 499
while engaging in illegal conduct that contributed to the 500
criminally injurious conduct that gave rise to the claim. For 501
purposes of this section, the use of illegal drugs by the deceased 502
victim shall not be deemed to have contributed to the criminally 503
injurious conduct that gave rise to the claim. 504

(F) In determining whether to make an award of reparations 505
pursuant to this section, the attorney general or the court of 506
claims shall consider whether there was contributory misconduct by 507
the victim or the claimant. The attorney general or the court of 508
claims shall reduce an award of reparations or deny a claim for an 509
award of reparations to the extent it is determined to be 510
reasonable because of the contributory misconduct of the claimant 511
or the victim. 512

When the attorney general decides whether a claim should be 513
denied because of an allegation of contributory misconduct, the 514
burden of proof on the issue of that alleged contributory 515
misconduct shall be upon the claimant, if either of the following 516
apply: 517

(1) The victim was convicted of a felony more than ten years 518
prior to the criminally injurious conduct that is the subject of 519
the claim or has a record of felony arrests under the laws of this 520
state, another state, or the United States. 521

(2) There is good cause to believe that the victim engaged in 522
an ongoing course of criminal conduct within five years or less of 523
the criminally injurious conduct that is the subject of the claim. 524

(G) The attorney general or the court of claims shall not 525
make an award of reparations to a claimant if the criminally 526
injurious conduct that caused the injury or death that is the 527
subject of the claim occurred to a victim who was an adult and 528
while the victim, after being convicted of or pleading guilty to 529
an offense, was serving a sentence of imprisonment in any 530
detention facility, as defined in section 2921.01 of the Revised 531
Code. 532

(H) If a claimant unreasonably fails to present a claim 533
timely to a source of benefits or advantages that would have been 534
a collateral source and that would have reimbursed the claimant 535
for all or a portion of a particular expense, the attorney general 536
or the court of claims may reduce an award of reparations or deny 537
a claim for an award of reparations to the extent that it is 538
reasonable to do so. 539

(I)(1) Reparations payable to a victim and to all other 540
claimants sustaining economic loss because of injury to or the 541
death of that victim shall not exceed fifty thousand dollars in 542
the aggregate. If the attorney general or the court of claims 543

reduces an award under division (F) of this section, the maximum 544
aggregate amount of reparations payable under this division shall 545
be reduced proportionately to the reduction under division (F) of 546
this section. 547

(2) After a victim exhausts the maximum allowable award 548
amount under division (I)(1) of this section, a claimant may apply 549
for catastrophic disability compensation for catastrophic 550
disabling harm sustained by the victim as a result of criminally 551
injurious conduct that gave rise to the claim pursuant to section 552
2743.611 of the Revised Code. 553

(J) Nothing in this section shall be construed to prohibit an 554
award to a claimant whose claim is based on the claimant's being a 555
victim of a violation of section 2905.32 of the Revised Code if 556
the claimant was less than eighteen years of age when the 557
criminally injurious conduct occurred. 558

Sec. 2743.611. (A) Notwithstanding any award payable under 559
division (I) of section 2743.60 of the Revised Code, the attorney 560
general may award additional reparations to a claimant if a victim 561
suffers catastrophic disabling harm as a result of the injury 562
sustained from the criminally injurious conduct that gave rise to 563
the claim. 564

(B) The attorney general shall adopt rules under Chapter 119. 565
of the Revised Code that establish criteria for finding victims to 566
be eligible to receive catastrophic disability compensation under 567
this section. 568

(C)(1) The decision of the attorney general that the victim 569
is eligible for catastrophic disability compensation under this 570
section allows the claimant to be eligible for reparations of up 571
to ten thousand dollars per year. The year begins on the date the 572
attorney general issues the decision finding that the victim is 573
eligible for catastrophic disability compensation. 574

(2) The amount of the reparations under division (C)(1) of this section is limited to reimbursement for reasonably necessary medical products, medical services, and accommodations for medical care and treatment for the catastrophic disabling harm suffered by the victim. 575
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(D) A victim shall exhaust the maximum allowable award amount under division (I)(1) of section 2743.60 of the Revised Code before the victim may apply for catastrophic disability compensation. If the victim fails to exhaust the maximum allowable award amount under division (I)(1) of section 2743.60 of the Revised Code because a supplemental reparations application was not filed within the time limit provided in section 2743.68 of the Revised Code, the attorney general, for good cause shown, may waive the time limit provided in that section to allow for an application for a supplemental award to be made and the supplemental award to be issued. 580
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(E)(1) After a victim exhausts the maximum allowable award amount under division (I)(1) of section 2743.60 of the Revised Code, a claimant may apply for catastrophic disability compensation. Upon receiving the application, the attorney general shall determine whether the victim is eligible for an award of catastrophic disability compensation based on the criteria for eligibility in the rules adopted by the attorney general under division (B) of this section. 591
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(2) For the purpose of determining whether a victim is eligible for catastrophic disability compensation, the attorney general shall fully investigate the victim's injury resulting from the criminally injurious conduct that gave rise to the claim to determine if the victim suffered catastrophic disabling harm. Throughout the investigation under this division, the attorney general may utilize any investigative authority provided in section 2743.59 of the Revised Code. 599
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(3) Within ninety days after receiving the application under division (E)(1) of this section, the attorney general shall issue a decision that finds that the victim is either eligible, or not eligible, for catastrophic disability compensation. The attorney general may extend the ninety-day period under this division and, if the period is so extended, shall notify the claimant in writing of the extension and the specific reason for the extension. 607
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(4) The decision of the attorney general under division (E)(3) of this section shall be in writing and served upon the claimant by certified mail to the claimant's residence, return receipt requested. The decision shall contain both of the following: 614
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(a) A statement of the finding of whether the victim is eligible, or not eligible, for catastrophic disability compensation; 619
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(b) A summary stating the nature of the victim's injury and how the injury is related to the criminally injurious conduct that gave rise to the claim. 622
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(F)(1) If the decision of the attorney general under division (E)(4) of this section is that the victim is eligible for catastrophic disability compensation, the claimant may submit to the attorney general any documentation and other evidence of necessary medical products, medical services, and accommodations for medical care and treatment for the catastrophic disabling harm suffered by the victim. 625
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(2) The decision of the attorney general that the victim is eligible for catastrophic disability compensation is valid for one year after the date of the decision unless the attorney general determines, within that one-year period, that the victim is no longer suffering from the catastrophic disabling harm sustained from the criminally injurious conduct that gave rise to the claim. 632
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(G)(1) After the decision of the attorney general that the victim is eligible for catastrophic disability compensation expires under division (F)(2) of this section, the claimant may apply for supplemental catastrophic disability compensation. The attorney general shall determine the victim's eligibility for supplemental catastrophic disability compensation in the same manner as the attorney general determines the application for catastrophic disability compensation under division (E) of this section. 638
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(2) The claimant may continue to apply for supplemental catastrophic disability compensation for as long as the victim is suffering from the catastrophic disabling harm sustained from the criminally injurious conduct that gave rise to the claim. The amount of the reparations for supplemental catastrophic disability compensation shall not exceed ten thousand dollars in any twelve-month period following the attorney general's most recent determination that the victim is eligible for supplemental catastrophic disability compensation. 647
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(3) The amount of the reparations under division (G)(2) of this section is limited to reimbursement for reasonably necessary medical products, medical services, and accommodations for medical care and treatment for the catastrophic disabling harm suffered by the victim. 656
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(H)(1) If the attorney general denies the application under division (E) of this section upon a finding that the victim is not eligible for catastrophic disability compensation, the claimant may request a hearing within thirty days of the denial of the application. The attorney general shall schedule a hearing within thirty days of the claimant's request. 661
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(2) The attorney general shall appoint a hearing officer to conduct the hearing under division (H)(1) of this section. An administrative hearing conducted under that division is not 667
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subject to section 121.22 of the Revised Code. 670

(3) The hearing officer shall issue its recommendations to 671
the attorney general within ten days after the date the hearing 672
concludes. The attorney general shall issue a decision within ten 673
days after receiving the hearing officer's recommendations. The 674
decision of the attorney general is final, and shall be served on 675
the claimant by certified mail to the claimant's residence, return 676
receipt requested. 677

(4) If the decision of the attorney general under division 678
(H)(3) of this section is that the victim is eligible for 679
catastrophic disability compensation, divisions (E) to (G) of this 680
section apply. 681

Sec. 2743.65. (A) The attorney general shall determine, and 682
the state shall pay, in accordance with this section attorney's 683
fees, commensurate with services rendered, to the attorney 684
representing a claimant under sections 2743.51 to 2743.72 of the 685
Revised Code. The attorney shall submit on an application form an 686
itemized fee bill at the rate of sixty dollars per hour upon 687
receipt of the final decision on the claim. Attorney's fees paid 688
pursuant to this section are subject to the following maximum 689
amounts: 690

(1) A maximum of seven hundred twenty dollars for claims 691
resolved without the filing of an appeal to the court of claims; 692

(2) A maximum of one thousand twenty dollars for claims in 693
which an appeal to the court of claims is filed plus, at the 694
request of an attorney whose main office is not in Franklin 695
county, Delaware county, Licking county, Fairfield county, 696
Pickaway county, Madison county, or Union county, an amount for 697
the attorney's travel time to attend the oral hearing before the 698
court of claims at the rate of thirty dollars per hour; 699

~~(3) A maximum of one thousand three hundred twenty dollars for claims in which an appeal to the court of claims is filed plus, at the request of an attorney whose main office is not in Franklin county, Delaware county, Licking county, Fairfield county, Pickaway county, Madison county, or Union county, an amount for the attorney's travel time to attend the oral hearing before the court at the rate of thirty dollars per hour;~~

~~(4) A maximum of seven hundred twenty dollars for a supplemental reparations application;~~

~~(5)(4) A maximum of two hundred dollars if the claim is denied on the basis of a claimant's or victim's conviction of a felony offense prior to the filing of the claim. If the claimant or victim is convicted of a felony offense during the pendency of the claim, the two hundred dollars maximum does not apply. If the attorney had knowledge of the claimant's or victim's felony conviction prior to the filing of the application for the claim, the attorney general may determine that the filing of the claim was frivolous and may deny attorney's fees;~~

(5) A maximum of two hundred fifty dollars for submitting an application for catastrophic disability compensation if the application results in the issuance of an award;

(6) A maximum of two hundred fifty dollars for an application for catastrophic disability compensation in which an administrative hearing is requested and held pursuant to division (H) of section 2743.611 of the Revised Code and the decision of the attorney general is that an award will be issued.

(B) The attorney general may determine that an attorney be reimbursed for fees incurred in the creation of a guardianship if the guardianship is required in order for an individual to receive an award of reparations, and those fees shall be reimbursed at a rate of sixty dollars per hour.

(C)(1) The attorney general shall forward an application form 731
for attorney's fees to a claimant's attorney before or when the 732
final decision on a claim is rendered. The application form for 733
attorney's fees shall do all of the following: 734

(a) Inform the attorney of the requirements of this section; 735

(b) Require a verification statement comporting with the law 736
prohibiting falsification; 737

(c) Require an itemized fee statement; 738

(d) Require a verification statement that the claimant was 739
served a copy of the completed application form; 740

(e) Include notice that the claimant may oppose the 741
application by notifying the attorney general in writing within 742
ten days. 743

(2) The attorney general shall forward a copy of this section 744
to the attorney with the application form for attorney's fees. The 745
attorney shall file the application form with the attorney 746
general. The attorney general's decision with respect to an award 747
of attorney's fees is final ten days after the attorney general 748
renders the decision and mails a copy of the decision to the 749
attorney at the address provided by the attorney. The attorney may 750
request reconsideration of the decision on grounds that it is 751
insufficient or calculated incorrectly. The attorney general's 752
decision on the request for reconsideration is final. 753

(D) The attorney general shall review all application forms 754
for attorney's fees that are submitted by a claimant's attorney 755
and shall issue an order approving the amount of fees to be paid 756
to the attorney within sixty days after receipt of the application 757
form. 758

(E) No attorney's fees shall be paid for the following: 759

(1) Estate work or representation of a claimant against a 760

collateral source;	761
(2) Duplication of investigative work required to be performed by the attorney general;	762 763
(3) Performance of unnecessary criminal investigation of the offense;	764 765
(4) Presenting or appealing an issue that has been repeatedly ruled upon by the highest appellate authority, unless a unique set of facts or unique issue of law exists that distinguishes it;	766 767 768
(5) A fee request that is unreasonable, is not commensurate with services rendered, violates the Ohio code of professional responsibility, or is based upon services that are determined to be frivolous.	769 770 771 772
(F)(1) The attorney general may reduce or deny the payment of attorney's fees to an attorney who has filed a frivolous claim. Subject to division (A)(5) of this section, the denial of a claim on the basis of a felony conviction, felony conduct, or contributory misconduct does not constitute a frivolous claim.	773 774 775 776 777
(2) As used in this section, "frivolous claim" means a claim in which there is clearly no legal grounds under the existing laws of this state to support the filing of a claim on behalf of the claimant or victim.	778 779 780 781
(G) The attorney general may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed.	782 783 784 785 786
(H) No attorney shall receive payment under this section for assisting a claimant with an application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code if that attorney's fees have been allowed as an expense in	787 788 789 790

accordance with division (F)(4) of section 2743.51 of the Revised Code. 791
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(I) A contract or other agreement between an attorney and any person that provides for the payment of attorney's fees or other payments in excess of the attorney's fees allowed under this section for representing a claimant under sections 2743.51 to 2743.72 of the Revised Code shall be void and unenforceable. 793
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(J) Each witness who appears in a hearing on a claim for an award of reparations shall receive compensation in an amount equal to that received by witnesses under section 119.094 of the Revised Code. 798
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(K) If a claimant challenges the attorney general's final decision under section 2743.611 of the Revised Code that a victim is not eligible for catastrophic disability compensation by initiating a mandamus action in the court of common pleas and the action results in an award for catastrophic disability compensation being issued to the claimant, the attorney general shall pay the claimant's reasonable attorney's fees and court costs. Any attorney's fees and court costs paid under this division shall be construed as remedial and not punitive. 802
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Sec. 2929.01. As used in this chapter: 811

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria: 812
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(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation. 816
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(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, 819
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or other service that it provides from the government agency that 821
is responsible for licensing or certifying that type of education, 822
training, treatment, habilitation, or service. 823

(2) "Alternative residential facility" does not include a 824
community-based correctional facility, jail, halfway house, or 825
prison. 826

(B) "Basic probation supervision" means a requirement that 827
the offender maintain contact with a person appointed to supervise 828
the offender in accordance with sanctions imposed by the court or 829
imposed by the parole board pursuant to section 2967.28 of the 830
Revised Code. "Basic probation supervision" includes basic parole 831
supervision and basic post-release control supervision. 832

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the 833
same meanings as in section 2925.01 of the Revised Code. 834

(D) "Community-based correctional facility" means a 835
community-based correctional facility and program or district 836
community-based correctional facility and program developed 837
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 838

(E) "Community control sanction" means a sanction that is not 839
a prison term and that is described in section 2929.15, 2929.16, 840
2929.17, or 2929.18 of the Revised Code or a sanction that is not 841
a jail term and that is described in section 2929.26, 2929.27, or 842
2929.28 of the Revised Code. "Community control sanction" includes 843
probation if the sentence involved was imposed for a felony that 844
was committed prior to July 1, 1996, or if the sentence involved 845
was imposed for a misdemeanor that was committed prior to January 846
1, 2004. 847

(F) "Controlled substance," "marihuana," "schedule I," and 848
"schedule II" have the same meanings as in section 3719.01 of the 849
Revised Code. 850

(G) "Curfew" means a requirement that an offender during a 851

specified period of time be at a designated place. 852

(H) "Day reporting" means a sanction pursuant to which an 853
offender is required each day to report to and leave a center or 854
other approved reporting location at specified times in order to 855
participate in work, education or training, treatment, and other 856
approved programs at the center or outside the center. 857

(I) "Deadly weapon" has the same meaning as in section 858
2923.11 of the Revised Code. 859

(J) "Drug and alcohol use monitoring" means a program under 860
which an offender agrees to submit to random chemical analysis of 861
the offender's blood, breath, or urine to determine whether the 862
offender has ingested any alcohol or other drugs. 863

(K) "Drug treatment program" means any program under which a 864
person undergoes assessment and treatment designed to reduce or 865
completely eliminate the person's physical or emotional reliance 866
upon alcohol, another drug, or alcohol and another drug and under 867
which the person may be required to receive assessment and 868
treatment on an outpatient basis or may be required to reside at a 869
facility other than the person's home or residence while 870
undergoing assessment and treatment. 871

(L) "Economic loss" means any economic detriment suffered by 872
a victim as a direct and proximate result of the commission of an 873
offense and includes any loss of income due to lost time at work 874
because of any injury caused to the victim, and any property loss, 875
medical cost, or funeral expense incurred as a result of the 876
commission of the offense. "Economic loss" does not include 877
non-economic loss or any punitive or exemplary damages. 878

(M) "Education or training" includes study at, or in 879
conjunction with a program offered by, a university, college, or 880
technical college or vocational study and also includes the 881
completion of primary school, secondary school, and literacy 882

curricula or their equivalent. 883

(N) "Firearm" has the same meaning as in section 2923.11 of 884
the Revised Code. 885

(O) "Halfway house" means a facility licensed by the division 886
of parole and community services of the department of 887
rehabilitation and correction pursuant to section 2967.14 of the 888
Revised Code as a suitable facility for the care and treatment of 889
adult offenders. 890

(P) "House arrest" means a period of confinement of an 891
offender that is in the offender's home or in other premises 892
specified by the sentencing court or by the parole board pursuant 893
to section 2967.28 of the Revised Code and during which all of the 894
following apply: 895

(1) The offender is required to remain in the offender's home 896
or other specified premises for the specified period of 897
confinement, except for periods of time during which the offender 898
is at the offender's place of employment or at other premises as 899
authorized by the sentencing court or by the parole board. 900

(2) The offender is required to report periodically to a 901
person designated by the court or parole board. 902

(3) The offender is subject to any other restrictions and 903
requirements that may be imposed by the sentencing court or by the 904
parole board. 905

(Q) "Intensive probation supervision" means a requirement 906
that an offender maintain frequent contact with a person appointed 907
by the court, or by the parole board pursuant to section 2967.28 908
of the Revised Code, to supervise the offender while the offender 909
is seeking or maintaining necessary employment and participating 910
in training, education, and treatment programs as required in the 911
court's or parole board's order. "Intensive probation supervision" 912
includes intensive parole supervision and intensive post-release 913

control supervision. 914

(R) "Jail" means a jail, workhouse, minimum security jail, or 915
other residential facility used for the confinement of alleged or 916
convicted offenders that is operated by a political subdivision or 917
a combination of political subdivisions of this state. 918

(S) "Jail term" means the term in a jail that a sentencing 919
court imposes or is authorized to impose pursuant to section 920
2929.24 or 2929.25 of the Revised Code or pursuant to any other 921
provision of the Revised Code that authorizes a term in a jail for 922
a misdemeanor conviction. 923

(T) "Mandatory jail term" means the term in a jail that a 924
sentencing court is required to impose pursuant to division (G) of 925
section 1547.99 of the Revised Code, division (E) of section 926
2903.06 or division (D) of section 2903.08 of the Revised Code, 927
division (E) or (G) of section 2929.24 of the Revised Code, 928
division (B) of section 4510.14 of the Revised Code, or division 929
(G) of section 4511.19 of the Revised Code or pursuant to any 930
other provision of the Revised Code that requires a term in a jail 931
for a misdemeanor conviction. 932

(U) "Delinquent child" has the same meaning as in section 933
2152.02 of the Revised Code. 934

(V) "License violation report" means a report that is made by 935
a sentencing court, or by the parole board pursuant to section 936
2967.28 of the Revised Code, to the regulatory or licensing board 937
or agency that issued an offender a professional license or a 938
license or permit to do business in this state and that specifies 939
that the offender has been convicted of or pleaded guilty to an 940
offense that may violate the conditions under which the offender's 941
professional license or license or permit to do business in this 942
state was granted or an offense for which the offender's 943
professional license or license or permit to do business in this 944

state may be revoked or suspended. 945

(W) "Major drug offender" means an offender who is convicted 946
of or pleads guilty to the possession of, sale of, or offer to 947
sell any drug, compound, mixture, preparation, or substance that 948
consists of or contains at least one thousand grams of hashish; at 949
least one hundred grams of cocaine; at least two thousand five 950
hundred unit doses or two hundred fifty grams of heroin; at least 951
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 952
in a liquid concentrate, liquid extract, or liquid distillate 953
form; at least fifty grams of a controlled substance analog; or at 954
least one hundred times the amount of any other schedule I or II 955
controlled substance other than marihuana that is necessary to 956
commit a felony of the third degree pursuant to section 2925.03, 957
2925.04, 2925.05, or 2925.11 of the Revised Code that is based on 958
the possession of, sale of, or offer to sell the controlled 959
substance. 960

(X) "Mandatory prison term" means any of the following: 961

(1) Subject to division (X)(2) of this section, the term in 962
prison that must be imposed for the offenses or circumstances set 963
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 964
2929.13 and division (B) of section 2929.14 of the Revised Code. 965
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 966
and 2925.11 of the Revised Code, unless the maximum or another 967
specific term is required under section 2929.14 or 2929.142 of the 968
Revised Code, a mandatory prison term described in this division 969
may be any prison term authorized for the level of offense. 970

(2) The term of sixty or one hundred twenty days in prison 971
that a sentencing court is required to impose for a third or 972
fourth degree felony OVI offense pursuant to division (G)(2) of 973
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 974
of the Revised Code or the term of one, two, three, four, or five 975
years in prison that a sentencing court is required to impose 976

pursuant to division (G)(2) of section 2929.13 of the Revised Code. 977
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(3) The term in prison imposed pursuant to division (A) of 979
section 2971.03 of the Revised Code for the offenses and in the 980
circumstances described in division (F)(11) of section 2929.13 of 981
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 982
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 983
2971.03 of the Revised Code and that term as modified or 984
terminated pursuant to section 2971.05 of the Revised Code. 985

(Y) "Monitored time" means a period of time during which an 986
offender continues to be under the control of the sentencing court 987
or parole board, subject to no conditions other than leading a 988
law-abiding life. 989

(Z) "Offender" means a person who, in this state, is 990
convicted of or pleads guilty to a felony or a misdemeanor. 991

(AA) "Prison" means a residential facility used for the 992
confinement of convicted felony offenders that is under the 993
control of the department of rehabilitation and correction but 994
does not include a violation sanction center operated under 995
authority of section 2967.141 of the Revised Code. 996

(BB) "Prison term" includes either of the following sanctions 997
for an offender: 998

(1) A stated prison term; 999

(2) A term in a prison shortened by, or with the approval of, 1000
the sentencing court pursuant to section 2929.143, 2929.20, 1001
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 1002

(CC) "Repeat violent offender" means a person about whom both 1003
of the following apply: 1004

(1) The person is being sentenced for committing or for 1005
complicity in committing any of the following: 1006

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

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

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC)(1)(a) or (b) of this section.

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

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

(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any

period of time by which the prison term imposed upon the offender 1038
is shortened by the offender's successful completion of all 1039
assessment and treatment or programming pursuant to those 1040
sections. 1041

(GG) "Victim-offender mediation" means a reconciliation or 1042
mediation program that involves an offender and the victim of the 1043
offense committed by the offender and that includes a meeting in 1044
which the offender and the victim may discuss the offense, discuss 1045
restitution, and consider other sanctions for the offense. 1046

(HH) "Fourth degree felony OVI offense" means a violation of 1047
division (A) of section 4511.19 of the Revised Code that, under 1048
division (G) of that section, is a felony of the fourth degree. 1049

(II) "Mandatory term of local incarceration" means the term 1050
of sixty or one hundred twenty days in a jail, a community-based 1051
correctional facility, a halfway house, or an alternative 1052
residential facility that a sentencing court may impose upon a 1053
person who is convicted of or pleads guilty to a fourth degree 1054
felony OVI offense pursuant to division (G)(1) of section 2929.13 1055
of the Revised Code and division (G)(1)(d) or (e) of section 1056
4511.19 of the Revised Code. 1057

(JJ) "Designated homicide, assault, or kidnapping offense," 1058
"violent sex offense," "sexual motivation specification," 1059
"sexually violent offense," "sexually violent predator," and 1060
"sexually violent predator specification" have the same meanings 1061
as in section 2971.01 of the Revised Code. 1062

(KK) "Sexually oriented offense," "child-victim oriented 1063
offense," and "tier III sex offender/child-victim offender" have 1064
the same meanings as in section 2950.01 of the Revised Code. 1065

(LL) An offense is "committed in the vicinity of a child" if 1066
the offender commits the offense within thirty feet of or within 1067
the same residential unit as a child who is under eighteen years 1068

of age, regardless of whether the offender knows the age of the 1069
child or whether the offender knows the offense is being committed 1070
within thirty feet of or within the same residential unit as the 1071
child and regardless of whether the child actually views the 1072
commission of the offense. 1073

(MM) "Family or household member" has the same meaning as in 1074
section 2919.25 of the Revised Code. 1075

(NN) "Motor vehicle" and "manufactured home" have the same 1076
meanings as in section 4501.01 of the Revised Code. 1077

(OO) "Detention" and "detention facility" have the same 1078
meanings as in section 2921.01 of the Revised Code. 1079

(PP) "Third degree felony OVI offense" means a violation of 1080
division (A) of section 4511.19 of the Revised Code that, under 1081
division (G) of that section, is a felony of the third degree. 1082

(QQ) "Random drug testing" has the same meaning as in section 1083
5120.63 of the Revised Code. 1084

(RR) "Felony sex offense" has the same meaning as in section 1085
2967.28 of the Revised Code. 1086

(SS) "Body armor" has the same meaning as in section 1087
2941.1411 of the Revised Code. 1088

(TT) "Electronic monitoring" means monitoring through the use 1089
of an electronic monitoring device. 1090

(UU) "Electronic monitoring device" means any of the 1091
following: 1092

(1) Any device that can be operated by electrical or battery 1093
power and that conforms with all of the following: 1094

(a) The device has a transmitter that can be attached to a 1095
person, that will transmit a specified signal to a receiver of the 1096
type described in division (UU)(1)(b) of this section if the 1097
transmitter is removed from the person, turned off, or altered in 1098

any manner without prior court approval in relation to electronic 1099
monitoring or without prior approval of the department of 1100
rehabilitation and correction in relation to the use of an 1101
electronic monitoring device for an inmate on transitional control 1102
or otherwise is tampered with, that can transmit continuously and 1103
periodically a signal to that receiver when the person is within a 1104
specified distance from the receiver, and that can transmit an 1105
appropriate signal to that receiver if the person to whom it is 1106
attached travels a specified distance from that receiver. 1107

(b) The device has a receiver that can receive continuously 1108
the signals transmitted by a transmitter of the type described in 1109
division (UU)(1)(a) of this section, can transmit continuously 1110
those signals by a wireless or landline telephone connection to a 1111
central monitoring computer of the type described in division 1112
(UU)(1)(c) of this section, and can transmit continuously an 1113
appropriate signal to that central monitoring computer if the 1114
device has been turned off or altered without prior court approval 1115
or otherwise tampered with. The device is designed specifically 1116
for use in electronic monitoring, is not a converted wireless 1117
phone or another tracking device that is clearly not designed for 1118
electronic monitoring, and provides a means of text-based or voice 1119
communication with the person. 1120

(c) The device has a central monitoring computer that can 1121
receive continuously the signals transmitted by a wireless or 1122
landline telephone connection by a receiver of the type described 1123
in division (UU)(1)(b) of this section and can monitor 1124
continuously the person to whom an electronic monitoring device of 1125
the type described in division (UU)(1)(a) of this section is 1126
attached. 1127

(2) Any device that is not a device of the type described in 1128
division (UU)(1) of this section and that conforms with all of the 1129
following: 1130

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

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

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

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

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

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

(YY) A person is "adjudicated a sexually violent predator" if 1162
the person is convicted of or pleads guilty to a violent sex 1163
offense and also is convicted of or pleads guilty to a sexually 1164
violent predator specification that was included in the 1165
indictment, count in the indictment, or information charging that 1166
violent sex offense or if the person is convicted of or pleads 1167
guilty to a designated homicide, assault, or kidnapping offense 1168
and also is convicted of or pleads guilty to both a sexual 1169
motivation specification and a sexually violent predator 1170
specification that were included in the indictment, count in the 1171
indictment, or information charging that designated homicide, 1172
assault, or kidnapping offense. 1173

(ZZ) An offense is "committed in proximity to a school" if 1174
the offender commits the offense in a school safety zone or within 1175
five hundred feet of any school building or the boundaries of any 1176
school premises, regardless of whether the offender knows the 1177
offense is being committed in a school safety zone or within five 1178
hundred feet of any school building or the boundaries of any 1179
school premises. 1180

(AAA) "Human trafficking" means a scheme or plan to which all 1181
of the following apply: 1182

(1) Its object is to subject a victim or victims to 1183
involuntary servitude, as defined in section 2905.31 of the 1184
Revised Code, to compel a victim or victims to engage in sexual 1185
activity for hire, to engage in a performance that is obscene, 1186
sexually oriented, or nudity oriented, or to be a model or 1187
participant in the production of material that is obscene, 1188
sexually oriented, or nudity oriented. 1189

(2) It involves at least two felony offenses, whether or not 1190
there has been a prior conviction for any of the felony offenses, 1191
to which all of the following apply: 1192

(a) Each of the felony offenses is a violation of section 1193
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 1194
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 1195
(4), or (5) of section 2919.22 of the Revised Code or is a 1196
violation of a law of any state other than this state that is 1197
substantially similar to any of the sections or divisions of the 1198
Revised Code identified in this division. 1199

(b) At least one of the felony offenses was committed in this 1200
state. 1201

(c) The felony offenses are related to the same scheme or 1202
plan and are not isolated instances. 1203

(BBB) "Material," "nudity," "obscene," "performance," and 1204
"sexual activity" have the same meanings as in section 2907.01 of 1205
the Revised Code. 1206

(CCC) "Material that is obscene, sexually oriented, or nudity 1207
oriented" means any material that is obscene, that shows a person 1208
participating or engaging in sexual activity, masturbation, or 1209
bestiality, or that shows a person in a state of nudity. 1210

(DDD) "Performance that is obscene, sexually oriented, or 1211
nudity oriented" means any performance that is obscene, that shows 1212
a person participating or engaging in sexual activity, 1213
masturbation, or bestiality, or that shows a person in a state of 1214
nudity. 1215

(EEE) "Permanent disabling harm" means serious physical harm 1216
that results in permanent injury to the intellectual, physical, or 1217
sensory functions and that permanently and substantially impairs a 1218
person's ability to meet one or more of the ordinary demands of 1219
life, including the functions of caring for one's self, performing 1220
manual tasks, walking, seeing, hearing, speaking, breathing, 1221
learning, and working. 1222

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1223
(G) of this section and unless a specific sanction is required to 1224
be imposed or is precluded from being imposed pursuant to law, a 1225
court that imposes a sentence upon an offender for a felony may 1226
impose any sanction or combination of sanctions on the offender 1227
that are provided in sections 2929.14 to 2929.18 of the Revised 1228
Code. 1229

If the offender is eligible to be sentenced to community 1230
control sanctions, the court shall consider the appropriateness of 1231
imposing a financial sanction pursuant to section 2929.18 of the 1232
Revised Code or a sanction of community service pursuant to 1233
section 2929.17 of the Revised Code as the sole sanction for the 1234
offense. Except as otherwise provided in this division, if the 1235
court is required to impose a mandatory prison term for the 1236
offense for which sentence is being imposed, the court also shall 1237
impose any financial sanction pursuant to section 2929.18 of the 1238
Revised Code that is required for the offense and may impose any 1239
other financial sanction pursuant to that section but may not 1240
impose any additional sanction or combination of sanctions under 1241
section 2929.16 or 2929.17 of the Revised Code. 1242

If the offender is being sentenced for a fourth degree felony 1243
OVI offense or for a third degree felony OVI offense, in addition 1244
to the mandatory term of local incarceration or the mandatory 1245
prison term required for the offense by division (G)(1) or (2) of 1246
this section, the court shall impose upon the offender a mandatory 1247
fine in accordance with division (B)(3) of section 2929.18 of the 1248
Revised Code and may impose whichever of the following is 1249
applicable: 1250

(1) For a fourth degree felony OVI offense for which sentence 1251
is imposed under division (G)(1) of this section, an additional 1252
community control sanction or combination of community control 1253

sanctions under section 2929.16 or 2929.17 of the Revised Code. If 1254
the court imposes upon the offender a community control sanction 1255
and the offender violates any condition of the community control 1256
sanction, the court may take any action prescribed in division (B) 1257
of section 2929.15 of the Revised Code relative to the offender, 1258
including imposing a prison term on the offender pursuant to that 1259
division. 1260

(2) For a third or fourth degree felony OVI offense for which 1261
sentence is imposed under division (G)(2) of this section, an 1262
additional prison term as described in division (B)(4) of section 1263
2929.14 of the Revised Code or a community control sanction as 1264
described in division (G)(2) of this section. 1265

(B)(1)(a) Except as provided in division (B)(1)(b) of this 1266
section, if an offender is convicted of or pleads guilty to a 1267
felony of the fourth or fifth degree that is not an offense of 1268
violence or that is a qualifying assault offense, the court shall 1269
sentence the offender to a community control sanction of at least 1270
one year's duration if all of the following apply: 1271

(i) The offender previously has not been convicted of or 1272
pleaded guilty to a felony offense. 1273

(ii) The most serious charge against the offender at the time 1274
of sentencing is a felony of the fourth or fifth degree. 1275

(iii) If the court made a request of the department of 1276
rehabilitation and correction pursuant to division (B)(1)(c) of 1277
this section, the department, within the forty-five-day period 1278
specified in that division, provided the court with the names of, 1279
contact information for, and program details of one or more 1280
community control sanctions of at least one year's duration that 1281
are available for persons sentenced by the court. 1282

(iv) The offender previously has not been convicted of or 1283
pleaded guilty to a misdemeanor offense of violence that the 1284

offender committed within two years prior to the offense for which 1285
sentence is being imposed. 1286

(b) The court has discretion to impose a prison term upon an 1287
offender who is convicted of or pleads guilty to a felony of the 1288
fourth or fifth degree that is not an offense of violence or that 1289
is a qualifying assault offense if any of the following apply: 1290

(i) The offender committed the offense while having a firearm 1291
on or about the offender's person or under the offender's control. 1292

(ii) If the offense is a qualifying assault offense, the 1293
offender caused serious physical harm to another person while 1294
committing the offense, and, if the offense is not a qualifying 1295
assault offense, the offender caused physical harm to another 1296
person while committing the offense. 1297

(iii) The offender violated a term of the conditions of bond 1298
as set by the court. 1299

(iv) The court made a request of the department of 1300
rehabilitation and correction pursuant to division (B)(1)(c) of 1301
this section, and the department, within the forty-five-day period 1302
specified in that division, did not provide the court with the 1303
name of, contact information for, and program details of any 1304
community control sanction of at least one year's duration that is 1305
available for persons sentenced by the court. 1306

(v) The offense is a sex offense that is a fourth or fifth 1307
degree felony violation of any provision of Chapter 2907. of the 1308
Revised Code. 1309

(vi) In committing the offense, the offender attempted to 1310
cause or made an actual threat of physical harm to a person with a 1311
deadly weapon. 1312

(vii) In committing the offense, the offender attempted to 1313
cause or made an actual threat of physical harm to a person, and 1314

the offender previously was convicted of an offense that caused 1315
physical harm to a person. 1316

(viii) The offender held a public office or position of 1317
trust, and the offense related to that office or position; the 1318
offender's position obliged the offender to prevent the offense or 1319
to bring those committing it to justice; or the offender's 1320
professional reputation or position facilitated the offense or was 1321
likely to influence the future conduct of others. 1322

(ix) The offender committed the offense for hire or as part 1323
of an organized criminal activity. 1324

(x) The offender at the time of the offense was serving, or 1325
the offender previously had served, a prison term. 1326

(xi) The offender committed the offense while under a 1327
community control sanction, while on probation, or while released 1328
from custody on a bond or personal recognizance. 1329

(c) If a court that is sentencing an offender who is 1330
convicted of or pleads guilty to a felony of the fourth or fifth 1331
degree that is not an offense of violence or that is a qualifying 1332
assault offense believes that no community control sanctions are 1333
available for its use that, if imposed on the offender, will 1334
adequately fulfill the overriding principles and purposes of 1335
sentencing, the court shall contact the department of 1336
rehabilitation and correction and ask the department to provide 1337
the court with the names of, contact information for, and program 1338
details of one or more community control sanctions of at least one 1339
year's duration that are available for persons sentenced by the 1340
court. Not later than forty-five days after receipt of a request 1341
from a court under this division, the department shall provide the 1342
court with the names of, contact information for, and program 1343
details of one or more community control sanctions of at least one 1344
year's duration that are available for persons sentenced by the 1345

court, if any. Upon making a request under this division that 1346
relates to a particular offender, a court shall defer sentencing 1347
of that offender until it receives from the department the names 1348
of, contact information for, and program details of one or more 1349
community control sanctions of at least one year's duration that 1350
are available for persons sentenced by the court or for forty-five 1351
days, whichever is the earlier. 1352

If the department provides the court with the names of, 1353
contact information for, and program details of one or more 1354
community control sanctions of at least one year's duration that 1355
are available for persons sentenced by the court within the 1356
forty-five-day period specified in this division, the court shall 1357
impose upon the offender a community control sanction under 1358
division (B)(1)(a) of this section, except that the court may 1359
impose a prison term under division (B)(1)(b) of this section if a 1360
factor described in division (B)(1)(b)(i) or (ii) of this section 1361
applies. If the department does not provide the court with the 1362
names of, contact information for, and program details of one or 1363
more community control sanctions of at least one year's duration 1364
that are available for persons sentenced by the court within the 1365
forty-five-day period specified in this division, the court may 1366
impose upon the offender a prison term under division 1367
(B)(1)(b)(iv) of this section. 1368

(d) A sentencing court may impose an additional penalty under 1369
division (B) of section 2929.15 of the Revised Code upon an 1370
offender sentenced to a community control sanction under division 1371
(B)(1)(a) of this section if the offender violates the conditions 1372
of the community control sanction, violates a law, or leaves the 1373
state without the permission of the court or the offender's 1374
probation officer. 1375

(2) If division (B)(1) of this section does not apply, except 1376
as provided in division (E), (F), or (G) of this section, in 1377

determining whether to impose a prison term as a sanction for a 1378
felony of the fourth or fifth degree, the sentencing court shall 1379
comply with the purposes and principles of sentencing under 1380
section 2929.11 of the Revised Code and with section 2929.12 of 1381
the Revised Code. 1382

(C) Except as provided in division (D), (E), (F), or (G) of 1383
this section, in determining whether to impose a prison term as a 1384
sanction for a felony of the third degree or a felony drug offense 1385
that is a violation of a provision of Chapter 2925. of the Revised 1386
Code and that is specified as being subject to this division for 1387
purposes of sentencing, the sentencing court shall comply with the 1388
purposes and principles of sentencing under section 2929.11 of the 1389
Revised Code and with section 2929.12 of the Revised Code. 1390

(D)(1) Except as provided in division (E) or (F) of this 1391
section, for a felony of the first or second degree, for a felony 1392
drug offense that is a violation of any provision of Chapter 1393
2925., 3719., or 4729. of the Revised Code for which a presumption 1394
in favor of a prison term is specified as being applicable, and 1395
for a violation of division (A)(4) or (B) of section 2907.05 of 1396
the Revised Code for which a presumption in favor of a prison term 1397
is specified as being applicable, it is presumed that a prison 1398
term is necessary in order to comply with the purposes and 1399
principles of sentencing under section 2929.11 of the Revised 1400
Code. Division (D)(2) of this section does not apply to a 1401
presumption established under this division for a violation of 1402
division (A)(4) of section 2907.05 of the Revised Code. 1403

(2) Notwithstanding the presumption established under 1404
division (D)(1) of this section for the offenses listed in that 1405
division other than a violation of division (A)(4) or (B) of 1406
section 2907.05 of the Revised Code, the sentencing court may 1407
impose a community control sanction or a combination of community 1408
control sanctions instead of a prison term on an offender for a 1409

felony of the first or second degree or for a felony drug offense 1410
that is a violation of any provision of Chapter 2925., 3719., or 1411
4729. of the Revised Code for which a presumption in favor of a 1412
prison term is specified as being applicable if it makes both of 1413
the following findings: 1414

(a) A community control sanction or a combination of 1415
community control sanctions would adequately punish the offender 1416
and protect the public from future crime, because the applicable 1417
factors under section 2929.12 of the Revised Code indicating a 1418
lesser likelihood of recidivism outweigh the applicable factors 1419
under that section indicating a greater likelihood of recidivism. 1420

(b) A community control sanction or a combination of 1421
community control sanctions would not demean the seriousness of 1422
the offense, because one or more factors under section 2929.12 of 1423
the Revised Code that indicate that the offender's conduct was 1424
less serious than conduct normally constituting the offense are 1425
applicable, and they outweigh the applicable factors under that 1426
section that indicate that the offender's conduct was more serious 1427
than conduct normally constituting the offense. 1428

(E)(1) Except as provided in division (F) of this section, 1429
for any drug offense that is a violation of any provision of 1430
Chapter 2925. of the Revised Code and that is a felony of the 1431
third, fourth, or fifth degree, the applicability of a presumption 1432
under division (D) of this section in favor of a prison term or of 1433
division (B) or (C) of this section in determining whether to 1434
impose a prison term for the offense shall be determined as 1435
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1436
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1437
Revised Code, whichever is applicable regarding the violation. 1438

(2) If an offender who was convicted of or pleaded guilty to 1439
a felony violates the conditions of a community control sanction 1440
imposed for the offense solely by reason of producing positive 1441

results on a drug test, the court, as punishment for the violation 1442
of the sanction, shall not order that the offender be imprisoned 1443
unless the court determines on the record either of the following: 1444

(a) The offender had been ordered as a sanction for the 1445
felony to participate in a drug treatment program, in a drug 1446
education program, or in narcotics anonymous or a similar program, 1447
and the offender continued to use illegal drugs after a reasonable 1448
period of participation in the program. 1449

(b) The imprisonment of the offender for the violation is 1450
consistent with the purposes and principles of sentencing set 1451
forth in section 2929.11 of the Revised Code. 1452

(3) A court that sentences an offender for a drug abuse 1453
offense that is a felony of the third, fourth, or fifth degree may 1454
require that the offender be assessed by a properly credentialed 1455
professional within a specified period of time. The court shall 1456
require the professional to file a written assessment of the 1457
offender with the court. If the offender is eligible for a 1458
community control sanction and after considering the written 1459
assessment, the court may impose a community control sanction that 1460
includes treatment and recovery support services authorized by 1461
section 3793.02 of the Revised Code. If the court imposes 1462
treatment and recovery support services as a community control 1463
sanction, the court shall direct the level and type of treatment 1464
and recovery support services after considering the assessment and 1465
recommendation of treatment and recovery support services 1466
providers. 1467

(F) Notwithstanding divisions (A) to (E) of this section, the 1468
court shall impose a prison term or terms under sections 2929.02 1469
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 1470
of the Revised Code and except as specifically provided in section 1471
2929.20, divisions (C) to (I) of section 2967.19, or section 1472
2967.191 of the Revised Code or when parole is authorized for the 1473

offense under section 2967.13 of the Revised Code shall not reduce 1474
the term or terms pursuant to section 2929.20, section 2967.19, 1475
section 2967.193, or any other provision of Chapter 2967. or 1476
Chapter 5120. of the Revised Code for any of the following 1477
offenses: 1478

(1) Aggravated murder when death is not imposed or murder; 1479

(2) Any rape, regardless of whether force was involved and 1480
regardless of the age of the victim, or an attempt to commit rape 1481
if, had the offender completed the rape that was attempted, the 1482
offender would have been guilty of a violation of division 1483
(A)(1)(b) of section 2907.02 of the Revised Code and would be 1484
sentenced under section 2971.03 of the Revised Code; 1485

(3) Gross sexual imposition or sexual battery, if the victim 1486
is less than thirteen years of age and if any of the following 1487
applies: 1488

(a) Regarding gross sexual imposition, the offender 1489
previously was convicted of or pleaded guilty to rape, the former 1490
offense of felonious sexual penetration, gross sexual imposition, 1491
or sexual battery, and the victim of the previous offense was less 1492
than thirteen years of age; 1493

(b) Regarding gross sexual imposition, the offense was 1494
committed on or after August 3, 2006, and evidence other than the 1495
testimony of the victim was admitted in the case corroborating the 1496
violation. 1497

(c) Regarding sexual battery, either of the following 1498
applies: 1499

(i) The offense was committed prior to August 3, 2006, the 1500
offender previously was convicted of or pleaded guilty to rape, 1501
the former offense of felonious sexual penetration, or sexual 1502
battery, and the victim of the previous offense was less than 1503
thirteen years of age. 1504

(ii) The offense was committed on or after August 3, 2006.	1505
(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;	1506 1507 1508
(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;	1509 1510 1511 1512 1513
(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;	1514 1515 1516 1517 1518 1519 1520
(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:	1521 1522 1523 1524 1525 1526 1527
(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;	1528 1529 1530 1531 1532 1533
(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially	1534 1535

equivalent to an offense listed in division (F)(7)(a) of this 1536
section that resulted in the death of a person or in physical harm 1537
to a person. 1538

(8) Any offense, other than a violation of section 2923.12 of 1539
the Revised Code, that is a felony, if the offender had a firearm 1540
on or about the offender's person or under the offender's control 1541
while committing the felony, with respect to a portion of the 1542
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 1543
of the Revised Code for having the firearm; 1544

(9) Any offense of violence that is a felony, if the offender 1545
wore or carried body armor while committing the felony offense of 1546
violence, with respect to the portion of the sentence imposed 1547
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 1548
Code for wearing or carrying the body armor; 1549

(10) Corrupt activity in violation of section 2923.32 of the 1550
Revised Code when the most serious offense in the pattern of 1551
corrupt activity that is the basis of the offense is a felony of 1552
the first degree; 1553

(11) Any violent sex offense or designated homicide, assault, 1554
or kidnapping offense if, in relation to that offense, the 1555
offender is adjudicated a sexually violent predator; 1556

(12) A violation of division (A)(1) or (2) of section 2921.36 1557
of the Revised Code, or a violation of division (C) of that 1558
section involving an item listed in division (A)(1) or (2) of that 1559
section, if the offender is an officer or employee of the 1560
department of rehabilitation and correction; 1561

(13) A violation of division (A)(1) or (2) of section 2903.06 1562
of the Revised Code if the victim of the offense is a peace 1563
officer, as defined in section 2935.01 of the Revised Code, or an 1564
investigator of the bureau of criminal identification and 1565
investigation, as defined in section 2903.11 of the Revised Code, 1566

with respect to the portion of the sentence imposed pursuant to 1567
division (B)(5) of section 2929.14 of the Revised Code; 1568

(14) A violation of division (A)(1) or (2) of section 2903.06 1569
of the Revised Code if the offender has been convicted of or 1570
pleaded guilty to three or more violations of division (A) or (B) 1571
of section 4511.19 of the Revised Code or an equivalent offense, 1572
as defined in section 2941.1415 of the Revised Code, or three or 1573
more violations of any combination of those divisions and 1574
offenses, with respect to the portion of the sentence imposed 1575
pursuant to division (B)(6) of section 2929.14 of the Revised 1576
Code; 1577

(15) Kidnapping, in the circumstances specified in section 1578
2971.03 of the Revised Code and when no other provision of 1579
division (F) of this section applies; 1580

(16) Kidnapping, abduction, compelling prostitution, 1581
promoting prostitution, engaging in a pattern of corrupt activity, 1582
illegal use of a minor in a nudity-oriented material or 1583
performance in violation of division (A)(1) or (2) of section 1584
2907.323 of the Revised Code, or endangering children in violation 1585
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 1586
the Revised Code, if the offender is convicted of or pleads guilty 1587
to a specification as described in section 2941.1422 of the 1588
Revised Code that was included in the indictment, count in the 1589
indictment, or information charging the offense; 1590

(17) A felony violation of division (A) or (B) of section 1591
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 1592
that section, and division (D)(6) of that section, require the 1593
imposition of a prison term; 1594

(18) A felony violation of section 2903.11, 2903.12, or 1595
2903.13 of the Revised Code, if the victim of the offense was a 1596
woman that the offender knew was pregnant at the time of the 1597

violation, with respect to a portion of the sentence imposed 1598
pursuant to division (B)(8) of section 2929.14 of the Revised 1599
Code; 1600

(19) Any offense of violence that is a felony, if the 1601
offender is convicted of or pleads guilty to a specification as 1602
described in section 2941.1424 of the Revised Code that was 1603
included in the indictment, count in the indictment, or 1604
information charging the offense. 1605

(G) Notwithstanding divisions (A) to (E) of this section, if 1606
an offender is being sentenced for a fourth degree felony OVI 1607
offense or for a third degree felony OVI offense, the court shall 1608
impose upon the offender a mandatory term of local incarceration 1609
or a mandatory prison term in accordance with the following: 1610

(1) If the offender is being sentenced for a fourth degree 1611
felony OVI offense and if the offender has not been convicted of 1612
and has not pleaded guilty to a specification of the type 1613
described in section 2941.1413 of the Revised Code, the court may 1614
impose upon the offender a mandatory term of local incarceration 1615
of sixty days or one hundred twenty days as specified in division 1616
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1617
not reduce the term pursuant to section 2929.20, 2967.193, or any 1618
other provision of the Revised Code. The court that imposes a 1619
mandatory term of local incarceration under this division shall 1620
specify whether the term is to be served in a jail, a 1621
community-based correctional facility, a halfway house, or an 1622
alternative residential facility, and the offender shall serve the 1623
term in the type of facility specified by the court. A mandatory 1624
term of local incarceration imposed under division (G)(1) of this 1625
section is not subject to any other Revised Code provision that 1626
pertains to a prison term except as provided in division (A)(1) of 1627
this section. 1628

(2) If the offender is being sentenced for a third degree 1629

felony OVI offense, or if the offender is being sentenced for a 1630
fourth degree felony OVI offense and the court does not impose a 1631
mandatory term of local incarceration under division (G)(1) of 1632
this section, the court shall impose upon the offender a mandatory 1633
prison term of one, two, three, four, or five years if the 1634
offender also is convicted of or also pleads guilty to a 1635
specification of the type described in section 2941.1413 of the 1636
Revised Code or shall impose upon the offender a mandatory prison 1637
term of sixty days or one hundred twenty days as specified in 1638
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1639
if the offender has not been convicted of and has not pleaded 1640
guilty to a specification of that type. Subject to divisions (C) 1641
to (I) of section 2967.19 of the Revised Code, the court shall not 1642
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 1643
any other provision of the Revised Code. The offender shall serve 1644
the one-, two-, three-, four-, or five-year mandatory prison term 1645
consecutively to and prior to the prison term imposed for the 1646
underlying offense and consecutively to any other mandatory prison 1647
term imposed in relation to the offense. In no case shall an 1648
offender who once has been sentenced to a mandatory term of local 1649
incarceration pursuant to division (G)(1) of this section for a 1650
fourth degree felony OVI offense be sentenced to another mandatory 1651
term of local incarceration under that division for any violation 1652
of division (A) of section 4511.19 of the Revised Code. In 1653
addition to the mandatory prison term described in division (G)(2) 1654
of this section, the court may sentence the offender to a 1655
community control sanction under section 2929.16 or 2929.17 of the 1656
Revised Code, but the offender shall serve the prison term prior 1657
to serving the community control sanction. The department of 1658
rehabilitation and correction may place an offender sentenced to a 1659
mandatory prison term under this division in an intensive program 1660
prison established pursuant to section 5120.033 of the Revised 1661
Code if the department gave the sentencing judge prior notice of 1662

its intent to place the offender in an intensive program prison 1663
established under that section and if the judge did not notify the 1664
department that the judge disapproved the placement. Upon the 1665
establishment of the initial intensive program prison pursuant to 1666
section 5120.033 of the Revised Code that is privately operated 1667
and managed by a contractor pursuant to a contract entered into 1668
under section 9.06 of the Revised Code, both of the following 1669
apply: 1670

(a) The department of rehabilitation and correction shall 1671
make a reasonable effort to ensure that a sufficient number of 1672
offenders sentenced to a mandatory prison term under this division 1673
are placed in the privately operated and managed prison so that 1674
the privately operated and managed prison has full occupancy. 1675

(b) Unless the privately operated and managed prison has full 1676
occupancy, the department of rehabilitation and correction shall 1677
not place any offender sentenced to a mandatory prison term under 1678
this division in any intensive program prison established pursuant 1679
to section 5120.033 of the Revised Code other than the privately 1680
operated and managed prison. 1681

(H) If an offender is being sentenced for a sexually oriented 1682
offense or child-victim oriented offense that is a felony 1683
committed on or after January 1, 1997, the judge shall require the 1684
offender to submit to a DNA specimen collection procedure pursuant 1685
to section 2901.07 of the Revised Code. 1686

(I) If an offender is being sentenced for a sexually oriented 1687
offense or a child-victim oriented offense committed on or after 1688
January 1, 1997, the judge shall include in the sentence a summary 1689
of the offender's duties imposed under sections 2950.04, 2950.041, 1690
2950.05, and 2950.06 of the Revised Code and the duration of the 1691
duties. The judge shall inform the offender, at the time of 1692
sentencing, of those duties and of their duration. If required 1693
under division (A)(2) of section 2950.03 of the Revised Code, the 1694

judge shall perform the duties specified in that section, or, if 1695
required under division (A)(6) of section 2950.03 of the Revised 1696
Code, the judge shall perform the duties specified in that 1697
division. 1698

(J)(1) Except as provided in division (J)(2) of this section, 1699
when considering sentencing factors under this section in relation 1700
to an offender who is convicted of or pleads guilty to an attempt 1701
to commit an offense in violation of section 2923.02 of the 1702
Revised Code, the sentencing court shall consider the factors 1703
applicable to the felony category of the violation of section 1704
2923.02 of the Revised Code instead of the factors applicable to 1705
the felony category of the offense attempted. 1706

(2) When considering sentencing factors under this section in 1707
relation to an offender who is convicted of or pleads guilty to an 1708
attempt to commit a drug abuse offense for which the penalty is 1709
determined by the amount or number of unit doses of the controlled 1710
substance involved in the drug abuse offense, the sentencing court 1711
shall consider the factors applicable to the felony category that 1712
the drug abuse offense attempted would be if that drug abuse 1713
offense had been committed and had involved an amount or number of 1714
unit doses of the controlled substance that is within the next 1715
lower range of controlled substance amounts than was involved in 1716
the attempt. 1717

(K) As used in this section: 1718

(1) "Drug abuse offense" has the same meaning as in section 1719
2925.01 of the Revised Code. 1720

(2) "Qualifying assault offense" means a violation of section 1721
2903.13 of the Revised Code for which the penalty provision in 1722
division (C)(8)(b) or (C)(9)(b) of that section applies. 1723

(L) At the time of sentencing an offender for any sexually 1724
oriented offense, if the offender is a tier III sex 1725

offender/child-victim offender relative to that offense and the 1726
offender does not serve a prison term or jail term, the court may 1727
require that the offender be monitored by means of a global 1728
positioning device. If the court requires such monitoring, the 1729
cost of monitoring shall be borne by the offender. If the offender 1730
is indigent, the cost of compliance shall be paid by the crime 1731
victims reparations fund. 1732

Sec. 2929.14. (A) Except as provided in division (B)(1), 1733
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 1734
(E), (G), (H), or (J) of this section or in division (D)(6) of 1735
section 2919.25 of the Revised Code and except in relation to an 1736
offense for which a sentence of death or life imprisonment is to 1737
be imposed, if the court imposing a sentence upon an offender for 1738
a felony elects or is required to impose a prison term on the 1739
offender pursuant to this chapter, the court shall impose a 1740
definite prison term that shall be one of the following: 1741

(1) For a felony of the first degree, the prison term shall 1742
be three, four, five, six, seven, eight, nine, ten, or eleven 1743
years. 1744

(2) For a felony of the second degree, the prison term shall 1745
be two, three, four, five, six, seven, or eight years. 1746

(3)(a) For a felony of the third degree that is a violation 1747
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 1748
Revised Code or that is a violation of section 2911.02 or 2911.12 1749
of the Revised Code if the offender previously has been convicted 1750
of or pleaded guilty in two or more separate proceedings to two or 1751
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1752
of the Revised Code, the prison term shall be twelve, eighteen, 1753
twenty-four, thirty, thirty-six, forty-two, forty-eight, 1754
fifty-four, or sixty months. 1755

(b) For a felony of the third degree that is not an offense 1756

for which division (A)(3)(a) of this section applies, the prison 1757
term shall be nine, twelve, eighteen, twenty-four, thirty, or 1758
thirty-six months. 1759

(4) For a felony of the fourth degree, the prison term shall 1760
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1761
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1762

(5) For a felony of the fifth degree, the prison term shall 1763
be six, seven, eight, nine, ten, eleven, or twelve months. 1764

(B)(1)(a) Except as provided in division (B)(1)(e) of this 1765
section, if an offender who is convicted of or pleads guilty to a 1766
felony also is convicted of or pleads guilty to a specification of 1767
the type described in section 2941.141, 2941.144, or 2941.145 of 1768
the Revised Code, the court shall impose on the offender one of 1769
the following prison terms: 1770

(i) A prison term of six years if the specification is of the 1771
type described in section 2941.144 of the Revised Code that 1772
charges the offender with having a firearm that is an automatic 1773
firearm or that was equipped with a firearm muffler or silencer on 1774
or about the offender's person or under the offender's control 1775
while committing the felony; 1776

(ii) A prison term of three years if the specification is of 1777
the type described in section 2941.145 of the Revised Code that 1778
charges the offender with having a firearm on or about the 1779
offender's person or under the offender's control while committing 1780
the offense and displaying the firearm, brandishing the firearm, 1781
indicating that the offender possessed the firearm, or using it to 1782
facilitate the offense; 1783

(iii) A prison term of one year if the specification is of 1784
the type described in section 2941.141 of the Revised Code that 1785
charges the offender with having a firearm on or about the 1786
offender's person or under the offender's control while committing 1787

the felony. 1788

(b) If a court imposes a prison term on an offender under 1789
division (B)(1)(a) of this section, the prison term shall not be 1790
reduced pursuant to section 2967.19, section 2929.20, section 1791
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1792
of the Revised Code. Except as provided in division (B)(1)(g) of 1793
this section, a court shall not impose more than one prison term 1794
on an offender under division (B)(1)(a) of this section for 1795
felonies committed as part of the same act or transaction. 1796

(c) Except as provided in division (B)(1)(e) of this section, 1797
if an offender who is convicted of or pleads guilty to a violation 1798
of section 2923.161 of the Revised Code or to a felony that 1799
includes, as an essential element, purposely or knowingly causing 1800
or attempting to cause the death of or physical harm to another, 1801
also is convicted of or pleads guilty to a specification of the 1802
type described in section 2941.146 of the Revised Code that 1803
charges the offender with committing the offense by discharging a 1804
firearm from a motor vehicle other than a manufactured home, the 1805
court, after imposing a prison term on the offender for the 1806
violation of section 2923.161 of the Revised Code or for the other 1807
felony offense under division (A), (B)(2), or (B)(3) of this 1808
section, shall impose an additional prison term of five years upon 1809
the offender that shall not be reduced pursuant to section 1810
2929.20, section 2967.19, section 2967.193, or any other provision 1811
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 1812
shall not impose more than one additional prison term on an 1813
offender under division (B)(1)(c) of this section for felonies 1814
committed as part of the same act or transaction. If a court 1815
imposes an additional prison term on an offender under division 1816
(B)(1)(c) of this section relative to an offense, the court also 1817
shall impose a prison term under division (B)(1)(a) of this 1818
section relative to the same offense, provided the criteria 1819

specified in that division for imposing an additional prison term 1820
are satisfied relative to the offender and the offense. 1821

(d) If an offender who is convicted of or pleads guilty to an 1822
offense of violence that is a felony also is convicted of or 1823
pleads guilty to a specification of the type described in section 1824
2941.1411 of the Revised Code that charges the offender with 1825
wearing or carrying body armor while committing the felony offense 1826
of violence, the court shall impose on the offender a prison term 1827
of two years. The prison term so imposed, subject to divisions (C) 1828
to (I) of section 2967.19 of the Revised Code, shall not be 1829
reduced pursuant to section 2929.20, section 2967.19, section 1830
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1831
of the Revised Code. A court shall not impose more than one prison 1832
term on an offender under division (B)(1)(d) of this section for 1833
felonies committed as part of the same act or transaction. If a 1834
court imposes an additional prison term under division (B)(1)(a) 1835
or (c) of this section, the court is not precluded from imposing 1836
an additional prison term under division (B)(1)(d) of this 1837
section. 1838

(e) The court shall not impose any of the prison terms 1839
described in division (B)(1)(a) of this section or any of the 1840
additional prison terms described in division (B)(1)(c) of this 1841
section upon an offender for a violation of section 2923.12 or 1842
2923.123 of the Revised Code. The court shall not impose any of 1843
the prison terms described in division (B)(1)(a) or (b) of this 1844
section upon an offender for a violation of section 2923.122 that 1845
involves a deadly weapon that is a firearm other than a dangerous 1846
ordnance, section 2923.16, or section 2923.121 of the Revised 1847
Code. The court shall not impose any of the prison terms described 1848
in division (B)(1)(a) of this section or any of the additional 1849
prison terms described in division (B)(1)(c) of this section upon 1850
an offender for a violation of section 2923.13 of the Revised Code 1851

unless all of the following apply: 1852

(i) The offender previously has been convicted of aggravated 1853
murder, murder, or any felony of the first or second degree. 1854

(ii) Less than five years have passed since the offender was 1855
released from prison or post-release control, whichever is later, 1856
for the prior offense. 1857

(f) If an offender is convicted of or pleads guilty to a 1858
felony that includes, as an essential element, causing or 1859
attempting to cause the death of or physical harm to another and 1860
also is convicted of or pleads guilty to a specification of the 1861
type described in section 2941.1412 of the Revised Code that 1862
charges the offender with committing the offense by discharging a 1863
firearm at a peace officer as defined in section 2935.01 of the 1864
Revised Code or a corrections officer, as defined in section 1865
2941.1412 of the Revised Code, the court, after imposing a prison 1866
term on the offender for the felony offense under division (A), 1867
(B)(2), or (B)(3) of this section, shall impose an additional 1868
prison term of seven years upon the offender that shall not be 1869
reduced pursuant to section 2929.20, section 2967.19, section 1870
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1871
of the Revised Code. If an offender is convicted of or pleads 1872
guilty to two or more felonies that include, as an essential 1873
element, causing or attempting to cause the death or physical harm 1874
to another and also is convicted of or pleads guilty to a 1875
specification of the type described under division (B)(1)(f) of 1876
this section in connection with two or more of the felonies of 1877
which the offender is convicted or to which the offender pleads 1878
guilty, the sentencing court shall impose on the offender the 1879
prison term specified under division (B)(1)(f) of this section for 1880
each of two of the specifications of which the offender is 1881
convicted or to which the offender pleads guilty and, in its 1882
discretion, also may impose on the offender the prison term 1883

specified under that division for any or all of the remaining 1884
specifications. If a court imposes an additional prison term on an 1885
offender under division (B)(1)(f) of this section relative to an 1886
offense, the court shall not impose a prison term under division 1887
(B)(1)(a) or (c) of this section relative to the same offense. 1888

(g) If an offender is convicted of or pleads guilty to two or 1889
more felonies, if one or more of those felonies are aggravated 1890
murder, murder, attempted aggravated murder, attempted murder, 1891
aggravated robbery, felonious assault, or rape, and if the 1892
offender is convicted of or pleads guilty to a specification of 1893
the type described under division (B)(1)(a) of this section in 1894
connection with two or more of the felonies, the sentencing court 1895
shall impose on the offender the prison term specified under 1896
division (B)(1)(a) of this section for each of the two most 1897
serious specifications of which the offender is convicted or to 1898
which the offender pleads guilty and, in its discretion, also may 1899
impose on the offender the prison term specified under that 1900
division for any or all of the remaining specifications. 1901

(2)(a) If division (B)(2)(b) of this section does not apply, 1902
the court may impose on an offender, in addition to the longest 1903
prison term authorized or required for the offense, an additional 1904
definite prison term of one, two, three, four, five, six, seven, 1905
eight, nine, or ten years if all of the following criteria are 1906
met: 1907

(i) The offender is convicted of or pleads guilty to a 1908
specification of the type described in section 2941.149 of the 1909
Revised Code that the offender is a repeat violent offender. 1910

(ii) The offense of which the offender currently is convicted 1911
or to which the offender currently pleads guilty is aggravated 1912
murder and the court does not impose a sentence of death or life 1913
imprisonment without parole, murder, terrorism and the court does 1914
not impose a sentence of life imprisonment without parole, any 1915

felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

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

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

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

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

(i) The offender is convicted of or pleads guilty to a 1947
specification of the type described in section 2941.149 of the 1948
Revised Code that the offender is a repeat violent offender. 1949

(ii) The offender within the preceding twenty years has been 1950
convicted of or pleaded guilty to three or more offenses described 1951
in division (CC)(1) of section 2929.01 of the Revised Code, 1952
including all offenses described in that division of which the 1953
offender is convicted or to which the offender pleads guilty in 1954
the current prosecution and all offenses described in that 1955
division of which the offender previously has been convicted or to 1956
which the offender previously pleaded guilty, whether prosecuted 1957
together or separately. 1958

(iii) The offense or offenses of which the offender currently 1959
is convicted or to which the offender currently pleads guilty is 1960
aggravated murder and the court does not impose a sentence of 1961
death or life imprisonment without parole, murder, terrorism and 1962
the court does not impose a sentence of life imprisonment without 1963
parole, any felony of the first degree that is an offense of 1964
violence and the court does not impose a sentence of life 1965
imprisonment without parole, or any felony of the second degree 1966
that is an offense of violence and the trier of fact finds that 1967
the offense involved an attempt to cause or a threat to cause 1968
serious physical harm to a person or resulted in serious physical 1969
harm to a person. 1970

(c) For purposes of division (B)(2)(b) of this section, two 1971
or more offenses committed at the same time or as part of the same 1972
act or event shall be considered one offense, and that one offense 1973
shall be the offense with the greatest penalty. 1974

(d) A sentence imposed under division (B)(2)(a) or (b) of 1975
this section shall not be reduced pursuant to section 2929.20, 1976
section 2967.19, or section 2967.193, or any other provision of 1977
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1978

shall serve an additional prison term imposed under this section 1979
consecutively to and prior to the prison term imposed for the 1980
underlying offense. 1981

(e) When imposing a sentence pursuant to division (B)(2)(a) 1982
or (b) of this section, the court shall state its findings 1983
explaining the imposed sentence. 1984

(3) Except when an offender commits a violation of section 1985
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1986
the violation is life imprisonment or commits a violation of 1987
section 2903.02 of the Revised Code, if the offender commits a 1988
violation of section 2925.03 or 2925.11 of the Revised Code and 1989
that section classifies the offender as a major drug offender, if 1990
the offender commits a felony violation of section 2925.02, 1991
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1992
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1993
division (C) of section 4729.51, or division (J) of section 1994
4729.54 of the Revised Code that includes the sale, offer to sell, 1995
or possession of a schedule I or II controlled substance, with the 1996
exception of marihuana, and the court imposing sentence upon the 1997
offender finds that the offender is guilty of a specification of 1998
the type described in section 2941.1410 of the Revised Code 1999
charging that the offender is a major drug offender, if the court 2000
imposing sentence upon an offender for a felony finds that the 2001
offender is guilty of corrupt activity with the most serious 2002
offense in the pattern of corrupt activity being a felony of the 2003
first degree, or if the offender is guilty of an attempted 2004
violation of section 2907.02 of the Revised Code and, had the 2005
offender completed the violation of section 2907.02 of the Revised 2006
Code that was attempted, the offender would have been subject to a 2007
sentence of life imprisonment or life imprisonment without parole 2008
for the violation of section 2907.02 of the Revised Code, the 2009
court shall impose upon the offender for the felony violation a 2010

mandatory prison term of the maximum prison term prescribed for a 2011
felony of the first degree that, subject to divisions (C) to (I) 2012
of section 2967.19 of the Revised Code, cannot be reduced pursuant 2013
to section 2929.20, section 2967.19, or any other provision of 2014
Chapter 2967. or 5120. of the Revised Code. 2015

(4) If the offender is being sentenced for a third or fourth 2016
degree felony OVI offense under division (G)(2) of section 2929.13 2017
of the Revised Code, the sentencing court shall impose upon the 2018
offender a mandatory prison term in accordance with that division. 2019
In addition to the mandatory prison term, if the offender is being 2020
sentenced for a fourth degree felony OVI offense, the court, 2021
notwithstanding division (A)(4) of this section, may sentence the 2022
offender to a definite prison term of not less than six months and 2023
not more than thirty months, and if the offender is being 2024
sentenced for a third degree felony OVI offense, the sentencing 2025
court may sentence the offender to an additional prison term of 2026
any duration specified in division (A)(3) of this section. In 2027
either case, the additional prison term imposed shall be reduced 2028
by the sixty or one hundred twenty days imposed upon the offender 2029
as the mandatory prison term. The total of the additional prison 2030
term imposed under division (B)(4) of this section plus the sixty 2031
or one hundred twenty days imposed as the mandatory prison term 2032
shall equal a definite term in the range of six months to thirty 2033
months for a fourth degree felony OVI offense and shall equal one 2034
of the authorized prison terms specified in division (A)(3) of 2035
this section for a third degree felony OVI offense. If the court 2036
imposes an additional prison term under division (B)(4) of this 2037
section, the offender shall serve the additional prison term after 2038
the offender has served the mandatory prison term required for the 2039
offense. In addition to the mandatory prison term or mandatory and 2040
additional prison term imposed as described in division (B)(4) of 2041
this section, the court also may sentence the offender to a 2042
community control sanction under section 2929.16 or 2929.17 of the 2043

Revised Code, but the offender shall serve all of the prison terms 2044
so imposed prior to serving the community control sanction. 2045

If the offender is being sentenced for a fourth degree felony 2046
OVI offense under division (G)(1) of section 2929.13 of the 2047
Revised Code and the court imposes a mandatory term of local 2048
incarceration, the court may impose a prison term as described in 2049
division (A)(1) of that section. 2050

(5) If an offender is convicted of or pleads guilty to a 2051
violation of division (A)(1) or (2) of section 2903.06 of the 2052
Revised Code and also is convicted of or pleads guilty to a 2053
specification of the type described in section 2941.1414 of the 2054
Revised Code that charges that the victim of the offense is a 2055
peace officer, as defined in section 2935.01 of the Revised Code, 2056
or an investigator of the bureau of criminal identification and 2057
investigation, as defined in section 2903.11 of the Revised Code, 2058
the court shall impose on the offender a prison term of five 2059
years. If a court imposes a prison term on an offender under 2060
division (B)(5) of this section, the prison term, subject to 2061
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 2062
not be reduced pursuant to section 2929.20, section 2967.19, 2063
section 2967.193, or any other provision of Chapter 2967. or 2064
Chapter 5120. of the Revised Code. A court shall not impose more 2065
than one prison term on an offender under division (B)(5) of this 2066
section for felonies committed as part of the same act. 2067

(6) If an offender is convicted of or pleads guilty to a 2068
violation of division (A)(1) or (2) of section 2903.06 of the 2069
Revised Code and also is convicted of or pleads guilty to a 2070
specification of the type described in section 2941.1415 of the 2071
Revised Code that charges that the offender previously has been 2072
convicted of or pleaded guilty to three or more violations of 2073
division (A) or (B) of section 4511.19 of the Revised Code or an 2074
equivalent offense, as defined in section 2941.1415 of the Revised 2075

Code, or three or more violations of any combination of those 2076
divisions and offenses, the court shall impose on the offender a 2077
prison term of three years. If a court imposes a prison term on an 2078
offender under division (B)(6) of this section, the prison term, 2079
subject to divisions (C) to (I) of section 2967.19 of the Revised 2080
Code, shall not be reduced pursuant to section 2929.20, section 2081
2967.19, section 2967.193, or any other provision of Chapter 2967. 2082
or Chapter 5120. of the Revised Code. A court shall not impose 2083
more than one prison term on an offender under division (B)(6) of 2084
this section for felonies committed as part of the same act. 2085

(7)(a) If an offender is convicted of or pleads guilty to a 2086
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2087
2923.32, division (A)(1) or (2) of section 2907.323, or division 2088
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 2089
Code and also is convicted of or pleads guilty to a specification 2090
of the type described in section 2941.1422 of the Revised Code 2091
that charges that the offender knowingly committed the offense in 2092
furtherance of human trafficking, the court shall impose on the 2093
offender a mandatory prison term that is one of the following: 2094

(i) If the offense is a felony of the first degree, a 2095
definite prison term of not less than five years and not greater 2096
than ten years; 2097

(ii) If the offense is a felony of the second or third 2098
degree, a definite prison term of not less than three years and 2099
not greater than the maximum prison term allowed for the offense 2100
by division (A) of section 2929.14 of the Revised Code; 2101

(iii) If the offense is a felony of the fourth or fifth 2102
degree, a definite prison term that is the maximum prison term 2103
allowed for the offense by division (A) of section 2929.14 of the 2104
Revised Code. 2105

(b) Subject to divisions (C) to (I) of section 2967.19 of the 2106

Revised Code, the prison term imposed under division (B)(7)(a) of 2107
this section shall not be reduced pursuant to section 2929.20, 2108
section 2967.19, section 2967.193, or any other provision of 2109
Chapter 2967. of the Revised Code. A court shall not impose more 2110
than one prison term on an offender under division (B)(7)(a) of 2111
this section for felonies committed as part of the same act, 2112
scheme, or plan. 2113

(8) If an offender is convicted of or pleads guilty to a 2114
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2115
Revised Code and also is convicted of or pleads guilty to a 2116
specification of the type described in section 2941.1423 of the 2117
Revised Code that charges that the victim of the violation was a 2118
woman whom the offender knew was pregnant at the time of the 2119
violation, notwithstanding the range of prison terms prescribed in 2120
division (A) of this section for felonies of the same degree as 2121
the violation, the court shall impose on the offender a mandatory 2122
prison term that is either a definite prison term of six months or 2123
one of the prison terms prescribed in section 2929.14 of the 2124
Revised Code for felonies of the same degree as the violation. 2125

(9) If an offender is convicted of or pleads guilty to a 2126
felony offense of violence and also is convicted of or pleads 2127
guilty to a specification of the type described in section 2128
2941.1424 of the Revised Code that charges that the victim of the 2129
offense suffered permanent disabling harm as a result of the 2130
offense, the court shall impose upon the offender an additional 2131
definite prison term of five, six, seven, eight, nine, or ten 2132
years. A prison term imposed upon an offender under division 2133
(B)(9) of this section shall not be reduced pursuant to section 2134
2929.20, section 2967.193, or any other provision of Chapter 2967. 2135
or Chapter 5120. of the Revised Code. 2136

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 2137
mandatory prison term is imposed upon an offender pursuant to 2138

division (B)(1)(a) of this section for having a firearm on or 2139
about the offender's person or under the offender's control while 2140
committing a felony, if a mandatory prison term is imposed upon an 2141
offender pursuant to division (B)(1)(c) of this section for 2142
committing a felony specified in that division by discharging a 2143
firearm from a motor vehicle, or if both types of mandatory prison 2144
terms are imposed, the offender shall serve any mandatory prison 2145
term imposed under either division consecutively to any other 2146
mandatory prison term imposed under either division or under 2147
division (B)(1)(d) of this section, consecutively to and prior to 2148
any prison term imposed for the underlying felony pursuant to 2149
division (A), (B)(2), or (B)(3) of this section or any other 2150
section of the Revised Code, and consecutively to any other prison 2151
term or mandatory prison term previously or subsequently imposed 2152
upon the offender. 2153

(b) If a mandatory prison term is imposed upon an offender 2154
pursuant to division (B)(1)(d) of this section for wearing or 2155
carrying body armor while committing an offense of violence that 2156
is a felony, the offender shall serve the mandatory term so 2157
imposed consecutively to any other mandatory prison term imposed 2158
under that division or under division (B)(1)(a) or (c) of this 2159
section, consecutively to and prior to any prison term imposed for 2160
the underlying felony under division (A), (B)(2), or (B)(3) of 2161
this section or any other section of the Revised Code, and 2162
consecutively to any other prison term or mandatory prison term 2163
previously or subsequently imposed upon the offender. 2164

(c) If a mandatory prison term is imposed upon an offender 2165
pursuant to division (B)(1)(f) of this section, the offender shall 2166
serve the mandatory prison term so imposed consecutively to and 2167
prior to any prison term imposed for the underlying felony under 2168
division (A), (B)(2), or (B)(3) of this section or any other 2169
section of the Revised Code, and consecutively to any other prison 2170

term or mandatory prison term previously or subsequently imposed 2171
upon the offender. 2172

(d) If a mandatory prison term is imposed upon an offender 2173
pursuant to division (B)(7) or (8) of this section, the offender 2174
shall serve the mandatory prison term so imposed consecutively to 2175
any other mandatory prison term imposed under that division or 2176
under any other provision of law and consecutively to any other 2177
prison term or mandatory prison term previously or subsequently 2178
imposed upon the offender. 2179

(2) If an offender who is an inmate in a jail, prison, or 2180
other residential detention facility violates section 2917.02, 2181
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 2182
of section 2921.34 of the Revised Code, if an offender who is 2183
under detention at a detention facility commits a felony violation 2184
of section 2923.131 of the Revised Code, or if an offender who is 2185
an inmate in a jail, prison, or other residential detention 2186
facility or is under detention at a detention facility commits 2187
another felony while the offender is an escapee in violation of 2188
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 2189
prison term imposed upon the offender for one of those violations 2190
shall be served by the offender consecutively to the prison term 2191
or term of imprisonment the offender was serving when the offender 2192
committed that offense and to any other prison term previously or 2193
subsequently imposed upon the offender. 2194

(3) If a prison term is imposed for a violation of division 2195
(B) of section 2911.01 of the Revised Code, a violation of 2196
division (A) of section 2913.02 of the Revised Code in which the 2197
stolen property is a firearm or dangerous ordnance, or a felony 2198
violation of division (B) of section 2921.331 of the Revised Code, 2199
the offender shall serve that prison term consecutively to any 2200
other prison term or mandatory prison term previously or 2201
subsequently imposed upon the offender. 2202

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

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

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

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

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

violation, the offender shall serve the mandatory prison term 2235
imposed pursuant to division (B)(5) of this section consecutively 2236
to and prior to the mandatory prison term imposed pursuant to 2237
division (B)(6) of this section and consecutively to and prior to 2238
any prison term imposed for the underlying violation of division 2239
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 2240
division (A) of this section or section 2929.142 of the Revised 2241
Code. 2242

(6) If a mandatory prison term is imposed upon an offender 2243
pursuant to division (B)(9) of this section, the offender shall 2244
serve that mandatory prison term consecutively to and prior to any 2245
prison term imposed for the underlying violation of an offense of 2246
violence and consecutively to and prior to any other prison term 2247
or mandatory prison term previously or subsequently imposed upon 2248
the offender. 2249

(7) When consecutive prison terms are imposed pursuant to 2250
division (C)(1), (2), (3), (4), ~~or (5)~~, or (6) or division (H)(1) 2251
or (2) of this section, the term to be served is the aggregate of 2252
all of the terms so imposed. 2253

(D)(1) If a court imposes a prison term for a felony of the 2254
first degree, for a felony of the second degree, for a felony sex 2255
offense, or for a felony of the third degree that is not a felony 2256
sex offense and in the commission of which the offender caused or 2257
threatened to cause physical harm to a person, it shall include in 2258
the sentence a requirement that the offender be subject to a 2259
period of post-release control after the offender's release from 2260
imprisonment, in accordance with that division. If a court imposes 2261
a sentence including a prison term of a type described in this 2262
division on or after July 11, 2006, the failure of a court to 2263
include a post-release control requirement in the sentence 2264
pursuant to this division does not negate, limit, or otherwise 2265
affect the mandatory period of post-release control that is 2266

required for the offender under division (B) of section 2967.28 of 2267
the Revised Code. Section 2929.191 of the Revised Code applies if, 2268
prior to July 11, 2006, a court imposed a sentence including a 2269
prison term of a type described in this division and failed to 2270
include in the sentence pursuant to this division a statement 2271
regarding post-release control. 2272

(2) If a court imposes a prison term for a felony of the 2273
third, fourth, or fifth degree that is not subject to division 2274
(D)(1) of this section, it shall include in the sentence a 2275
requirement that the offender be subject to a period of 2276
post-release control after the offender's release from 2277
imprisonment, in accordance with that division, if the parole 2278
board determines that a period of post-release control is 2279
necessary. Section 2929.191 of the Revised Code applies if, prior 2280
to July 11, 2006, a court imposed a sentence including a prison 2281
term of a type described in this division and failed to include in 2282
the sentence pursuant to this division a statement regarding 2283
post-release control. 2284

(E) The court shall impose sentence upon the offender in 2285
accordance with section 2971.03 of the Revised Code, and Chapter 2286
2971. of the Revised Code applies regarding the prison term or 2287
term of life imprisonment without parole imposed upon the offender 2288
and the service of that term of imprisonment if any of the 2289
following apply: 2290

(1) A person is convicted of or pleads guilty to a violent 2291
sex offense or a designated homicide, assault, or kidnapping 2292
offense, and, in relation to that offense, the offender is 2293
adjudicated a sexually violent predator. 2294

(2) A person is convicted of or pleads guilty to a violation 2295
of division (A)(1)(b) of section 2907.02 of the Revised Code 2296
committed on or after January 2, 2007, and either the court does 2297
not impose a sentence of life without parole when authorized 2298

pursuant to division (B) of section 2907.02 of the Revised Code, 2299
or division (B) of section 2907.02 of the Revised Code provides 2300
that the court shall not sentence the offender pursuant to section 2301
2971.03 of the Revised Code. 2302

(3) A person is convicted of or pleads guilty to attempted 2303
rape committed on or after January 2, 2007, and a specification of 2304
the type described in section 2941.1418, 2941.1419, or 2941.1420 2305
of the Revised Code. 2306

(4) A person is convicted of or pleads guilty to a violation 2307
of section 2905.01 of the Revised Code committed on or after 2308
January 1, 2008, and that section requires the court to sentence 2309
the offender pursuant to section 2971.03 of the Revised Code. 2310

(5) A person is convicted of or pleads guilty to aggravated 2311
murder committed on or after January 1, 2008, and division 2312
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 2313
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 2314
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 2315
2929.06 of the Revised Code requires the court to sentence the 2316
offender pursuant to division (B)(3) of section 2971.03 of the 2317
Revised Code. 2318

(6) A person is convicted of or pleads guilty to murder 2319
committed on or after January 1, 2008, and division (B)(2) of 2320
section 2929.02 of the Revised Code requires the court to sentence 2321
the offender pursuant to section 2971.03 of the Revised Code. 2322

(F) If a person who has been convicted of or pleaded guilty 2323
to a felony is sentenced to a prison term or term of imprisonment 2324
under this section, sections 2929.02 to 2929.06 of the Revised 2325
Code, section 2929.142 of the Revised Code, section 2971.03 of the 2326
Revised Code, or any other provision of law, section 5120.163 of 2327
the Revised Code applies regarding the person while the person is 2328
confined in a state correctional institution. 2329

(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 court shall impose upon the offender an additional prison term of one, two, or three years.

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

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

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

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

additional prison term of one, two, three, four, five, six, seven, 2362
eight, nine, ten, eleven, or twelve months. 2363

(b) In lieu of imposing an additional prison term under 2364
division (H)(2)(a) of this section, the court may directly impose 2365
on the offender a sanction that requires the offender to wear a 2366
real-time processing, continual tracking electronic monitoring 2367
device during the period of time specified by the court. The 2368
period of time specified by the court shall equal the duration of 2369
an additional prison term that the court could have imposed upon 2370
the offender under division (H)(2)(a) of this section. A sanction 2371
imposed under this division shall commence on the date specified 2372
by the court, provided that the sanction shall not commence until 2373
after the offender has served the prison term imposed for the 2374
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 2375
of the Revised Code and any residential sanction imposed for the 2376
violation under section 2929.16 of the Revised Code. A sanction 2377
imposed under this division shall be considered to be a community 2378
control sanction for purposes of section 2929.15 of the Revised 2379
Code, and all provisions of the Revised Code that pertain to 2380
community control sanctions shall apply to a sanction imposed 2381
under this division, except to the extent that they would by their 2382
nature be clearly inapplicable. The offender shall pay all costs 2383
associated with a sanction imposed under this division, including 2384
the cost of the use of the monitoring device. 2385

(I) At the time of sentencing, the court may recommend the 2386
offender for placement in a program of shock incarceration under 2387
section 5120.031 of the Revised Code or for placement in an 2388
intensive program prison under section 5120.032 of the Revised 2389
Code, disapprove placement of the offender in a program of shock 2390
incarceration or an intensive program prison of that nature, or 2391
make no recommendation on placement of the offender. In no case 2392
shall the department of rehabilitation and correction place the 2393

offender in a program or prison of that nature unless the 2394
department determines as specified in section 5120.031 or 5120.032 2395
of the Revised Code, whichever is applicable, that the offender is 2396
eligible for the placement. 2397

If the court disapproves placement of the offender in a 2398
program or prison of that nature, the department of rehabilitation 2399
and correction shall not place the offender in any program of 2400
shock incarceration or intensive program prison. 2401

If the court recommends placement of the offender in a 2402
program of shock incarceration or in an intensive program prison, 2403
and if the offender is subsequently placed in the recommended 2404
program or prison, the department shall notify the court of the 2405
placement and shall include with the notice a brief description of 2406
the placement. 2407

If the court recommends placement of the offender in a 2408
program of shock incarceration or in an intensive program prison 2409
and the department does not subsequently place the offender in the 2410
recommended program or prison, the department shall send a notice 2411
to the court indicating why the offender was not placed in the 2412
recommended program or prison. 2413

If the court does not make a recommendation under this 2414
division with respect to an offender and if the department 2415
determines as specified in section 5120.031 or 5120.032 of the 2416
Revised Code, whichever is applicable, that the offender is 2417
eligible for placement in a program or prison of that nature, the 2418
department shall screen the offender and determine if there is an 2419
available program of shock incarceration or an intensive program 2420
prison for which the offender is suited. If there is an available 2421
program of shock incarceration or an intensive program prison for 2422
which the offender is suited, the department shall notify the 2423
court of the proposed placement of the offender as specified in 2424
section 5120.031 or 5120.032 of the Revised Code and shall include 2425

with the notice a brief description of the placement. The court 2426
shall have ten days from receipt of the notice to disapprove the 2427
placement. 2428

(J) If a person is convicted of or pleads guilty to 2429
aggravated vehicular homicide in violation of division (A)(1) of 2430
section 2903.06 of the Revised Code and division (B)(2)(c) of that 2431
section applies, the person shall be sentenced pursuant to section 2432
2929.142 of the Revised Code. 2433

Sec. 2941.1424. (A) Imposition of a mandatory prison term of 2434
five, six, seven, eight, nine, or ten years upon an offender under 2435
division (B)(9) of section 2929.14 of the Revised Code is 2436
precluded unless the offender is convicted of or pleads guilty to 2437
a felony offense of violence and unless the indictment, count in 2438
the indictment, or information charging the offense specifies that 2439
the victim of the offense suffered permanent disabling harm as a 2440
result of the offense. The specification shall be stated at the 2441
end of the body of the indictment, count, or information and shall 2442
be stated in substantially the following form: 2443

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2444
Grand Jurors (or insert the person's or the prosecuting attorney's 2445
name when appropriate) further find and specify that (set forth 2446
that the victim of the offense suffered permanent disabling harm 2447
as a result of the offense)." 2448

(B) As used in this section, "permanent disabling harm" has 2449
the same meaning as in section 2929.01 of the Revised Code. 2450

Section 2. That existing sections 2743.51, 2743.60, 2743.65, 2451
2929.01, 2929.13, and 2929.14 of the Revised Code are hereby 2452
repealed. 2453

Section 3. This act shall be known as "Destiny's Law." 2454