

**As Reported by the House Judiciary Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. H. B. No. 508**

**Representative Butler**

**Cosponsors: Representatives Smith, Becker, Terhar, Derickson, Hood,  
Stebelton, Johnson, Blessing, Wachtmann**

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**A B I L L**

To amend sections 2903.02, 2929.02, 2929.14, 1  
2941.148, 2967.13, 2971.03, 2971.07, and 5120.61 2  
of the Revised Code to expand the offense of 3  
murder to also prohibit causing the death of 4  
another as a proximate result of providing the 5  
person with a controlled substance or controlled 6  
substance analog when the death is caused by the 7  
use of that controlled substance or controlled 8  
substance analog and to provide special life 9  
sentences for a violation of the prohibition. 10

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

**Section 1.** That sections 2903.02, 2929.02, 2929.14, 2941.148, 11  
2967.13, 2971.03, 2971.07, and 5120.61 of the Revised Code be 12  
amended to read as follows: 13

**Sec. 2903.02.** (A) No person shall purposely cause the death 14  
of another or the unlawful termination of another's pregnancy. 15

(B) No person shall cause the death of another as a proximate 16  
result of the offender's committing or attempting to commit an 17  
offense of violence that is a felony of the first or second degree 18

and that is not a violation of section 2903.03 or 2903.04 of the Revised Code.

(C) No person shall cause the death of another who is eighteen years of age or older as a proximate result of the offender's providing the other person with a controlled substance or a controlled substance analog in violation of any section of Chapter 2925. of the Revised Code.

(D) No person shall cause the death of another who is under eighteen years of age as a proximate result of the offender's providing the other person with a controlled substance or a controlled substance analog in violation of any section of Chapter 2925. of the Revised Code.

(E)(1) Division (B) of this section does not apply to an offense that becomes a felony of the first or second degree only if the offender previously has been convicted of that offense or another specified offense.

~~(D)~~(2) For purposes of divisions (C) and (D) of this section, a person who provides another person with a controlled substance or controlled substance analog in violation of any section of Chapter 2925. of the Revised Code "causes the death of the other person as a proximate result of providing the other person with the controlled substance or controlled substance analog" if the other person died as a result of either of the following:

(a) The use of that controlled substance or controlled substance analog;

(b) The use of that controlled substance or controlled substance analog combined with one or more other controlled substances or controlled substance analogs, with alcohol, or with one or more other controlled substances or controlled substance analogs and alcohol.

(F) Whoever violates this section is guilty of murder, and

shall be punished as provided in section 2929.02 of the Revised Code. 50  
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**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty to aggravated murder in violation of section 2903.01 of the Revised Code shall suffer death or be imprisoned for life, as determined pursuant to sections 2929.022, 2929.03, and 2929.04 of the Revised Code, except that no person who raises the matter of age pursuant to section 2929.023 of the Revised Code and who is not found to have been eighteen years of age or older at the time of the commission of the offense shall suffer death. In addition, the offender may be fined an amount fixed by the court, but not more than twenty-five thousand dollars. 52  
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(B)(1) Except as otherwise provided in division (B)(2) ~~or~~ (3), (4), or (5) of this section, whoever is convicted of or pleads guilty to murder in violation of section 2903.02 of the Revised Code shall be imprisoned for an indefinite term of fifteen years to life. 62  
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(2) Except as otherwise provided in division (B)(3) or (5) of this section, if a person is convicted of or pleads guilty to murder in violation of division (C) of section 2903.02 of the Revised Code, the court shall impose upon the offender a sentence of life imprisonment with parole eligibility after serving twenty years of imprisonment or life imprisonment with parole eligibility after serving twenty-five full years of imprisonment. 67  
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(3) Except as otherwise provided in division (B)~~(3)~~(4) or (5) of this section, if a person is convicted of or pleads guilty to murder in violation of section 2903.02 of the Revised Code, the victim of the offense was less than thirteen years of age, and the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, the 74  
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court shall impose an indefinite prison term of thirty years to 81  
life pursuant to division (B)(3) of section 2971.03 of the Revised 82  
Code. 83

~~(3)~~(4) Except as otherwise provided in division (B)(5) of 84  
this section, if a person is convicted of or pleads guilty to 85  
murder in violation of division (D) of section 2903.02 of the 86  
Revised Code, the court shall impose upon the offender a sentence 87  
of life imprisonment with parole eligibility after serving thirty 88  
years of imprisonment or life imprisonment without parole. 89

(5) If a person is convicted of or pleads guilty to murder in 90  
violation of section 2903.02 of the Revised Code and also is 91  
convicted of or pleads guilty to a sexual motivation specification 92  
and a sexually violent predator specification that were included 93  
in the indictment, count in the indictment, or information that 94  
charged the murder, the court shall impose upon the offender a 95  
term of life imprisonment without parole that shall be served 96  
pursuant to section 2971.03 of the Revised Code. 97

~~(4)~~(6) In addition to the term of imprisonment imposed under 98  
division (B)(1), (2), (3), (4), or (5) of this section, the 99  
offender may be fined an amount fixed by the court, but not more 100  
than fifteen thousand dollars. 101

(C) The court shall not impose a fine or fines for aggravated 102  
murder or murder which, in the aggregate and to the extent not 103  
suspended by the court, exceeds the amount which the offender is 104  
or will be able to pay by the method and within the time allowed 105  
without undue hardship to the offender or to the dependents of the 106  
offender, or will prevent the offender from making reparation for 107  
the victim's wrongful death. 108

(D)(1) In addition to any other sanctions imposed for a 109  
violation of section 2903.01 or 2903.02 of the Revised Code, if 110  
the offender used a motor vehicle as the means to commit the 111

violation, the court shall impose upon the offender a class two 112  
suspension of the offender's driver's license, commercial driver's 113  
license, temporary instruction permit, probationary license, or 114  
nonresident operating privilege as specified in division (A)(2) of 115  
section 4510.02 of the Revised Code. 116

(2) As used in division (D) of this section, "motor vehicle" 117  
has the same meaning as in section 4501.01 of the Revised Code. 118

**Sec. 2929.14.** (A) Except as provided in division (B)(1), 119  
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), (G), 120  
(H), or (J) of this section or in division (D)(6) of section 121  
2919.25 of the Revised Code and except in relation to an offense 122  
for which a sentence of death or life imprisonment is to be 123  
imposed, if the court imposing a sentence upon an offender for a 124  
felony elects or is required to impose a prison term on the 125  
offender pursuant to this chapter, the court shall impose a 126  
definite prison term that shall be one of the following: 127

(1) For a felony of the first degree, the prison term shall 128  
be three, four, five, six, seven, eight, nine, ten, or eleven 129  
years. 130

(2) For a felony of the second degree, the prison term shall 131  
be two, three, four, five, six, seven, or eight years. 132

(3)(a) For a felony of the third degree that is a violation 133  
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 134  
Revised Code or that is a violation of section 2911.02 or 2911.12 135  
of the Revised Code if the offender previously has been convicted 136  
of or pleaded guilty in two or more separate proceedings to two or 137  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 138  
of the Revised Code, the prison term shall be twelve, eighteen, 139  
twenty-four, thirty, thirty-six, forty-two, forty-eight, 140  
fifty-four, or sixty months. 141

(b) For a felony of the third degree that is not an offense 142  
for which division (A)(3)(a) of this section applies, the prison 143  
term shall be nine, twelve, eighteen, twenty-four, thirty, or 144  
thirty-six months. 145

(4) For a felony of the fourth degree, the prison term shall 146  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 147  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 148

(5) For a felony of the fifth degree, the prison term shall 149  
be six, seven, eight, nine, ten, eleven, or twelve months. 150

(B)(1)(a) Except as provided in division (B)(1)(e) of this 151  
section, if an offender who is convicted of or pleads guilty to a 152  
felony also is convicted of or pleads guilty to a specification of 153  
the type described in section 2941.141, 2941.144, or 2941.145 of 154  
the Revised Code, the court shall impose on the offender one of 155  
the following prison terms: 156

(i) A prison term of six years if the specification is of the 157  
type described in section 2941.144 of the Revised Code that 158  
charges the offender with having a firearm that is an automatic 159  
firearm or that was equipped with a firearm muffler or silencer on 160  
or about the offender's person or under the offender's control 161  
while committing the felony; 162

(ii) A prison term of three years if the specification is of 163  
the type described in section 2941.145 of the Revised Code that 164  
charges the offender with having a firearm on or about the 165  
offender's person or under the offender's control while committing 166  
the offense and displaying the firearm, brandishing the firearm, 167  
indicating that the offender possessed the firearm, or using it to 168  
facilitate the offense; 169

(iii) A prison term of one year if the specification is of 170  
the type described in section 2941.141 of the Revised Code that 171  
charges the offender with having a firearm on or about the 172

offender's person or under the offender's control while committing 173  
the felony. 174

(b) If a court imposes a prison term on an offender under 175  
division (B)(1)(a) of this section, the prison term shall not be 176  
reduced pursuant to section 2967.19, section 2929.20, section 177  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 178  
of the Revised Code. Except as provided in division (B)(1)(g) of 179  
this section, a court shall not impose more than one prison term 180  
on an offender under division (B)(1)(a) of this section for 181  
felonies committed as part of the same act or transaction. 182

(c) Except as provided in division (B)(1)(e) of this section, 183  
if an offender who is convicted of or pleads guilty to a violation 184  
of section 2923.161 of the Revised Code or to a felony that 185  
includes, as an essential element, purposely or knowingly causing 186  
or attempting to cause the death of or physical harm to another, 187  
also is convicted of or pleads guilty to a specification of the 188  
type described in section 2941.146 of the Revised Code that 189  
charges the offender with committing the offense by discharging a 190  
firearm from a motor vehicle other than a manufactured home, the 191  
court, after imposing a prison term on the offender for the 192  
violation of section 2923.161 of the Revised Code or for the other 193  
felony offense under division (A), (B)(2), or (B)(3) of this 194  
section, shall impose an additional prison term of five years upon 195  
the offender that shall not be reduced pursuant to section 196  
2929.20, section 2967.19, section 2967.193, or any other provision 197  
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 198  
shall not impose more than one additional prison term on an 199  
offender under division (B)(1)(c) of this section for felonies 200  
committed as part of the same act or transaction. If a court 201  
imposes an additional prison term on an offender under division 202  
(B)(1)(c) of this section relative to an offense, the court also 203  
shall impose a prison term under division (B)(1)(a) of this 204

section relative to the same offense, provided the criteria 205  
specified in that division for imposing an additional prison term 206  
are satisfied relative to the offender and the offense. 207

(d) If an offender who is convicted of or pleads guilty to an 208  
offense of violence that is a felony also is convicted of or 209  
pleads guilty to a specification of the type described in section 210  
2941.1411 of the Revised Code that charges the offender with 211  
wearing or carrying body armor while committing the felony offense 212  
of violence, the court shall impose on the offender a prison term 213  
of two years. The prison term so imposed, subject to divisions (C) 214  
to (I) of section 2967.19 of the Revised Code, shall not be 215  
reduced pursuant to section 2929.20, section 2967.19, section 216  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 217  
of the Revised Code. A court shall not impose more than one prison 218  
term on an offender under division (B)(1)(d) of this section for 219  
felonies committed as part of the same act or transaction. If a 220  
court imposes an additional prison term under division (B)(1)(a) 221  
or (c) of this section, the court is not precluded from imposing 222  
an additional prison term under division (B)(1)(d) of this 223  
section. 224

(e) The court shall not impose any of the prison terms 225  
described in division (B)(1)(a) of this section or any of the 226  
additional prison terms described in division (B)(1)(c) of this 227  
section upon an offender for a violation of section 2923.12 or 228  
2923.123 of the Revised Code. The court shall not impose any of 229  
the prison terms described in division (B)(1)(a) or (b) of this 230  
section upon an offender for a violation of section 2923.122 that 231  
involves a deadly weapon that is a firearm other than a dangerous 232  
ordnance, section 2923.16, or section 2923.121 of the Revised 233  
Code. The court shall not impose any of the prison terms described 234  
in division (B)(1)(a) of this section or any of the additional 235  
prison terms described in division (B)(1)(c) of this section upon 236



an offender for a violation of section 2923.13 of the Revised Code 237  
unless all of the following apply: 238

(i) The offender previously has been convicted of aggravated 239  
murder, murder, or any felony of the first or second degree. 240

(ii) Less than five years have passed since the offender was 241  
released from prison or post-release control, whichever is later, 242  
for the prior offense. 243

(f) If an offender is convicted of or pleads guilty to a 244  
felony that includes, as an essential element, causing or 245  
attempting to cause the death of or physical harm to another and 246  
also is convicted of or pleads guilty to a specification of the 247  
type described in section 2941.1412 of the Revised Code that 248  
charges the offender with committing the offense by discharging a 249  
firearm at a peace officer as defined in section 2935.01 of the 250  
Revised Code or a corrections officer, as defined in section 251  
2941.1412 of the Revised Code, the court, after imposing a prison 252  
term on the offender for the felony offense under division (A), 253  
(B)(2), or (B)(3) of this section, shall impose an additional 254  
prison term of seven years upon the offender that shall not be 255  
reduced pursuant to section 2929.20, section 2967.19, section 256  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 257  
of the Revised Code. If an offender is convicted of or pleads 258  
guilty to two or more felonies that include, as an essential 259  
element, causing or attempting to cause the death or physical harm 260  
to another and also is convicted of or pleads guilty to a 261  
specification of the type described under division (B)(1)(f) of 262  
this section in connection with two or more of the felonies of 263  
which the offender is convicted or to which the offender pleads 264  
guilty, the sentencing court shall impose on the offender the 265  
prison term specified under division (B)(1)(f) of this section for 266  
each of two of the specifications of which the offender is 267  
convicted or to which the offender pleads guilty and, in its 268

discretion, also may impose on the offender the prison term 269  
specified under that division for any or all of the remaining 270  
specifications. If a court imposes an additional prison term on an 271  
offender under division (B)(1)(f) of this section relative to an 272  
offense, the court shall not impose a prison term under division 273  
(B)(1)(a) or (c) of this section relative to the same offense. 274

(g) If an offender is convicted of or pleads guilty to two or 275  
more felonies, if one or more of those felonies are aggravated 276  
murder, murder, attempted aggravated murder, attempted murder, 277  
aggravated robbery, felonious assault, or rape, and if the 278  
offender is convicted of or pleads guilty to a specification of 279  
the type described under division (B)(1)(a) of this section in 280  
connection with two or more of the felonies, the sentencing court 281  
shall impose on the offender the prison term specified under 282  
division (B)(1)(a) of this section for each of the two most 283  
serious specifications of which the offender is convicted or to 284  
which the offender pleads guilty and, in its discretion, also may 285  
impose on the offender the prison term specified under that 286  
division for any or all of the remaining specifications. 287

(2)(a) If division (B)(2)(b) of this section does not apply, 288  
the court may impose on an offender, in addition to the longest 289  
prison term authorized or required for the offense, an additional 290  
definite prison term of one, two, three, four, five, six, seven, 291  
eight, nine, or ten years if all of the following criteria are 292  
met: 293

(i) The offender is convicted of or pleads guilty to a 294  
specification of the type described in section 2941.149 of the 295  
Revised Code that the offender is a repeat violent offender. 296

(ii) The offense of which the offender currently is convicted 297  
or to which the offender currently pleads guilty is aggravated 298  
murder and the court does not impose a sentence of death or life 299  
imprisonment without parole, murder and the court does not impose 300

a sentence of life imprisonment without parole, terrorism and the 301  
court does not impose a sentence of life imprisonment without 302  
parole, any felony of the first degree that is an offense of 303  
violence and the court does not impose a sentence of life 304  
imprisonment without parole, or any felony of the second degree 305  
that is an offense of violence and the trier of fact finds that 306  
the offense involved an attempt to cause or a threat to cause 307  
serious physical harm to a person or resulted in serious physical 308  
harm to a person. 309

(iii) The court imposes the longest prison term for the 310  
offense that is not life imprisonment without parole. 311

(iv) The court finds that the prison terms imposed pursuant 312  
to division (B)(2)(a)(iii) of this section and, if applicable, 313  
division (B)(1) or (3) of this section are inadequate to punish 314  
the offender and protect the public from future crime, because the 315  
applicable factors under section 2929.12 of the Revised Code 316  
indicating a greater likelihood of recidivism outweigh the 317  
applicable factors under that section indicating a lesser 318  
likelihood of recidivism. 319

(v) The court finds that the prison terms imposed pursuant to 320  
division (B)(2)(a)(iii) of this section and, if applicable, 321  
division (B)(1) or (3) of this section are demeaning to the 322  
seriousness of the offense, because one or more of the factors 323  
under section 2929.12 of the Revised Code indicating that the 324  
offender's conduct is more serious than conduct normally 325  
constituting the offense are present, and they outweigh the 326  
applicable factors under that section indicating that the 327  
offender's conduct is less serious than conduct normally 328  
constituting the offense. 329

(b) The court shall impose on an offender the longest prison 330  
term authorized or required for the offense and shall impose on 331  
the offender an additional definite prison term of one, two, 332

three, four, five, six, seven, eight, nine, or ten years if all of 333  
the following criteria are met: 334

(i) The offender is convicted of or pleads guilty to a 335  
specification of the type described in section 2941.149 of the 336  
Revised Code that the offender is a repeat violent offender. 337

(ii) The offender within the preceding twenty years has been 338  
convicted of or pleaded guilty to three or more offenses described 339  
in division (CC)(1) of section 2929.01 of the Revised Code, 340  
including all offenses described in that division of which the 341  
offender is convicted or to which the offender pleads guilty in 342  
the current prosecution and all offenses described in that 343  
division of which the offender previously has been convicted or to 344  
which the offender previously pleaded guilty, whether prosecuted 345  
together or separately. 346

(iii) The offense or offenses of which the offender currently 347  
is convicted or to which the offender currently pleads guilty is 348  
aggravated murder and the court does not impose a sentence of 349  
death or life imprisonment without parole, murder and the court 350  
does not impose a sentence of life imprisonment without parole, 351  
terrorism and the court does not impose a sentence of life 352  
imprisonment without parole, any felony of the first degree that 353  
is an offense of violence and the court does not impose a sentence 354  
of life imprisonment without parole, or any felony of the second 355  
degree that is an offense of violence and the trier of fact finds 356  
that the offense involved an attempt to cause or a threat to cause 357  
serious physical harm to a person or resulted in serious physical 358  
harm to a person. 359

(c) For purposes of division (B)(2)(b) of this section, two 360  
or more offenses committed at the same time or as part of the same 361  
act or event shall be considered one offense, and that one offense 362  
shall be the offense with the greatest penalty. 363

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

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

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised

Code that was attempted, the offender would have been subject to a 396  
sentence of life imprisonment or life imprisonment without parole 397  
for the violation of section 2907.02 of the Revised Code, the 398  
court shall impose upon the offender for the felony violation a 399  
mandatory prison term of the maximum prison term prescribed for a 400  
felony of the first degree that, subject to divisions (C) to (I) 401  
of section 2967.19 of the Revised Code, cannot be reduced pursuant 402  
to section 2929.20, section 2967.19, or any other provision of 403  
Chapter 2967. or 5120. of the Revised Code. 404

(4) If the offender is being sentenced for a third or fourth 405  
degree felony OVI offense under division (G)(2) of section 2929.13 406  
of the Revised Code, the sentencing court shall impose upon the 407  
offender a mandatory prison term in accordance with that division. 408  
In addition to the mandatory prison term, if the offender is being 409  
sentenced for a fourth degree felony OVI offense, the court, 410  
notwithstanding division (A)(4) of this section, may sentence the 411  
offender to a definite prison term of not less than six months and 412  
not more than thirty months, and if the offender is being 413  
sentenced for a third degree felony OVI offense, the sentencing 414  
court may sentence the offender to an additional prison term of 415  
any duration specified in division (A)(3) of this section. In 416  
either case, the additional prison term imposed shall be reduced 417  
by the sixty or one hundred twenty days imposed upon the offender 418  
as the mandatory prison term. The total of the additional prison 419  
term imposed under division (B)(4) of this section plus the sixty 420  
or one hundred twenty days imposed as the mandatory prison term 421  
shall equal a definite term in the range of six months to thirty 422  
months for a fourth degree felony OVI offense and shall equal one 423  
of the authorized prison terms specified in division (A)(3) of 424  
this section for a third degree felony OVI offense. If the court 425  
imposes an additional prison term under division (B)(4) of this 426  
section, the offender shall serve the additional prison term after 427  
the offender has served the mandatory prison term required for the 428

offense. In addition to the mandatory prison term or mandatory and 429  
additional prison term imposed as described in division (B)(4) of 430  
this section, the court also may sentence the offender to a 431  
community control sanction under section 2929.16 or 2929.17 of the 432  
Revised Code, but the offender shall serve all of the prison terms 433  
so imposed prior to serving the community control sanction. 434

If the offender is being sentenced for a fourth degree felony 435  
OVI offense under division (G)(1) of section 2929.13 of the 436  
Revised Code and the court imposes a mandatory term of local 437  
incarceration, the court may impose a prison term as described in 438  
division (A)(1) of that section. 439

(5) If an offender is convicted of or pleads guilty to a 440  
violation of division (A)(1) or (2) of section 2903.06 of the 441  
Revised Code and also is convicted of or pleads guilty to a 442  
specification of the type described in section 2941.1414 of the 443  
Revised Code that charges that the victim of the offense is a 444  
peace officer, as defined in section 2935.01 of the Revised Code, 445  
or an investigator of the bureau of criminal identification and 446  
investigation, as defined in section 2903.11 of the Revised Code, 447  
the court shall impose on the offender a prison term of five 448  
years. If a court imposes a prison term on an offender under 449  
division (B)(5) of this section, the prison term, subject to 450  
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 451  
not be reduced pursuant to section 2929.20, section 2967.19, 452  
section 2967.193, or any other provision of Chapter 2967. or 453  
Chapter 5120. of the Revised Code. A court shall not impose more 454  
than one prison term on an offender under division (B)(5) of this 455  
section for felonies committed as part of the same act. 456

(6) If an offender is convicted of or pleads guilty to a 457  
violation of division (A)(1) or (2) of section 2903.06 of the 458  
Revised Code and also is convicted of or pleads guilty to a 459  
specification of the type described in section 2941.1415 of the 460

Revised Code that charges that the offender previously has been 461  
convicted of or pleaded guilty to three or more violations of 462  
division (A) or (B) of section 4511.19 of the Revised Code or an 463  
equivalent offense, as defined in section 2941.1415 of the Revised 464  
Code, or three or more violations of any combination of those 465  
divisions and offenses, the court shall impose on the offender a 466  
prison term of three years. If a court imposes a prison term on an 467  
offender under division (B)(6) of this section, the prison term, 468  
subject to divisions (C) to (I) of section 2967.19 of the Revised 469  
Code, shall not be reduced pursuant to section 2929.20, section 470  
2967.19, section 2967.193, or any other provision of Chapter 2967. 471  
or Chapter 5120. of the Revised Code. A court shall not impose 472  
more than one prison term on an offender under division (B)(6) of 473  
this section for felonies committed as part of the same act. 474

(7)(a) If an offender is convicted of or pleads guilty to a 475  
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 476  
2923.32, division (A)(1) or (2) of section 2907.323, or division 477  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 478  
Code and also is convicted of or pleads guilty to a specification 479  
of the type described in section 2941.1422 of the Revised Code 480  
that charges that the offender knowingly committed the offense in 481  
furtherance of human trafficking, the court shall impose on the 482  
offender a mandatory prison term that is one of the following: 483

(i) If the offense is a felony of the first degree, a 484  
definite prison term of not less than five years and not greater 485  
than ten years; 486

(ii) If the offense is a felony of the second or third 487  
degree, a definite prison term of not less than three years and 488  
not greater than the maximum prison term allowed for the offense 489  
by division (A) of section 2929.14 of the Revised Code; 490

(iii) If the offense is a felony of the fourth or fifth 491  
degree, a definite prison term that is the maximum prison term 492



allowed for the offense by division (A) of section 2929.14 of the Revised Code. 493  
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(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B)(7)(a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(7)(a) of this section for felonies committed as part of the same act, scheme, or plan. 495  
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(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range of prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the same degree as the violation. 503  
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(C)(1)(a) Subject to division (C)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other 515  
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mandatory prison term imposed under either division or under 525  
division (B)(1)(d) of this section, consecutively to and prior to 526  
any prison term imposed for the underlying felony pursuant to 527  
division (A), (B)(2), or (B)(3) of this section or any other 528  
section of the Revised Code, and consecutively to any other prison 529  
term or mandatory prison term previously or subsequently imposed 530  
upon the offender. 531

(b) If a mandatory prison term is imposed upon an offender 532  
pursuant to division (B)(1)(d) of this section for wearing or 533  
carrying body armor while committing an offense of violence that 534  
is a felony, the offender shall serve the mandatory term so 535  
imposed consecutively to any other mandatory prison term imposed 536  
under that division or under division (B)(1)(a) or (c) of this 537  
section, consecutively to and prior to any prison term imposed for 538  
the underlying felony under division (A), (B)(2), or (B)(3) of 539  
this section or any other section of the Revised Code, and 540  
consecutively to any other prison term or mandatory prison term 541  
previously or subsequently imposed upon the offender. 542

(c) If a mandatory prison term is imposed upon an offender 543  
pursuant to division (B)(1)(f) of this section, the offender shall 544  
serve the mandatory prison term so imposed consecutively to and 545  
prior to any prison term imposed for the underlying felony under 546  
division (A), (B)(2), or (B)(3) of this section or any other 547  
section of the Revised Code, and consecutively to any other prison 548  
term or mandatory prison term previously or subsequently imposed 549  
upon the offender. 550

(d) If a mandatory prison term is imposed upon an offender 551  
pursuant to division (B)(7) or (8) of this section, the offender 552  
shall serve the mandatory prison term so imposed consecutively to 553  
any other mandatory prison term imposed under that division or 554  
under any other provision of law and consecutively to any other 555  
prison term or mandatory prison term previously or subsequently 556

imposed upon the offender. 557

(2) If an offender who is an inmate in a jail, prison, or 558  
other residential detention facility violates section 2917.02, 559  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 560  
of section 2921.34 of the Revised Code, if an offender who is 561  
under detention at a detention facility commits a felony violation 562  
of section 2923.131 of the Revised Code, or if an offender who is 563  
an inmate in a jail, prison, or other residential detention 564  
facility or is under detention at a detention facility commits 565  
another felony while the offender is an escapee in violation of 566  
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 567  
prison term imposed upon the offender for one of those violations 568  
shall be served by the offender consecutively to the prison term 569  
or term of imprisonment the offender was serving when the offender 570  
committed that offense and to any other prison term previously or 571  
subsequently imposed upon the offender. 572

(3) If a prison term is imposed for a violation of division 573  
(B) of section 2911.01 of the Revised Code, a violation of 574  
division (A) of section 2913.02 of the Revised Code in which the 575  
stolen property is a firearm or dangerous ordnance, or a felony 576  
violation of division (B) of section 2921.331 of the Revised Code, 577  
the offender shall serve that prison term consecutively to any 578  
other prison term or mandatory prison term previously or 579  
subsequently imposed upon the offender. 580

(4) If multiple prison terms are imposed on an offender for 581  
convictions of multiple offenses, the court may require the 582  
offender to serve the prison terms consecutively if the court 583  
finds that the consecutive service is necessary to protect the 584  
public from future crime or to punish the offender and that 585  
consecutive sentences are not disproportionate to the seriousness 586  
of the offender's conduct and to the danger the offender poses to 587  
the public, and if the court also finds any of the following: 588

(a) The offender committed one or more of the multiple 589  
offenses while the offender was awaiting trial or sentencing, was 590  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 591  
2929.18 of the Revised Code, or was under post-release control for 592  
a prior offense. 593

(b) At least two of the multiple offenses were committed as 594  
part of one or more courses of conduct, and the harm caused by two 595  
or more of the multiple offenses so committed was so great or 596  
unusual that no single prison term for any of the offenses 597  
committed as part of any of the courses of conduct adequately 598  
reflects the seriousness of the offender's conduct. 599

(c) The offender's history of criminal conduct demonstrates 600  
that consecutive sentences are necessary to protect the public 601  
from future crime by the offender. 602

(5) If a mandatory prison term is imposed upon an offender 603  
pursuant to division (B)(5) or (6) of this section, the offender 604  
shall serve the mandatory prison term consecutively to and prior 605  
to any prison term imposed for the underlying violation of 606  
division (A)(1) or (2) of section 2903.06 of the Revised Code 607  
pursuant to division (A) of this section or section 2929.142 of 608  
the Revised Code. If a mandatory prison term is imposed upon an 609  
offender pursuant to division (B)(5) of this section, and if a 610  
mandatory prison term also is imposed upon the offender pursuant 611  
to division (B)(6) of this section in relation to the same 612  
violation, the offender shall serve the mandatory prison term 613  
imposed pursuant to division (B)(5) of this section consecutively 614  
to and prior to the mandatory prison term imposed pursuant to 615  
division (B)(6) of this section and consecutively to and prior to 616  
any prison term imposed for the underlying violation of division 617  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 618  
division (A) of this section or section 2929.142 of the Revised 619  
Code. 620

(6) When consecutive prison terms are imposed pursuant to 621  
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) 622  
of this section, the term to be served is the aggregate of all of 623  
the terms so imposed. 624

(D)(1) If a court imposes a prison term for a felony of the 625  
first degree, for a felony of the second degree, for a felony sex 626  
offense, or for a felony of the third degree that is not a felony 627  
sex offense and in the commission of which the offender caused or 628  
threatened to cause physical harm to a person, it shall include in 629  
the sentence a requirement that the offender be subject to a 630  
period of post-release control after the offender's release from 631  
imprisonment, in accordance with that division. If a court imposes 632  
a sentence including a prison term of a type described in this 633  
division on or after July 11, 2006, the failure of a court to 634  
include a post-release control requirement in the sentence 635  
pursuant to this division does not negate, limit, or otherwise 636  
affect the mandatory period of post-release control that is 637  
required for the offender under division (B) of section 2967.28 of 638  
the Revised Code. Section 2929.191 of the Revised Code applies if, 639  
prior to July 11, 2006, a court imposed a sentence including a 640  
prison term of a type described in this division and failed to 641  
include in the sentence pursuant to this division a statement 642  
regarding post-release control. 643

(2) If a court imposes a prison term for a felony of the 644  
third, fourth, or fifth degree that is not subject to division 645  
(D)(1) of this section, it shall include in the sentence a 646  
requirement that the offender be subject to a period of 647  
post-release control after the offender's release from 648  
imprisonment, in accordance with that division, if the parole 649  
board determines that a period of post-release control is 650  
necessary. Section 2929.191 of the Revised Code applies if, prior 651  
to July 11, 2006, a court imposed a sentence including a prison 652

term of a type described in this division and failed to include in 653  
the sentence pursuant to this division a statement regarding 654  
post-release control. 655

(E) The court shall impose sentence upon the offender in 656  
accordance with section 2971.03 of the Revised Code, and Chapter 657  
2971. of the Revised Code applies regarding the prison term or 658  
term of life imprisonment without parole imposed upon the offender 659  
and the service of that term of imprisonment if any of the 660  
following apply: 661

(1) A person is convicted of or pleads guilty to a violent 662  
sex offense or a designated homicide, assault, or kidnapping 663  
offense, and, in relation to that offense, the offender is 664  
adjudicated a sexually violent predator. 665

(2) A person is convicted of or pleads guilty to a violation 666  
of division (A)(1)(b) of section 2907.02 of the Revised Code 667  
committed on or after January 2, 2007, and either the court does 668  
not impose a sentence of life without parole when authorized 669  
pursuant to division (B) of section 2907.02 of the Revised Code, 670  
or division (B) of section 2907.02 of the Revised Code provides 671  
that the court shall not sentence the offender pursuant to section 672  
2971.03 of the Revised Code. 673

(3) A person is convicted of or pleads guilty to attempted 674  
rape committed on or after January 2, 2007, and a specification of 675  
the type described in section 2941.1418, 2941.1419, or 2941.1420 676  
of the Revised Code. 677

(4) A person is convicted of or pleads guilty to a violation 678  
of section 2905.01 of the Revised Code committed on or after 679  
January 1, 2008, and that section requires the court to sentence 680  
the offender pursuant to section 2971.03 of the Revised Code. 681

(5) A person is convicted of or pleads guilty to aggravated 682  
murder committed on or after January 1, 2008, and division 683

(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 684  
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 685  
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 686  
2929.06 of the Revised Code requires the court to sentence the 687  
offender pursuant to division (B)(3) of section 2971.03 of the 688  
Revised Code. 689

(6) A person is convicted of or pleads guilty to murder 690  
committed on or after January 1, 2008, and division (B)~~(2)~~(3) of 691  
section 2929.02 of the Revised Code requires the court to sentence 692  
the offender pursuant to section 2971.03 of the Revised Code. 693

(F) If a person who has been convicted of or pleaded guilty 694  
to a felony is sentenced to a prison term or term of imprisonment 695  
under this section, sections 2929.02 to 2929.06 of the Revised 696  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 697  
Revised Code, or any other provision of law, section 5120.163 of 698  
the Revised Code applies regarding the person while the person is 699  
confined in a state correctional institution. 700

(G) If an offender who is convicted of or pleads guilty to a 701  
felony that is an offense of violence also is convicted of or 702  
pleads guilty to a specification of the type described in section 703  
2941.142 of the Revised Code that charges the offender with having 704  
committed the felony while participating in a criminal gang, the 705  
court shall impose upon the offender an additional prison term of 706  
one, two, or three years. 707

(H)(1) If an offender who is convicted of or pleads guilty to 708  
aggravated murder, murder, or a felony of the first, second, or 709  
third degree that is an offense of violence also is convicted of 710  
or pleads guilty to a specification of the type described in 711  
section 2941.143 of the Revised Code that charges the offender 712  
with having committed the offense in a school safety zone or 713  
towards a person in a school safety zone, the court shall impose 714  
upon the offender an additional prison term of two years. The 715

offender shall serve the additional two years consecutively to and 716  
prior to the prison term imposed for the underlying offense. 717

(2)(a) If an offender is convicted of or pleads guilty to a 718  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 719  
of the Revised Code and to a specification of the type described 720  
in section 2941.1421 of the Revised Code and if the court imposes 721  
a prison term on the offender for the felony violation, the court 722  
may impose upon the offender an additional prison term as follows: 723

(i) Subject to division (H)(2)(a)(ii) of this section, an 724  
additional prison term of one, two, three, four, five, or six 725  
months; 726

(ii) If the offender previously has been convicted of or 727  
pleaded guilty to one or more felony or misdemeanor violations of 728  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 729  
Revised Code and also was convicted of or pleaded guilty to a 730  
specification of the type described in section 2941.1421 of the 731  
Revised Code regarding one or more of those violations, an 732  
additional prison term of one, two, three, four, five, six, seven, 733  
eight, nine, ten, eleven, or twelve months. 734

(b) In lieu of imposing an additional prison term under 735  
division (H)(2)(a) of this section, the court may directly impose 736  
on the offender a sanction that requires the offender to wear a 737  
real-time processing, continual tracking electronic monitoring 738  
device during the period of time specified by the court. The 739  
period of time specified by the court shall equal the duration of 740  
an additional prison term that the court could have imposed upon 741  
the offender under division (H)(2)(a) of this section. A sanction 742  
imposed under this division shall commence on the date specified 743  
by the court, provided that the sanction shall not commence until 744  
after the offender has served the prison term imposed for the 745  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 746  
of the Revised Code and any residential sanction imposed for the 747



violation under section 2929.16 of the Revised Code. A sanction 748  
imposed under this division shall be considered to be a community 749  
control sanction for purposes of section 2929.15 of the Revised 750  
Code, and all provisions of the Revised Code that pertain to 751  
community control sanctions shall apply to a sanction imposed 752  
under this division, except to the extent that they would by their 753  
nature be clearly inapplicable. The offender shall pay all costs 754  
associated with a sanction imposed under this division, including 755  
the cost of the use of the monitoring device. 756

(I) At the time of sentencing, the court may recommend the 757  
offender for placement in a program of shock incarceration under 758  
section 5120.031 of the Revised Code or for placement in an 759  
intensive program prison under section 5120.032 of the Revised 760  
Code, disapprove placement of the offender in a program of shock 761  
incarceration or an intensive program prison of that nature, or 762  
make no recommendation on placement of the offender. In no case 763  
shall the department of rehabilitation and correction place the 764  
offender in a program or prison of that nature unless the 765  
department determines as specified in section 5120.031 or 5120.032 766  
of the Revised Code, whichever is applicable, that the offender is 767  
eligible for the placement. 768

If the court disapproves placement of the offender in a 769  
program or prison of that nature, the department of rehabilitation 770  
and correction shall not place the offender in any program of 771  
shock incarceration or intensive program prison. 772

If the court recommends placement of the offender in a 773  
program of shock incarceration or in an intensive program prison, 774  
and if the offender is subsequently placed in the recommended 775  
program or prison, the department shall notify the court of the 776  
placement and shall include with the notice a brief description of 777  
the placement. 778

If the court recommends placement of the offender in a 779

program of shock incarceration or in an intensive program prison 780  
and the department does not subsequently place the offender in the 781  
recommended program or prison, the department shall send a notice 782  
to the court indicating why the offender was not placed in the 783  
recommended program or prison. 784

If the court does not make a recommendation under this 785  
division with respect to an offender and if the department 786  
determines as specified in section 5120.031 or 5120.032 of the 787  
Revised Code, whichever is applicable, that the offender is 788  
eligible for placement in a program or prison of that nature, the 789  
department shall screen the offender and determine if there is an 790  
available program of shock incarceration or an intensive program 791  
prison for which the offender is suited. If there is an available 792  
program of shock incarceration or an intensive program prison for 793  
which the offender is suited, the department shall notify the 794  
court of the proposed placement of the offender as specified in 795  
section 5120.031 or 5120.032 of the Revised Code and shall include 796  
with the notice a brief description of the placement. The court 797  
shall have ten days from receipt of the notice to disapprove the 798  
placement. 799

(J) If a person is convicted of or pleads guilty to 800  
aggravated vehicular homicide in violation of division (A)(1) of 801  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 802  
section applies, the person shall be sentenced pursuant to section 803  
2929.142 of the Revised Code. 804

**Sec. 2941.148.** (A)(1) The application of Chapter 2971. of the 805  
Revised Code to an offender is precluded unless one of the 806  
following applies: 807

(a) The offender is charged with a violent sex offense, and 808  
the indictment, count in the indictment, or information charging 809  
the violent sex offense also includes a specification that the 810

offender is a sexually violent predator, or the offender is 811  
charged with a designated homicide, assault, or kidnapping 812  
offense, and the indictment, count in the indictment, or 813  
information charging the designated homicide, assault, or 814  
kidnapping offense also includes both a specification of the type 815  
described in section 2941.147 of the Revised Code and a 816  
specification that the offender is a sexually violent predator. 817

(b) The offender is convicted of or pleads guilty to a 818  
violation of division (A)(1)(b) of section 2907.02 of the Revised 819  
Code committed on or after January 2, 2007, and division (B) of 820  
section 2907.02 of the Revised Code does not prohibit the court 821  
from sentencing the offender pursuant to section 2971.03 of the 822  
Revised Code. 823

(c) The offender is convicted of or pleads guilty to 824  
attempted rape committed on or after January 2, 2007, and to a 825  
specification of the type described in section 2941.1418, 826  
2941.1419, or 2941.1420 of the Revised Code. 827

(d) The offender is convicted of or pleads guilty to a 828  
violation of section 2905.01 of the Revised Code and to a 829  
specification of the type described in section 2941.147 of the 830  
Revised Code, and section 2905.01 of the Revised Code requires a 831  
court to sentence the offender pursuant to section 2971.03 of the 832  
Revised Code. 833

(e) The offender is convicted of or pleads guilty to 834  
aggravated murder and to a specification of the type described in 835  
section 2941.147 of the Revised Code, and division (A)(2)(b)(ii) 836  
of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), 837  
(C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 838  
2929.03, or division (A) or (B) of section 2929.06 of the Revised 839  
Code requires a court to sentence the offender pursuant to 840  
division (B)(3) of section 2971.03 of the Revised Code. 841

(f) The offender is convicted of or pleads guilty to murder 842  
and to a specification of the type described in section 2941.147 843  
of the Revised Code, and division (B)~~(2)~~(3) of section 2929.02 of 844  
the Revised Code requires a court to sentence the offender 845  
pursuant to section 2971.03 of the Revised Code. 846

(2) A specification required under division (A)(1)(a) of this 847  
section that an offender is a sexually violent predator shall be 848  
stated at the end of the body of the indictment, count, or 849  
information and shall be stated in substantially the following 850  
form: 851

"Specification (or, specification to the first count). The 852  
grand jury (or insert the person's or prosecuting attorney's name 853  
when appropriate) further find and specify that the offender is a 854  
sexually violent predator." 855

(B) In determining for purposes of this section whether a 856  
person is a sexually violent predator, all of the factors set 857  
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 858  
Code that apply regarding the person may be considered as evidence 859  
tending to indicate that it is likely that the person will engage 860  
in the future in one or more sexually violent offenses. 861

(C) As used in this section, "designated homicide, assault, 862  
or kidnapping offense," "violent sex offense," and "sexually 863  
violent predator" have the same meanings as in section 2971.01 of 864  
the Revised Code. 865

**Sec. 2967.13.** (A) Except as provided in division (G) of this 866  
section, a prisoner serving a sentence of imprisonment for life 867  
for an offense committed on or after July 1, 1996, is not entitled 868  
to any earned credit under section 2967.193 of the Revised Code 869  
and becomes eligible for parole as follows: 870

(1) If a sentence of imprisonment for fifteen years to life 871

was imposed for the offense of murder, at the expiration of the 872  
prisoner's minimum term; 873

(2) If a sentence of imprisonment for life with parole 874  
eligibility after serving twenty years of imprisonment was imposed 875  
for aggravated murder pursuant to section 2929.022 or 2929.03 of 876  
the Revised Code or for murder pursuant to division (B) of section 877  
2929.02 of the Revised Code, after serving a term of twenty years; 878

(3) If a sentence of imprisonment for life with parole 879  
eligibility after serving twenty-five full years of imprisonment 880  
was imposed for aggravated murder pursuant to section 2929.022 or 881  
2929.03 of the Revised Code or for murder pursuant to division (B) 882  
of section 2929.02 of the Revised Code, after serving a term of 883  
twenty-five full years; 884

(4) If a sentence of imprisonment for life with parole 885  
eligibility after serving thirty full years of imprisonment was 886  
imposed for aggravated murder pursuant to section 2929.022 or 887  
2929.03 of the Revised Code or for murder pursuant to division (B) 888  
of section 2929.02 of the Revised Code, after serving a term of 889  
thirty full years; 890

(5) If a sentence of imprisonment for life was imposed for 891  
rape, after serving a term of ten full years' imprisonment; 892

(6) If a sentence of imprisonment for life with parole 893  
eligibility after serving fifteen years of imprisonment was 894  
imposed for a violation of section 2927.24 of the Revised Code, 895  
after serving a term of fifteen years. 896

(B) Except as provided in division (G) of this section, a 897  
prisoner serving a sentence of imprisonment for life with parole 898  
eligibility after serving twenty years of imprisonment or a 899  
sentence of imprisonment for life with parole eligibility after 900  
serving twenty-five full years or thirty full years of 901  
imprisonment imposed pursuant to section 2929.022 or 2929.03 or 902

division (B) of section 2929.02 of the Revised Code for an offense 903  
committed on or after July 1, 1996, consecutively to any other 904  
term of imprisonment, becomes eligible for parole after serving 905  
twenty years, twenty full years, or thirty full years, as 906  
applicable, as to each such sentence of life imprisonment, which 907  
shall not be reduced for earned credits under section 2967.193 of 908  
the Revised Code, plus the term or terms of the other sentences 909  
consecutively imposed or, if one of the other sentences is another 910  
type of life sentence with parole eligibility, the number of years 911  
before parole eligibility for that sentence. 912

(C) Except as provided in division (G) of this section, a 913  
prisoner serving consecutively two or more sentences in which an 914  
indefinite term of imprisonment is imposed becomes eligible for 915  
parole upon the expiration of the aggregate of the minimum terms 916  
of the sentences. 917

(D) Except as provided in division (G) of this section, a 918  
prisoner serving a term of imprisonment who is described in 919  
division (A) of section 2967.021 of the Revised Code becomes 920  
eligible for parole as described in that division or, if the 921  
prisoner is serving a definite term of imprisonment, shall be 922  
released as described in that division. 923

(E) A prisoner serving a sentence of life imprisonment 924  
without parole imposed pursuant to section 2907.02 ~~or section~~, 925  
2929.03, or 2929.06 or division (B) of section 2929.02 of the 926  
Revised Code is not eligible for parole and shall be imprisoned 927  
until death. 928

(F) A prisoner serving a stated prison term shall be released 929  
in accordance with section 2967.28 of the Revised Code. 930

(G) A prisoner serving a prison term or term of life 931  
imprisonment without parole imposed pursuant to section 2971.03 of 932  
the Revised Code never becomes eligible for parole during that 933

term of imprisonment. 934

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 935  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 936  
another section of the Revised Code, other than divisions (B) and 937  
(C) of section 2929.14 of the Revised Code, that authorizes or 938  
requires a specified prison term or a mandatory prison term for a 939  
person who is convicted of or pleads guilty to a felony or that 940  
specifies the manner and place of service of a prison term or term 941  
of imprisonment, the court shall impose a sentence upon a person 942  
who is convicted of or pleads guilty to a violent sex offense and 943  
who also is convicted of or pleads guilty to a sexually violent 944  
predator specification that was included in the indictment, count 945  
in the indictment, or information charging that offense, and upon 946  
a person who is convicted of or pleads guilty to a designated 947  
homicide, assault, or kidnapping offense and also is convicted of 948  
or pleads guilty to both a sexual motivation specification and a 949  
sexually violent predator specification that were included in the 950  
indictment, count in the indictment, or information charging that 951  
offense, as follows: 952

(1) If the offense for which the sentence is being imposed is 953  
aggravated murder and if the court does not impose upon the 954  
offender a sentence of death, it shall impose upon the offender a 955  
term of life imprisonment without parole. If the court sentences 956  
the offender to death and the sentence of death is vacated, 957  
overturned, or otherwise set aside, the court shall impose upon 958  
the offender a term of life imprisonment without parole. 959

(2) If the offense for which the sentence is being imposed is 960  
murder; or if the offense is rape committed in violation of 961  
division (A)(1)(b) of section 2907.02 of the Revised Code when the 962  
offender purposely compelled the victim to submit by force or 963  
threat of force, when the victim was less than ten years of age, 964

when the offender previously has been convicted of or pleaded 965  
guilty to either rape committed in violation of that division or a 966  
violation of an existing or former law of this state, another 967  
state, or the United States that is substantially similar to 968  
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 969  
the offender during or immediately after the commission of the 970  
rape caused serious physical harm to the victim; or if the offense 971  
is an offense other than aggravated murder or murder for which a 972  
term of life imprisonment may be imposed, it shall impose upon the 973  
offender a term of life imprisonment without parole. 974

(3)(a) Except as otherwise provided in division (A)(3)(b), 975  
(c), (d), or (e) or (A)(4) of this section, if the offense for 976  
which the sentence is being imposed is an offense other than 977  
aggravated murder, murder, or rape and other than an offense for 978  
which a term of life imprisonment may be imposed, it shall impose 979  
an indefinite prison term consisting of a minimum term fixed by 980  
the court from among the range of terms available as a definite 981  
term for the offense, but not less than two years, and a maximum 982  
term of life imprisonment. 983

(b) Except as otherwise provided in division (A)(4) of this 984  
section, if the offense for which the sentence is being imposed is 985  
kidnapping that is a felony of the first degree, it shall impose 986  
an indefinite prison term as follows: 987

(i) If the kidnapping is committed on or after January 1, 988  
2008, and the victim of the offense is less than thirteen years of 989  
age, except as otherwise provided in this division, it shall 990  
impose an indefinite prison term consisting of a minimum term of 991  
fifteen years and a maximum term of life imprisonment. If the 992  
kidnapping is committed on or after January 1, 2008, the victim of 993  
the offense is less than thirteen years of age, and the offender 994  
released the victim in a safe place unharmed, it shall impose an 995  
indefinite prison term consisting of a minimum term of ten years 996



and a maximum term of life imprisonment. 997

(ii) If the kidnapping is committed prior to January 1, 2008, 998  
or division (A)(3)(b)(i) of this section does not apply, it shall 999  
impose an indefinite term consisting of a minimum term fixed by 1000  
the court that is not less than ten years and a maximum term of 1001  
life imprisonment. 1002

(c) Except as otherwise provided in division (A)(4) of this 1003  
section, if the offense for which the sentence is being imposed is 1004  
kidnapping that is a felony of the second degree, it shall impose 1005  
an indefinite prison term consisting of a minimum term fixed by 1006  
the court that is not less than eight years, and a maximum term of 1007  
life imprisonment. 1008

(d) Except as otherwise provided in division (A)(4) of this 1009  
section, if the offense for which the sentence is being imposed is 1010  
rape for which a term of life imprisonment is not imposed under 1011  
division (A)(2) of this section or division (B) of section 2907.02 1012  
of the Revised Code, it shall impose an indefinite prison term as 1013  
follows: 1014

(i) If the rape is committed on or after January 2, 2007, in 1015  
violation of division (A)(1)(b) of section 2907.02 of the Revised 1016  
Code, it shall impose an indefinite prison term consisting of a 1017  
minimum term of twenty-five years and a maximum term of life 1018  
imprisonment. 1019

(ii) If the rape is committed prior to January 2, 2007, or 1020  
the rape is committed on or after January 2, 2007, other than in 1021  
violation of division (A)(1)(b) of section 2907.02 of the Revised 1022  
Code, it shall impose an indefinite prison term consisting of a 1023  
minimum term fixed by the court that is not less than ten years, 1024  
and a maximum term of life imprisonment. 1025

(e) Except as otherwise provided in division (A)(4) of this 1026  
section, if the offense for which sentence is being imposed is 1027

attempted rape, it shall impose an indefinite prison term as 1028  
follows: 1029

(i) Except as otherwise provided in division (A)(3)(e)(ii), 1030  
(iii), or (iv) of this section, it shall impose an indefinite 1031  
prison term pursuant to division (A)(3)(a) of this section. 1032

(ii) If the attempted rape for which sentence is being 1033  
imposed was committed on or after January 2, 2007, and if the 1034  
offender also is convicted of or pleads guilty to a specification 1035  
of the type described in section 2941.1418 of the Revised Code, it 1036  
shall impose an indefinite prison term consisting of a minimum 1037  
term of five years and a maximum term of twenty-five years. 1038

(iii) If the attempted rape for which sentence is being 1039  
imposed was committed on or after January 2, 2007, and if the 1040  
offender also is convicted of or pleads guilty to a specification 1041  
of the type described in section 2941.1419 of the Revised Code, it 1042  
shall impose an indefinite prison term consisting of a minimum 1043  
term of ten years and a maximum of life imprisonment. 1044

(iv) If the attempted rape for which sentence is being 1045  
imposed was committed on or after January 2, 2007, and if the 1046  
offender also is convicted of or pleads guilty to a specification 1047  
of the type described in section 2941.1420 of the Revised Code, it 1048  
shall impose an indefinite prison term consisting of a minimum 1049  
term of fifteen years and a maximum of life imprisonment. 1050

(4) For any offense for which the sentence is being imposed, 1051  
if the offender previously has been convicted of or pleaded guilty 1052  
to a violent sex offense and also to a sexually violent predator 1053  
specification that was included in the indictment, count in the 1054  
indictment, or information charging that offense, or previously 1055  
has been convicted of or pleaded guilty to a designated homicide, 1056  
assault, or kidnapping offense and also to both a sexual 1057  
motivation specification and a sexually violent predator 1058

specification that were included in the indictment, count in the indictment, or information charging that offense, it shall impose upon the offender a term of life imprisonment without parole.

(B)(1) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than division (B) of section 2907.02 or divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, if a person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, if division (A) of this section does not apply regarding the person, and if the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of one of the following:

(a) Except as otherwise required in division (B)(1)(b) or (c) of this section, a minimum term of ten years and a maximum term of life imprisonment.

(b) If the victim was less than ten years of age, a minimum term of fifteen years and a maximum of life imprisonment.

(c) If the offender purposely compels the victim to submit by force or threat of force, or if the offender previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of section 2907.02 of the Revised Code or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of that section, or if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, a minimum term of twenty-five years and a maximum of life imprisonment.

(2) Notwithstanding section 2929.13, division (A) or (D) of 1091  
section 2929.14, or another section of the Revised Code other than 1092  
divisions (B) and (C) of section 2929.14 of the Revised Code that 1093  
authorizes or requires a specified prison term or a mandatory 1094  
prison term for a person who is convicted of or pleads guilty to a 1095  
felony or that specifies the manner and place of service of a 1096  
prison term or term of imprisonment and except as otherwise 1097  
provided in division (B) of section 2907.02 of the Revised Code, 1098  
if a person is convicted of or pleads guilty to attempted rape 1099  
committed on or after January 2, 2007, and if division (A) of this 1100  
section does not apply regarding the person, the court shall 1101  
impose upon the person an indefinite prison term consisting of one 1102  
of the following: 1103

(a) If the person also is convicted of or pleads guilty to a 1104  
specification of the type described in section 2941.1418 of the 1105  
Revised Code, the court shall impose upon the person an indefinite 1106  
prison term consisting of a minimum term of five years and a 1107  
maximum term of twenty-five years. 1108

(b) If the person also is convicted of or pleads guilty to a 1109  
specification of the type described in section 2941.1419 of the 1110  
Revised Code, the court shall impose upon the person an indefinite 1111  
prison term consisting of a minimum term of ten years and a 1112  
maximum term of life imprisonment. 1113

(c) If the person also is convicted of or pleads guilty to a 1114  
specification of the type described in section 2941.1420 of the 1115  
Revised Code, the court shall impose upon the person an indefinite 1116  
prison term consisting of a minimum term of fifteen years and a 1117  
maximum term of life imprisonment. 1118

(3) Notwithstanding section 2929.13, division (A) or (D) of 1119  
section 2929.14, or another section of the Revised Code other than 1120  
divisions (B) and (C) of section 2929.14 of the Revised Code that 1121  
authorizes or requires a specified prison term or a mandatory 1122

prison term for a person who is convicted of or pleads guilty to a 1123  
felony or that specifies the manner and place of service of a 1124  
prison term or term of imprisonment, if a person is convicted of 1125  
or pleads guilty to an offense described in division (B)(3)(a), 1126  
(b), (c), or (d) of this section committed on or after January 1, 1127  
2008, if the person also is convicted of or pleads guilty to a 1128  
sexual motivation specification that was included in the 1129  
indictment, count in the indictment, or information charging that 1130  
offense, and if division (A) of this section does not apply 1131  
regarding the person, the court shall impose upon the person an 1132  
indefinite prison term consisting of one of the following: 1133

(a) An indefinite prison term consisting of a minimum of ten 1134  
years and a maximum term of life imprisonment if the offense for 1135  
which the sentence is being imposed is kidnapping, the victim of 1136  
the offense is less than thirteen years of age, and the offender 1137  
released the victim in a safe place unharmed; 1138

(b) An indefinite prison term consisting of a minimum of 1139  
fifteen years and a maximum term of life imprisonment if the 1140  
offense for which the sentence is being imposed is kidnapping when 1141  
the victim of the offense is less than thirteen years of age and 1142  
division (B)(3)(a) of this section does not apply; 1143

(c) An indefinite term consisting of a minimum of thirty 1144  
years and a maximum term of life imprisonment if the offense for 1145  
which the sentence is being imposed is aggravated murder, when the 1146  
victim of the offense is less than thirteen years of age, a 1147  
sentence of death or life imprisonment without parole is not 1148  
imposed for the offense, and division (A)(2)(b)(ii) of section 1149  
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 1150  
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 1151  
division (A) or (B) of section 2929.06 of the Revised Code 1152  
requires that the sentence for the offense be imposed pursuant to 1153  
this division; 1154

(d) An indefinite prison term consisting of a minimum of 1155  
thirty years and a maximum term of life imprisonment if the 1156  
offense for which the sentence is being imposed is murder when the 1157  
victim of the offense is less than thirteen years of age and 1158  
division (B)(3) of section 2929.02 of the Revised Code requires 1159  
that the sentence for the offense be imposed pursuant to this 1160  
division. 1161

(C)(1) If the offender is sentenced to a prison term pursuant 1162  
to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1163  
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 1164  
board shall have control over the offender's service of the term 1165  
during the entire term unless the parole board terminates its 1166  
control in accordance with section 2971.04 of the Revised Code. 1167

(2) Except as provided in division (C)(3) of this section, an 1168  
offender sentenced to a prison term or term of life imprisonment 1169  
without parole pursuant to division (A) of this section shall 1170  
serve the entire prison term or term of life imprisonment in a 1171  
state correctional institution. The offender is not eligible for 1172  
judicial release under section 2929.20 of the Revised Code. 1173

(3) For a prison term imposed pursuant to division (A)(3), 1174  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1175  
(c), or (d) of this section, the court, in accordance with section 1176  
2971.05 of the Revised Code, may terminate the prison term or 1177  
modify the requirement that the offender serve the entire term in 1178  
a state correctional institution if all of the following apply: 1179

(a) The offender has served at least the minimum term imposed 1180  
as part of that prison term. 1181

(b) The parole board, pursuant to section 2971.04 of the 1182  
Revised Code, has terminated its control over the offender's 1183  
service of that prison term. 1184

(c) The court has held a hearing and found, by clear and 1185

convincing evidence, one of the following: 1186

(i) In the case of termination of the prison term, that the 1187  
offender is unlikely to commit a sexually violent offense in the 1188  
future; 1189

(ii) In the case of modification of the requirement, that the 1190  
offender does not represent a substantial risk of physical harm to 1191  
others. 1192

(4) An offender who has been sentenced to a term of life 1193  
imprisonment without parole pursuant to division (A)(1), (2), or 1194  
(4) of this section shall not be released from the term of life 1195  
imprisonment or be permitted to serve a portion of it in a place 1196  
other than a state correctional institution. 1197

(D) If a court sentences an offender to a prison term or term 1198  
of life imprisonment without parole pursuant to division (A) of 1199  
this section and the court also imposes on the offender one or 1200  
more additional prison terms pursuant to division (B) of section 1201  
2929.14 of the Revised Code, all of the additional prison terms 1202  
shall be served consecutively with, and prior to, the prison term 1203  
or term of life imprisonment without parole imposed upon the 1204  
offender pursuant to division (A) of this section. 1205

(E) If the offender is convicted of or pleads guilty to two 1206  
or more offenses for which a prison term or term of life 1207  
imprisonment without parole is required to be imposed pursuant to 1208  
division (A) of this section, divisions (A) to (D) of this section 1209  
shall be applied for each offense. All minimum terms imposed upon 1210  
the offender pursuant to division (A)(3) or (B) of this section 1211  
for those offenses shall be aggregated and served consecutively, 1212  
as if they were a single minimum term imposed under that division. 1213

(F)(1) If an offender is convicted of or pleads guilty to a 1214  
violent sex offense and also is convicted of or pleads guilty to a 1215  
sexually violent predator specification that was included in the 1216

indictment, count in the indictment, or information charging that 1217  
offense, or is convicted of or pleads guilty to a designated 1218  
homicide, assault, or kidnapping offense and also is convicted of 1219  
or pleads guilty to both a sexual motivation specification and a 1220  
sexually violent predator specification that were included in the 1221  
indictment, count in the indictment, or information charging that 1222  
offense, the conviction of or plea of guilty to the offense and 1223  
the sexually violent predator specification automatically 1224  
classifies the offender as a tier III sex offender/child-victim 1225  
offender for purposes of Chapter 2950. of the Revised Code. 1226

(2) If an offender is convicted of or pleads guilty to 1227  
committing on or after January 2, 2007, a violation of division 1228  
(A)(1)(b) of section 2907.02 of the Revised Code and either the 1229  
offender is sentenced under section 2971.03 of the Revised Code or 1230  
a sentence of life without parole is imposed under division (B) of 1231  
section 2907.02 of the Revised Code, the conviction of or plea of 1232  
guilty to the offense automatically classifies the offender as a 1233  
tier III sex offender/child-victim offender for purposes of 1234  
Chapter 2950. of the Revised Code. 1235

(3) If a person is convicted of or pleads guilty to 1236  
committing on or after January 2, 2007, attempted rape and also is 1237  
convicted of or pleads guilty to a specification of the type 1238  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1239  
Revised Code, the conviction of or plea of guilty to the offense 1240  
and the specification automatically classify the offender as a 1241  
tier III sex offender/child-victim offender for purposes of 1242  
Chapter 2950. of the Revised Code. 1243

(4) If a person is convicted of or pleads guilty to one of 1244  
the offenses described in division (B)(3)(a), (b), (c), or (d) of 1245  
this section and a sexual motivation specification related to the 1246  
offense and the victim of the offense is less than thirteen years 1247  
of age, the conviction of or plea of guilty to the offense 1248



automatically classifies the offender as a tier III sex 1249  
offender/child-victim offender for purposes of Chapter 2950. of 1250  
the Revised Code. 1251

**Sec. 2971.07.** (A) This chapter does not apply to any offender 1252  
unless the offender is one of the following: 1253

(1) The offender is convicted of or pleads guilty to a 1254  
violent sex offense and also is convicted of or pleads guilty to a 1255  
sexually violent predator specification that was included in the 1256  
indictment, count in the indictment, or information charging that 1257  
offense. 1258

(2) The offender is convicted of or pleads guilty to a 1259  
designated homicide, assault, or kidnapping offense and also is 1260  
convicted of or pleads guilty to both a sexual motivation 1261  
specification and a sexually violent predator specification that 1262  
were included in the indictment, count in the indictment, or 1263  
information charging that offense. 1264

(3) The offender is convicted of or pleads guilty to a 1265  
violation of division (A)(1)(b) of section 2907.02 of the Revised 1266  
Code committed on or after January 2, 2007, and the court does not 1267  
sentence the offender to a term of life without parole pursuant to 1268  
division (B) of section 2907.02 of the Revised Code or division 1269  
(B) of that section prohibits the court from sentencing the 1270  
offender pursuant to section 2971.03 of the Revised Code. 1271

(4) The offender is convicted of or pleads guilty to 1272  
attempted rape committed on or after January 2, 2007, and also is 1273  
convicted of or pleads guilty to a specification of the type 1274  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1275  
Revised Code. 1276

(5) The offender is convicted of or pleads guilty to a 1277  
violation of section 2905.01 of the Revised Code and also is 1278

convicted of or pleads guilty to a sexual motivation specification 1279  
that was included in the indictment, count in the indictment, or 1280  
information charging that offense, and that section requires a 1281  
court to sentence the offender pursuant to section 2971.03 of the 1282  
Revised Code. 1283

(6) The offender is convicted of or pleads guilty to 1284  
aggravated murder and also is convicted of or pleads guilty to a 1285  
sexual motivation specification that was included in the 1286  
indictment, count in the indictment, or information charging that 1287  
offense, and division (A)(2)(b)(ii) of section 2929.022, division 1288  
(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), 1289  
or (E)(1)(d) of section 2929.03, or division (A) or (B) of section 1290  
2929.06 of the Revised Code requires a court to sentence the 1291  
offender pursuant to division (B)(3) of section 2971.03 of the 1292  
Revised Code. 1293

(7) The offender is convicted of or pleads guilty to murder 1294  
and also is convicted of or pleads guilty to a sexual motivation 1295  
specification that was included in the indictment, count in the 1296  
indictment, or information charging that offense, and division 1297  
(B)~~(2)~~(3) of section 2929.02 of the Revised Code requires a court 1298  
to sentence the offender pursuant to section 2971.03 of the 1299  
Revised Code. 1300

(B) This chapter does not limit or affect a court in imposing 1301  
upon an offender described in divisions (A)(1) to (9) of this 1302  
section any financial sanction under section 2929.18 or any other 1303  
section of the Revised Code, or, except as specifically provided 1304  
in this chapter, any other sanction that is authorized or required 1305  
for the offense or violation by any other provision of law. 1306

(C) If an offender is sentenced to a prison term under 1307  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1308  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1309  
Code and if, pursuant to section 2971.05 of the Revised Code, the 1310

court modifies the requirement that the offender serve the entire 1311  
prison term in a state correctional institution or places the 1312  
offender on conditional release that involves the placement of the 1313  
offender under the supervision of the adult parole authority, 1314  
authorized field officers of the authority who are engaged within 1315  
the scope of their supervisory duties or responsibilities may 1316  
search, with or without a warrant, the person of the offender, the 1317  
place of residence of the offender, and a motor vehicle, another 1318  
item of tangible or intangible personal property, or any other 1319  
real property in which the offender has the express or implied 1320  
permission of a person with a right, title, or interest to use, 1321  
occupy, or possess if the field officer has reasonable grounds to 1322  
believe that the offender is not abiding by the law or otherwise 1323  
is not complying with the terms and conditions of the offender's 1324  
modification or release. The authority shall provide each offender 1325  
with a written notice that informs the offender that authorized 1326  
field officers of the authority who are engaged within the scope 1327  
of their supervisory duties or responsibilities may conduct those 1328  
types of searches during the period of the modification or release 1329  
if they have reasonable grounds to believe that the offender is 1330  
not abiding by the law or otherwise is not complying with the 1331  
terms and conditions of the offender's modification or release. 1332

**Sec. 5120.61.** (A)(1) Not later than ninety days after January 1333  
1, 1997, the department of rehabilitation and correction shall 1334  
adopt standards that it will use under this section to assess the 1335  
following criminal offenders and may periodically revise the 1336  
standards: 1337

(a) A criminal offender who is convicted of or pleads guilty 1338  
to a violent sex offense or designated homicide, assault, or 1339  
kidnapping offense and is adjudicated a sexually violent predator 1340  
in relation to that offense; 1341

(b) A criminal offender who is convicted of or pleads guilty 1342  
to a violation of division (A)(1)(b) of section 2907.02 of the 1343  
Revised Code committed on or after January 2, 2007, and either who 1344  
is sentenced under section 2971.03 of the Revised Code or upon 1345  
whom a sentence of life without parole is imposed under division 1346  
(B) of section 2907.02 of the Revised Code; 1347

(c) A criminal offender who is convicted of or pleads guilty 1348  
to attempted rape committed on or after January 2, 2007, and a 1349  
specification of the type described in section 2941.1418, 1350  
2941.1419, or 2941.1420 of the Revised Code; 1351

(d) A criminal offender who is convicted of or pleads guilty 1352  
to a violation of section 2905.01 of the Revised Code and also is 1353  
convicted of or pleads guilty to a sexual motivation specification 1354  
that was included in the indictment, count in the indictment, or 1355  
information charging that offense, and who is sentenced pursuant 1356  
to section 2971.03 of the Revised Code; 1357

(e) A criminal offender who is convicted of or pleads guilty 1358  
to aggravated murder and also is convicted of or pleads guilty to 1359  
a sexual motivation specification that was included in the 1360  
indictment, count in the indictment, or information charging that 1361  
offense, and who pursuant to division (A)(2)(b)(ii) of section 1362  
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 1363  
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 1364  
division (A) or (B) of section 2929.06 of the Revised Code is 1365  
sentenced pursuant to division (B)(3) of section 2971.03 of the 1366  
Revised Code; 1367

(f) A criminal offender who is convicted of or pleads guilty 1368  
to murder and also is convicted of or pleads guilty to a sexual 1369  
motivation specification that was included in the indictment, 1370  
count in the indictment, or information charging that offense, and 1371  
who pursuant to division (B)~~(2)~~(3) of section 2929.02 of the 1372  
Revised Code is sentenced pursuant to section 2971.03 of the 1373

Revised Code. 1374

(2) When the department is requested by the parole board or 1375  
the court to provide a risk assessment report of the offender 1376  
under section 2971.04 or 2971.05 of the Revised Code, it shall 1377  
assess the offender and complete the assessment as soon as 1378  
possible after the offender has commenced serving the prison term 1379  
or term of life imprisonment without parole imposed under division 1380  
(A), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 1381  
(b), (c), or (d) of section 2971.03 of the Revised Code. 1382  
Thereafter, the department shall update a risk assessment report 1383  
pertaining to an offender as follows: 1384

(a) Periodically, in the discretion of the department, 1385  
provided that each report shall be updated no later than two years 1386  
after its initial preparation or most recent update; 1387

(b) Upon the request of the parole board for use in 1388  
determining pursuant to section 2971.04 of the Revised Code 1389  
whether it should terminate its control over an offender's service 1390  
of a prison term imposed upon the offender under division (A)(3), 1391  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1392  
(c), or (d) of section 2971.03 of the Revised Code; 1393

(c) Upon the request of the court. 1394

(3) After the department of rehabilitation and correction 1395  
assesses an offender pursuant to division (A)(2) of this section, 1396  
it shall prepare a report that contains its risk assessment for 1397  
the offender or, if a risk assessment report previously has been 1398  
prepared, it shall update the risk assessment report. 1399

(4) The department of rehabilitation and correction shall 1400  
provide each risk assessment report that it prepares or updates 1401  
pursuant to this section regarding an offender to all of the 1402  
following: 1403

(a) The parole board for its use in determining pursuant to 1404

section 2971.04 of the Revised Code whether it should terminate 1405  
its control over an offender's service of a prison term imposed 1406  
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 1407  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1408  
2971.03 of the Revised Code, if the parole board has not 1409  
terminated its control over the offender; 1410

(b) The court for use in determining, pursuant to section 1411  
2971.05 of the Revised Code, whether to modify the requirement 1412  
that the offender serve the entire prison term imposed upon the 1413  
offender under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 1414  
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 1415  
the Revised Code in a state correctional institution, whether to 1416  
revise any modification previously made, or whether to terminate 1417  
the prison term; 1418

(c) The prosecuting attorney who prosecuted the case, or the 1419  
successor in office to that prosecuting attorney; 1420

(d) The offender. 1421

(B) When the department of rehabilitation and correction 1422  
provides a risk assessment report regarding an offender to the 1423  
parole board or court pursuant to division (A)(4)(a) or (b) of 1424  
this section, the department, prior to the parole board's or 1425  
court's hearing, also shall provide to the offender or to the 1426  
offender's attorney of record a copy of the report and a copy of 1427  
any other relevant documents the department possesses regarding 1428  
the offender that the department does not consider to be 1429  
confidential. 1430

(C) As used in this section: 1431

(1) "Adjudicated a sexually violent predator" has the same 1432  
meaning as in section 2929.01 of the Revised Code, and a person is 1433  
"adjudicated a sexually violent predator" in the same manner and 1434  
the same circumstances as are described in that section. 1435

(2) "Designated homicide, assault, or kidnapping offense" and 1436  
"violent sex offense" have the same meanings as in section 2971.01 1437  
of the Revised Code. 1438

**Section 2.** That existing sections 2903.02, 2929.02, 2929.14, 1439  
2941.148, 2967.13, 2971.03, 2971.07, and 5120.61 of the Revised 1440  
Code are hereby repealed. 1441