

**As Introduced**

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

**H. B. No. 646**

**Representative Maag**

**Cosponsors: Representatives Adams, R., Becker, Henne**

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**A B I L L**

To amend sections 2929.03, 2929.04, 2929.06, 2929.14, 1  
2941.148, 2971.03, 2971.07, and 5120.61 of the 2  
Revised Code to change the sentence for aggravated 3  
murder that is committed purposely and with prior 4  
calculation. 5

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

**Section 1.** That sections 2929.03, 2929.04, 2929.06, 2929.14, 6  
2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code be 7  
amended to read as follows: 8

**Sec. 2929.03.** (A) If the indictment or count in the 9  
indictment charging aggravated murder does not contain one or more 10  
specifications of aggravating circumstances listed in division (A) 11  
of section 2929.04 of the Revised Code, then, following a verdict 12  
of guilty of the charge of aggravated murder, the trial court 13  
shall impose sentence on the offender as follows: 14

(1) Except as provided in division (A)(2) or (3) of this 15  
section, the trial court shall impose one of the following 16  
sentences on the offender: 17

(a) Life imprisonment without parole; 18

(b) Subject to division (A)(1)~~(e)~~(g) of this section, life imprisonment with parole eligibility after serving ~~twenty~~ twenty-five years of imprisonment; 19 20 21

(c) Subject to division (A)(1)~~(e)~~(g) of this section, life imprisonment with parole eligibility after serving ~~twenty-five~~ thirty full years of imprisonment; 22 23 24

(d) Subject to division (A)(1)~~(e)~~(g) of this section, life imprisonment with parole eligibility after serving ~~thirty~~ thirty-five full years of imprisonment; 25 26 27

~~(e) If~~ Subject to division (A)(1)(g) of this section, life imprisonment with parole eligibility after serving forty-five full years of imprisonment; 28 29 30

(f) Subject to division (A)(1)(g) of this section, life imprisonment with parole eligibility after serving fifty-five full years of imprisonment; 31 32 33

(g) If the victim of the aggravated murder was less than thirteen years of age, 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, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (A)(1)(a) of this section, the trial court shall sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that shall be served pursuant to that section. 34 35 36 37 38 39 40 41 42 43 44

(2) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, the trial court shall impose upon the offender a sentence of life 45 46 47 48 49

imprisonment without parole that shall be served pursuant to 50  
section 2971.03 of the Revised Code unless the offender raised the 51  
matter of age pursuant to section 2929.023 of the Revised Code and 52  
was found at trial not to have been eighteen years of age or older 53  
at the time of the commission of the offense. 54

(3) If the offender is convicted of a violation of division 55  
(A) of section 2903.01 of the Revised Code, the trial court shall 56  
impose a sentence of death or life imprisonment without parole, 57  
unless the offender raised the matter of age pursuant to section 58  
2929.023 of the Revised Code and was found at trial not to have 59  
been eighteen years of age or older at the time of the commission 60  
of the offense. 61

(B) If the indictment or count in the indictment charging 62  
aggravated murder contains one or more specifications of 63  
aggravating circumstances listed in division (A) of section 64  
2929.04 of the Revised Code, the verdict shall separately state 65  
whether the accused is found guilty or not guilty of the principal 66  
charge and, if guilty of the principal charge, whether the 67  
offender was eighteen years of age or older at the time of the 68  
commission of the offense, if the matter of age was raised by the 69  
offender pursuant to section 2929.023 of the Revised Code, and 70  
whether the offender is guilty or not guilty of each 71  
specification. The jury shall be instructed on its duties in this 72  
regard. The instruction to the jury shall include an instruction 73  
that a specification shall be proved beyond a reasonable doubt in 74  
order to support a guilty verdict on the specification, but the 75  
instruction shall not mention the penalty that may be the 76  
consequence of a guilty or not guilty verdict on any charge or 77  
specification. 78

(C)(1) If the indictment or count in the indictment charging 79  
aggravated murder contains one or more specifications of 80  
aggravating circumstances listed in division (A) of section 81

2929.04 of the Revised Code, then, following a verdict of guilty 82  
of the charge but not guilty of each of the specifications, ~~and~~ 83  
~~regardless of whether the offender raised the matter of age~~ 84  
~~pursuant to section 2929.023 of the Revised Code~~, the trial court 85  
shall impose sentence on the offender as follows: 86

(a) Except as provided in division (C)(1)(b) or (c) of this 87  
section, the trial court shall impose one of the following 88  
sentences on the offender: 89

(i) Life imprisonment without parole; 90

(ii) Subject to division (C)(1)(a) ~~(v)~~ (vii) of this section, 91  
life imprisonment with parole eligibility after serving ~~twenty~~ 92  
twenty-five years of imprisonment; 93

(iii) Subject to division (C)(1)(a) ~~(v)~~ (vii) of this section, 94  
life imprisonment with parole eligibility after serving 95  
~~twenty-five~~ thirty full years of imprisonment; 96

(iv) Subject to division (C)(1)(a) ~~(v)~~ (vii) of this section, 97  
life imprisonment with parole eligibility after serving ~~thirty~~ 98  
thirty-five full years of imprisonment; 99

(v) ~~If~~ Subject to division (C)(1)(a)(vii) of this section, 100  
life imprisonment with parole eligibility after serving forty-five 101  
full years of imprisonment; 102

(vi) Subject to division (C)(1)(a)(vii) of this section, life 103  
imprisonment with parole eligibility after serving fifty-five full 104  
years of imprisonment; 105

(vii) If the victim of the aggravated murder was less than 106  
thirteen years of age, the offender also is convicted of or pleads 107  
guilty to a sexual motivation specification that was included in 108  
the indictment, count in the indictment, or information charging 109  
the offense, and the trial court does not impose a sentence of 110  
life imprisonment without parole on the offender pursuant to 111

division (C)(1)(a)(i) of this section, the trial court shall 112  
sentence the offender pursuant to division (B)(3) of section 113  
2971.03 of the Revised Code to an indefinite term consisting of a 114  
minimum term of thirty years and a maximum term of life 115  
imprisonment. 116

(b) If the offender also is convicted of or pleads guilty to 117  
a sexual motivation specification and a sexually violent predator 118  
specification that are included in the indictment, count in the 119  
indictment, or information that charged the aggravated murder, the 120  
trial court shall impose upon the offender a sentence of life 121  
imprisonment without parole that shall be served pursuant to 122  
section 2971.03 of the Revised Code unless the offender raised the 123  
matter of age pursuant to section 2929.023 of the Revised Code and 124  
was found at trial not to have been eighteen years of age or older 125  
at the time of the commission of the offense. 126

(c) If the offender is convicted of a violation of division 127  
(A) of section 2903.01 of the Revised Code, the trial court shall 128  
impose a sentence of death or life imprisonment without parole 129  
unless the offender raised the matter of age and was found at 130  
trial not to have been eighteen years of age or older at the time 131  
of the commission of the offense. 132

(2)(a) If the indictment or count in the indictment contains 133  
one or more specifications of aggravating circumstances listed in 134  
division (A) of section 2929.04 of the Revised Code and if the 135  
offender is found guilty of both the charge and one or more of the 136  
specifications, the penalty to be imposed on the offender shall be 137  
one of the following: 138

(i) Except as provided in division (C)(2)(a)(ii) ~~or~~ (iii) ~~or~~ 139  
(iv) of this section, the penalty to be imposed on the offender 140  
shall be death, life imprisonment without parole, life 141  
imprisonment with parole eligibility after serving ~~twenty-five~~ 142  
thirty full years of imprisonment, ~~or~~ life imprisonment with 143

parole eligibility after serving ~~thirty~~ thirty-five full years of 144  
imprisonment, life imprisonment with parole eligibility after 145  
serving forty-five full years of imprisonment, or life 146  
imprisonment with parole eligibility after serving fifty-five full 147  
years of imprisonment. 148

(ii) Except as provided in division (C)(2)(a)(iii) of this 149  
section, if the victim of the aggravated murder was less than 150  
thirteen years of age, the offender also is convicted of or pleads 151  
guilty to a sexual motivation specification that was included in 152  
the indictment, count in the indictment, or information charging 153  
the offense, and the trial court does not impose a sentence of 154  
death or life imprisonment without parole on the offender pursuant 155  
to division (C)(2)(a)(i) of this section, the penalty to be 156  
imposed on the offender shall be an indefinite term consisting of 157  
a minimum term of thirty years and a maximum term of life 158  
imprisonment that shall be imposed pursuant to division (B)(3) of 159  
section 2971.03 of the Revised Code and served pursuant to that 160  
section. 161

(iii) If the offender also is convicted of or pleads guilty 162  
to a sexual motivation specification and a sexually violent 163  
predator specification that are included in the indictment, count 164  
in the indictment, or information that charged the aggravated 165  
murder, the penalty to be imposed on the offender shall be death 166  
or life imprisonment without parole that shall be served pursuant 167  
to section 2971.03 of the Revised Code unless the offender raised 168  
the matter of age pursuant to section 2929.023 of the Revised Code 169  
and was found at trial not to have been eighteen years of age or 170  
older at the time of the commission of the offense. 171

(iv) If one or more specifications of aggravating 172  
circumstances is the specification listed in division (A)(11) of 173  
section 2929.04 of the Revised Code, the penalty to be imposed 174  
upon the offender shall be death or life imprisonment without 175

parole unless the offender raised the matter of age pursuant to 176  
section 2929.023 of the Revised Code and was found at trial not to 177  
have been eighteen years of age or older at the time of the 178  
commission of the offense. 179

(b) A penalty imposed pursuant to division (C)(2)(a)(i), 180  
(ii), ~~or (iii)~~, or (iv) of this section shall be determined 181  
pursuant to divisions (D) and (E) of this section and shall be 182  
determined by one of the following: 183

(i) By the panel of three judges that tried the offender upon 184  
the offender's waiver of the right to trial by jury; 185

(ii) By the trial jury and the trial judge, if the offender 186  
was tried by jury. 187

(D)(1) Death may not be imposed as a penalty for aggravated 188  
murder if the offender raised the matter of age at trial pursuant 189  
to section 2929.023 of the Revised Code and was not found at trial 190  
to have been eighteen years of age or older at the time of the 191  
commission of the offense. When death may be imposed as a penalty 192  
for aggravated murder, the court shall proceed under this 193  
division. When death may be imposed as a penalty, the court, upon 194  
the request of the defendant, shall require a pre-sentence 195  
investigation to be made and, upon the request of the defendant, 196  
shall require a mental examination to be made, and shall require 197  
reports of the investigation and of any mental examination 198  
submitted to the court, pursuant to section 2947.06 of the Revised 199  
Code. No statement made or information provided by a defendant in 200  
a mental examination or proceeding conducted pursuant to this 201  
division shall be disclosed to any person, except as provided in 202  
this division, or be used in evidence against the defendant on the 203  
issue of guilt in any retrial. A pre-sentence investigation or 204  
mental examination shall not be made except upon request of the 205  
defendant. Copies of any reports prepared under this division 206  
shall be furnished to the court, to the trial jury if the offender 207

was tried by a jury, to the prosecutor, and to the offender or the  
offender's counsel for use under this division. The court, and the  
trial jury if the offender was tried by a jury, shall consider any  
report prepared pursuant to this division and furnished to it and  
any evidence raised at trial that is relevant to the aggravating  
circumstances the offender was found guilty of committing or to  
any factors in mitigation of the imposition of the sentence of  
death, shall hear testimony and other evidence that is relevant to  
the nature and circumstances of the aggravating circumstances the  
offender was found guilty of committing, the mitigating factors  
set forth in division (B) of section 2929.04 of the Revised Code,  
and any other factors in mitigation of the imposition of the  
sentence of death, and shall hear the statement, if any, of the  
offender, and the arguments, if any, of counsel for the defense  
and prosecution, that are relevant to the penalty that should be  
imposed on the offender. The defendant shall be given great  
latitude in the presentation of evidence of the mitigating factors  
set forth in division (B) of section 2929.04 of the Revised Code  
and of any other factors in mitigation of the imposition of the  
sentence of death. If the offender chooses to make a statement,  
the offender is subject to cross-examination only if the offender  
consents to make the statement under oath or affirmation.

The defendant shall have the burden of going forward with the  
evidence of any factors in mitigation of the imposition of the  
sentence of death. The prosecution shall have the burden of  
proving, by proof beyond a reasonable doubt, that the aggravating  
circumstances the defendant was found guilty of committing are  
sufficient to outweigh the factors in mitigation of the imposition  
of the sentence of death.

(2) Upon consideration of the relevant evidence raised at  
trial, the testimony, other evidence, statement of the offender,  
arguments of counsel, and, if applicable, the reports submitted



pursuant to division (D)(1) of this section, the trial jury, if 240  
the offender was tried by a jury, shall determine whether the 241  
aggravating circumstances the offender was found guilty of 242  
committing are sufficient to outweigh the mitigating factors 243  
present in the case. If the trial jury unanimously finds, by proof 244  
beyond a reasonable doubt, that the aggravating circumstances the 245  
offender was found guilty of committing outweigh the mitigating 246  
factors, the trial jury shall recommend to the court that the 247  
sentence of death be imposed on the offender. Absent such a 248  
finding, the jury shall recommend that the offender be sentenced 249  
to one of the following: 250

(a) Except as provided in division (D)(2)(b) ~~or~~, (c), or (d) 251  
of this section, to life imprisonment without parole, life 252  
imprisonment with parole eligibility after serving ~~twenty-five~~ 253  
thirty full years of imprisonment, ~~or~~ life imprisonment with 254  
parole eligibility after serving ~~thirty~~ thirty-five full years of 255  
imprisonment, life imprisonment with parole eligibility after 256  
serving forty-five full years of imprisonment, or life 257  
imprisonment with parole eligibility after serving fifty-five full 258  
years of imprisonment; 259

(b) Except as provided in division (D)(2)(c) of this section, 260  
if the victim of the aggravated murder was less than thirteen 261  
years of age, the offender also is convicted of or pleads guilty 262  
to a sexual motivation specification that was included in the 263  
indictment, count in the indictment, or information charging the 264  
offense, and the jury does not recommend a sentence of life 265  
imprisonment without parole pursuant to division (D)(2)(a) of this 266  
section, to an indefinite term consisting of a minimum term of 267  
thirty years and a maximum term of life imprisonment to be imposed 268  
pursuant to division (B)(3) of section 2971.03 of the Revised Code 269  
and served pursuant to that section. 270

(c) If the offender also is convicted of or pleads guilty to 271

a sexual motivation specification and a sexually violent predator  
specification that are included in the indictment, count in the  
indictment, or information that charged the aggravated murder, to  
life imprisonment without parole.

(d) If one or more of the aggravating circumstances that the  
offender was found guilty of is the specification listed in  
division (A)(11) of section 2929.04 of the Revised Code, the jury  
shall recommend that the offender be sentenced to life  
imprisonment without parole.

If the trial jury recommends that the offender be sentenced  
to life imprisonment without parole, life imprisonment with parole  
eligibility after serving ~~twenty-five~~ thirty full years of  
imprisonment, life imprisonment with parole eligibility after  
serving ~~thirty~~ thirty-five full years of imprisonment, life  
imprisonment with parole eligibility after serving forty-five full  
years of imprisonment, life imprisonment with parole eligibility  
after serving fifty-five full years of imprisonment, or an  
indefinite term consisting of a minimum term of thirty years and a  
maximum term of life imprisonment to be imposed pursuant to  
division (B)(3) of section 2971.03 of the Revised Code, the court  
shall impose the sentence recommended by the jury upon the  
offender. If the sentence is an indefinite term consisting of a  
minimum term of thirty years and a maximum term of life  
imprisonment imposed as described in division (D)(2)(b) of this  
section or a sentence of life imprisonment without parole imposed  
under division (D)(2)(c) of this section, the sentence shall be  
served pursuant to section 2971.03 of the Revised Code. If the  
trial jury recommends that the sentence of death be imposed upon  
the offender, the court shall proceed to impose sentence pursuant  
to division (D)(3) of this section.

(3) Upon consideration of the relevant evidence raised at  
trial, the testimony, other evidence, statement of the offender,

arguments of counsel, and, if applicable, the reports submitted to 304  
the court pursuant to division (D)(1) of this section, if, after 305  
receiving pursuant to division (D)(2) of this section the trial 306  
jury's recommendation that the sentence of death be imposed, the 307  
court finds, by proof beyond a reasonable doubt, or if the panel 308  
of three judges unanimously finds, by proof beyond a reasonable 309  
doubt, that the aggravating circumstances the offender was found 310  
guilty of committing outweigh the mitigating factors, it shall 311  
impose sentence of death on the offender. Absent such a finding by 312  
the court or panel, the court or the panel shall impose one of the 313  
following sentences on the offender: 314

(a) Except as provided in division (D)(3)(b) or (c) of this 315  
section, one of the following: 316

(i) Life imprisonment without parole; 317

(ii) Subject to division (D)(3)(a)~~(iv)~~(vi) of this section, 318  
life imprisonment with parole eligibility after serving 319  
~~twenty-five~~ thirty full years of imprisonment; 320

(iii) Subject to division (D)(3)(a)~~(iv)~~(vi) of this section, 321  
life imprisonment with parole eligibility after serving ~~thirty~~ 322  
thirty-five full years of imprisonment; 323

(iv) ~~If~~ Subject to division (D)(3)(a)(vi) of this section, 324  
life imprisonment with parole eligibility after serving forty-five 325  
full years of imprisonment; 326

(v) Subject to division (D)(3)(a)(vi) of this section, life 327  
imprisonment with parole eligibility after serving fifty-five full 328  
years of imprisonment; 329

(vi) If the victim of the aggravated murder was less than 330  
thirteen years of age, the offender also is convicted of or pleads 331  
guilty to a sexual motivation specification that was included in 332  
the indictment, count in the indictment, or information charging 333  
the offense, and the trial court does not impose a sentence of 334

life imprisonment without parole on the offender pursuant to 335  
division (D)(3)(a)(i) of this section, the court or panel shall 336  
sentence the offender pursuant to division (B)(3) of section 337  
2971.03 of the Revised Code to an indefinite term consisting of a 338  
minimum term of thirty years and a maximum term of life 339  
imprisonment. 340

(b) If the offender also is convicted of or pleads guilty to 341  
a sexual motivation specification and a sexually violent predator 342  
specification that are included in the indictment, count in the 343  
indictment, or information that charged the aggravated murder, 344  
life imprisonment without parole that shall be served pursuant to 345  
section 2971.03 of the Revised Code. 346

(c) If one or more of the aggravating circumstances that the 347  
offender was found guilty of is the specification listed in 348  
division (A)(11) of section 2929.04 of the Revised Code, life 349  
imprisonment without parole. 350

(E) If the offender raised the matter of age at trial 351  
pursuant to section 2929.023 of the Revised Code, was convicted of 352  
aggravated murder and one or more specifications of an aggravating 353  
circumstance listed in division (A) of section 2929.04 of the 354  
Revised Code, and was not found at trial to have been eighteen 355  
years of age or older at the time of the commission of the 356  
offense, the court or the panel of three judges shall not impose a 357  
sentence of death on the offender. Instead, the court or panel 358  
shall impose one of the following sentences on the offender: 359

~~(1) Except as provided in division (E)(2) of this section, 360  
one of the following: 361~~

~~(a)(1) Life imprisonment without parole; 362~~

~~(b)(2) Subject to division (E)(2)(d)(6) of this section, life 363  
imprisonment with parole eligibility after serving ~~twenty-five~~ 364  
thirty full years of imprisonment; 365~~

~~(e)(3)~~ Subject to division ~~(E)(2)(d)(6)~~ of this section, life imprisonment with parole eligibility after serving ~~thirty~~ thirty-five full years of imprisonment;

~~(d) If (4)~~ Subject to division (E)(6) of this section, life imprisonment with parole eligibility after serving forty-five full years of imprisonment;

(5) Subject to division (E)(6) of this section, life imprisonment with parole eligibility after serving fifty-five full years of imprisonment;

(6) If the victim of the aggravated murder was less than thirteen years of age, 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, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division ~~(E)(2)(a)(1)~~ of this section, the court or panel shall sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.

~~(2) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.~~

(F) The court or the panel of three judges, when it imposes sentence of death, shall state in a separate opinion its specific findings as to the existence of any of the mitigating factors set forth in division (B) of section 2929.04 of the Revised Code, the existence of any other mitigating factors, the aggravating

circumstances the offender was found guilty of committing, and the 397  
reasons why the aggravating circumstances the offender was found 398  
guilty of committing were sufficient to outweigh the mitigating 399  
factors. The court or panel, when it imposes life imprisonment or 400  
an indefinite term consisting of a minimum term of thirty years 401  
and a maximum term of life imprisonment under division (D) of this 402  
section, shall state in a separate opinion its specific findings 403  
of which of the mitigating factors set forth in division (B) of 404  
section 2929.04 of the Revised Code it found to exist, what other 405  
mitigating factors it found to exist, what aggravating 406  
circumstances the offender was found guilty of committing, and why 407  
it could not find that these aggravating circumstances were 408  
sufficient to outweigh the mitigating factors. For cases in which 409  
a sentence of death is imposed for an offense committed before 410  
January 1, 1995, the court or panel shall file the opinion 411  
required to be prepared by this division with the clerk of the 412  
appropriate court of appeals and with the clerk of the supreme 413  
court within fifteen days after the court or panel imposes 414  
sentence. For cases in which a sentence of death is imposed for an 415  
offense committed on or after January 1, 1995, the court or panel 416  
shall file the opinion required to be prepared by this division 417  
with the clerk of the supreme court within fifteen days after the 418  
court or panel imposes sentence. The judgment in a case in which a 419  
sentencing hearing is held pursuant to this section is not final 420  
until the opinion is filed. 421

(G)(1) Whenever the court or a panel of three judges imposes 422  
a sentence of death for an offense committed before January 1, 423  
1995, the clerk of the court in which the judgment is rendered 424  
shall deliver the entire record in the case to the appellate 425  
court. 426

(2) Whenever the court or a panel of three judges imposes a 427  
sentence of death for an offense committed on or after January 1, 428

1995, the clerk of the court in which the judgment is rendered 429  
shall deliver the entire record in the case to the supreme court. 430

**Sec. 2929.04.** (A) Imposition of the death penalty for 431  
aggravated murder is precluded unless one or more of the following 432  
is specified in the indictment or count in the indictment pursuant 433  
to section 2941.14 of the Revised Code and proved beyond a 434  
reasonable doubt: 435

(1) The offense was the assassination of the president of the 436  
United States or a person in line of succession to the presidency, 437  
the governor or lieutenant governor of this state, the 438  
president-elect or vice president-elect of the United States, the 439  
governor-elect or lieutenant governor-elect of this state, or a 440  
candidate for any of the offices described in this division. For 441  
purposes of this division, a person is a candidate if the person 442  
has been nominated for election according to law, if the person 443  
has filed a petition or petitions according to law to have the 444  
person's name placed on the ballot in a primary or general 445  
election, or if the person campaigns as a write-in candidate in a 446  
primary or general election. 447

(2) The offense was committed for hire. 448

(3) The offense was committed for the purpose of escaping 449  
detection, apprehension, trial, or punishment for another offense 450  
committed by the offender. 451

(4) The offense was committed while the offender was under 452  
detention or while the offender was at large after having broken 453  
detention. As used in division (A)(4) of this section, "detention" 454  
has the same meaning as in section 2921.01 of the Revised Code, 455  
except that detention does not include hospitalization, 456  
institutionalization, or confinement in a mental health facility 457  
or mental retardation and developmentally disabled facility unless 458  
at the time of the commission of the offense either of the 459

following circumstances apply: 460

(a) The offender was in the facility as a result of being 461  
charged with a violation of a section of the Revised Code. 462

(b) The offender was under detention as a result of being 463  
convicted of or pleading guilty to a violation of a section of the 464  
Revised Code. 465

(5) Prior to the offense at bar, the offender was convicted 466  
of an offense an essential element of which was the purposeful 467  
killing of or attempt to kill another, or the offense at bar was 468  
part of a course of conduct involving the purposeful killing of or 469  
attempt to kill two or more persons by the offender. 470

(6) The victim of the offense was a law enforcement officer, 471  
as defined in section 2911.01 of the Revised Code, whom the 472  
offender had reasonable cause to know or knew to be a law 473  
enforcement officer as so defined, and either the victim, at the 474  
time of the commission of the offense, was engaged in the victim's 475  
duties, or it was the offender's specific purpose to kill a law 476  
enforcement officer as so defined. 477

(7) The offense was committed while the offender was 478  
committing, attempting to commit, or fleeing immediately after 479  
committing or attempting to commit kidnapping, rape, aggravated 480  
arson, aggravated robbery, or aggravated burglary, and either the 481  
offender was the principal offender in the commission of the 482  
aggravated murder or, if not the principal offender, committed the 483  
aggravated murder with prior calculation and design. 484

(8) The victim of the aggravated murder was a witness to an 485  
offense who was purposely killed to prevent the victim's testimony 486  
in any criminal proceeding and the aggravated murder was not 487  
committed during the commission, attempted commission, or flight 488  
immediately after the commission or attempted commission of the 489  
offense to which the victim was a witness, or the victim of the 490



aggravated murder was a witness to an offense and was purposely  
killed in retaliation for the victim's testimony in any criminal  
proceeding.

(9) The offender, in the commission of the offense,  
purposefully caused the death of another who was under thirteen  
years of age at the time of the commission of the offense, and  
either the offender was the principal offender in the commission  
of the offense or, if not the principal offender, committed the  
offense with prior calculation and design.

(10) The offense was committed while the offender was  
committing, attempting to commit, or fleeing immediately after  
committing or attempting to commit terrorism.

(11) The offense was a violation of division (A) of section  
2903.01 of the Revised Code.

(B) If one or more of the aggravating circumstances listed in  
division (A) of this section is specified in the indictment or  
count in the indictment and proved beyond a reasonable doubt, and  
if the offender did not raise the matter of age pursuant to  
section 2929.023 of the Revised Code or if the offender, after  
raising the matter of age, was found at trial to have been  
eighteen years of age or older at the time of the commission of  
the offense, the court, trial jury, or panel of three judges shall  
consider, and weigh against the aggravating circumstances proved  
beyond a reasonable doubt, the nature and circumstances of the  
offense, the history, character, and background of the offender,  
and all of the following factors:

(1) Whether the victim of the offense induced or facilitated  
it;

(2) Whether it is unlikely that the offense would have been  
committed, but for the fact that the offender was under duress,  
coercion, or strong provocation;

(3) Whether, at the time of committing the offense, the offender, because of a mental disease or defect, lacked substantial capacity to appreciate the criminality of the offender's conduct or to conform the offender's conduct to the requirements of the law;

(4) The youth of the offender;

(5) The offender's lack of a significant history of prior criminal convictions and delinquency adjudications;

(6) If the offender was a participant in the offense but not the principal offender, the degree of the offender's participation in the offense and the degree of the offender's participation in the acts that led to the death of the victim;

(7) Any other factors that are relevant to the issue of whether the offender should be sentenced to death.

(C) The defendant shall be given great latitude in the presentation of evidence of the factors listed in division (B) of this section and of any other factors in mitigation of the imposition of the sentence of death.

The existence of any of the mitigating factors listed in division (B) of this section does not preclude the imposition of a sentence of death on the offender but shall be weighed pursuant to divisions (D)(2) and (3) of section 2929.03 of the Revised Code by the trial court, trial jury, or the panel of three judges against the aggravating circumstances the offender was found guilty of committing.

**Sec. 2929.06.** (A) If a sentence of death imposed upon an offender is set aside, nullified, or vacated because the court of appeals, in a case in which a sentence of death was imposed for an offense committed before January 1, 1995, or the supreme court, in cases in which the supreme court reviews the sentence upon appeal,

could not affirm the sentence of death under the standards imposed 552  
by section 2929.05 of the Revised Code, is set aside, nullified, 553  
or vacated for the sole reason that the statutory procedure for 554  
imposing the sentence of death that is set forth in sections 555  
2929.03 and 2929.04 of the Revised Code is unconstitutional, is 556  
set aside, nullified, or vacated pursuant to division (C) of 557  
section 2929.05 of the Revised Code, or is set aside, nullified, 558  
or vacated because a court has determined that the offender is 559  
mentally retarded under standards set forth in decisions of the 560  
supreme court of this state or the United States supreme court, 561  
the trial court that sentenced the offender shall conduct a 562  
hearing to resentence the offender. At the resentencing hearing, 563  
the court shall impose upon the offender a sentence of life 564  
imprisonment or an indefinite term consisting of a minimum term of 565  
thirty years and a maximum term of life imprisonment that is 566  
determined as specified in this division. If division (D) of 567  
section 2929.03 of the Revised Code, at the time the offender 568  
committed the aggravated murder for which the sentence of death 569  
was imposed, required the imposition when a sentence of death was 570  
not imposed of a sentence of life imprisonment without parole or a 571  
sentence of an indefinite term consisting of a minimum term of 572  
thirty years and a maximum term of life imprisonment to be imposed 573  
pursuant to division (A) or (B)(3) of section 2971.03 of the 574  
Revised Code and served pursuant to that section, the court shall 575  
impose the sentence so required. In all other cases, the sentences 576  
of life imprisonment that are available at the hearing, and from 577  
which the court shall impose sentence, shall be the same sentences 578  
of life imprisonment that were available or required under 579  
division (D) of section 2929.03 or under section 2909.24 of the 580  
Revised Code at the time the offender committed the offense for 581  
which the sentence of death was imposed. Nothing in this division 582  
regarding the resentencing of an offender shall affect the 583  
operation of section 2971.03 of the Revised Code. 584

(B) Whenever any court of this state or any federal court sets aside, nullifies, or vacates a sentence of death imposed upon an offender because of error that occurred in the sentencing phase of the trial and if division (A) of this section does not apply, the trial court that sentenced the offender shall conduct a new hearing to resentence the offender. If the offender was tried by a jury, the trial court shall impanel a new jury for the hearing. If the offender was tried by a panel of three judges, that panel or, if necessary, a new panel of three judges shall conduct the hearing. At the hearing, the court or panel shall follow the procedure set forth in division (D) of section 2929.03 of the Revised Code in determining whether to impose upon the offender a sentence of death, a sentence of life imprisonment, or an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment. If, pursuant to that procedure, the court or panel determines that it will impose a sentence other than a sentence of death, the court or panel shall impose upon the offender one of the sentences of life imprisonment that could have been imposed at the time the offender committed the offense for which the sentence of death was imposed, determined as specified in this division, or an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that is determined as specified in this division. If division (D) of section 2929.03 of the Revised Code, at the time the offender committed the aggravated murder for which the sentence of death was imposed, required the imposition when a sentence of death was not imposed of a sentence of life imprisonment without parole or a sentence of an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment to be imposed pursuant to division (A) or (B)(3) of section 2971.03 of the Revised Code and served pursuant to that section, the court or panel shall impose the sentence so required. In all other cases, the sentences of life imprisonment that are available at the

hearing, and from which the court or panel shall impose sentence, 618  
shall be the same sentences of life imprisonment that were 619  
available or required under division (D) of section 2929.03 or 620  
under section 2909.24 of the Revised Code at the time the offender 621  
committed the offense for which the sentence of death was imposed. 622

(C) If a sentence of life imprisonment without parole imposed 623  
upon an offender pursuant to section 2929.021 or 2929.03 of the 624  
Revised Code is set aside, nullified, or vacated for the sole 625  
reason that the statutory procedure for imposing the sentence of 626  
life imprisonment without parole that is set forth in sections 627  
2929.03 and 2929.04 of the Revised Code is unconstitutional, the 628  
trial court that sentenced the offender shall conduct a hearing to 629  
resentence the offender to life imprisonment with parole 630  
eligibility after serving twenty-five full years of imprisonment 631  
or to life imprisonment with parole eligibility after serving 632  
thirty full years of imprisonment. 633

(D) Nothing in this section limits or restricts the rights of 634  
the state to appeal any order setting aside, nullifying, or 635  
vacating a conviction or sentence of death, when an appeal of that 636  
nature otherwise would be available. 637

(E) This section, as amended by H.B. 184 of the 125th general 638  
assembly, shall apply to all offenders who have been sentenced to 639  
death for an aggravated murder that was committed on or after 640  
October 19, 1981, or for terrorism that was committed on or after 641  
May 15, 2002. This section, as amended by H.B. 184 of the 125th 642  
general assembly, shall apply equally to all such offenders 643  
sentenced to death prior to, on, or after March 23, 2005, 644  
including offenders who, on March 23, 2005, are challenging their 645  
sentence of death and offenders whose sentence of death has been 646  
set aside, nullified, or vacated by any court of this state or any 647  
federal court but who, as of March 23, 2005, have not yet been 648  
resentenced. 649

**Sec. 2929.14.** (A) Except as provided in division (B)(1), 650  
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), (G), 651  
(H), or (J) of this section or in division (D)(6) of section 652  
2919.25 of the Revised Code and except in relation to an offense 653  
for which a sentence of death or life imprisonment is to be 654  
imposed, if the court imposing a sentence upon an offender for a 655  
felony elects or is required to impose a prison term on the 656  
offender pursuant to this chapter, the court shall impose a 657  
definite prison term that shall be one of the following: 658

(1) For a felony of the first degree, the prison term shall 659  
be three, four, five, six, seven, eight, nine, ten, or eleven 660  
years. 661

(2) For a felony of the second degree, the prison term shall 662  
be two, three, four, five, six, seven, or eight years. 663

(3)(a) For a felony of the third degree that is a violation 664  
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 665  
Revised Code or that is a violation of section 2911.02 or 2911.12 666  
of the Revised Code if the offender previously has been convicted 667  
of or pleaded guilty in two or more separate proceedings to two or 668  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 669  
of the Revised Code, the prison term shall be twelve, eighteen, 670  
twenty-four, thirty, thirty-six, forty-two, forty-eight, 671  
fifty-four, or sixty months. 672

(b) For a felony of the third degree that is not an offense 673  
for which division (A)(3)(a) of this section applies, the prison 674  
term shall be nine, twelve, eighteen, twenty-four, thirty, or 675  
thirty-six months. 676

(4) For a felony of the fourth degree, the prison term shall 677  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 678  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 679

(5) For a felony of the fifth degree, the prison term shall 680  
be six, seven, eight, nine, ten, eleven, or twelve months. 681

(B)(1)(a) Except as provided in division (B)(1)(e) of this 682  
section, if an offender who is convicted of or pleads guilty to a 683  
felony also is convicted of or pleads guilty to a specification of 684  
the type described in section 2941.141, 2941.144, or 2941.145 of 685  
the Revised Code, the court shall impose on the offender one of 686  
the following prison terms: 687

(i) A prison term of six years if the specification is of the 688  
type described in section 2941.144 of the Revised Code that 689  
charges the offender with having a firearm that is an automatic 690  
firearm or that was equipped with a firearm muffler or silencer on 691  
or about the offender's person or under the offender's control 692  
while committing the felony; 693

(ii) A prison term of three years if the specification is of 694  
the type described in section 2941.145 of the Revised Code that 695  
charges the offender with having a firearm on or about the 696  
offender's person or under the offender's control while committing 697  
the offense and displaying the firearm, brandishing the firearm, 698  
indicating that the offender possessed the firearm, or using it to 699  
facilitate the offense; 700

(iii) A prison term of one year if the specification is of 701  
the type described in section 2941.141 of the Revised Code that 702  
charges the offender with having a firearm on or about the 703  
offender's person or under the offender's control while committing 704  
the felony. 705

(b) If a court imposes a prison term on an offender under 706  
division (B)(1)(a) of this section, the prison term shall not be 707  
reduced pursuant to section 2967.19, section 2929.20, section 708  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 709  
of the Revised Code. Except as provided in division (B)(1)(g) of 710

this section, a court shall not impose more than one prison term 711  
on an offender under division (B)(1)(a) of this section for 712  
felonies committed as part of the same act or transaction. 713

(c) Except as provided in division (B)(1)(e) of this section, 714  
if an offender who is convicted of or pleads guilty to a violation 715  
of section 2923.161 of the Revised Code or to a felony that 716  
includes, as an essential element, purposely or knowingly causing 717  
or attempting to cause the death of or physical harm to another, 718  
also is convicted of or pleads guilty to a specification of the 719  
type described in section 2941.146 of the Revised Code that 720  
charges the offender with committing the offense by discharging a 721  
firearm from a motor vehicle other than a manufactured home, the 722  
court, after imposing a prison term on the offender for the 723  
violation of section 2923.161 of the Revised Code or for the other 724  
felony offense under division (A), (B)(2), or (B)(3) of this 725  
section, shall impose an additional prison term of five years upon 726  
the offender that shall not be reduced pursuant to section 727  
2929.20, section 2967.19, section 2967.193, or any other provision 728  
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 729  
shall not impose more than one additional prison term on an 730  
offender under division (B)(1)(c) of this section for felonies 731  
committed as part of the same act or transaction. If a court 732  
imposes an additional prison term on an offender under division 733  
(B)(1)(c) of this section relative to an offense, the court also 734  
shall impose a prison term under division (B)(1)(a) of this 735  
section relative to the same offense, provided the criteria 736  
specified in that division for imposing an additional prison term 737  
are satisfied relative to the offender and the offense. 738

(d) If an offender who is convicted of or pleads guilty to an 739  
offense of violence that is a felony also is convicted of or 740  
pleads guilty to a specification of the type described in section 741  
2941.1411 of the Revised Code that charges the offender with 742



wearing or carrying body armor while committing the felony offense 743  
of violence, the court shall impose on the offender a prison term 744  
of two years. The prison term so imposed, subject to divisions (C) 745  
to (I) of section 2967.19 of the Revised Code, shall not be 746  
reduced pursuant to section 2929.20, section 2967.19, section 747  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 748  
of the Revised Code. A court shall not impose more than one prison 749  
term on an offender under division (B)(1)(d) of this section for 750  
felonies committed as part of the same act or transaction. If a 751  
court imposes an additional prison term under division (B)(1)(a) 752  
or (c) of this section, the court is not precluded from imposing 753  
an additional prison term under division (B)(1)(d) of this 754  
section. 755

(e) The court shall not impose any of the prison terms 756  
described in division (B)(1)(a) of this section or any of the 757  
additional prison terms described in division (B)(1)(c) of this 758  
section upon an offender for a violation of section 2923.12 or 759  
2923.123 of the Revised Code. The court shall not impose any of 760  
the prison terms described in division (B)(1)(a) or (b) of this 761  
section upon an offender for a violation of section 2923.122 that 762  
involves a deadly weapon that is a firearm other than a dangerous 763  
ordnance, section 2923.16, or section 2923.121 of the Revised 764  
Code. The court shall not impose any of the prison terms described 765  
in division (B)(1)(a) of this section or any of the additional 766  
prison terms described in division (B)(1)(c) of this section upon 767  
an offender for a violation of section 2923.13 of the Revised Code 768  
unless all of the following apply: 769

(i) The offender previously has been convicted of aggravated 770  
murder, murder, or any felony of the first or second degree. 771

(ii) Less than five years have passed since the offender was 772  
released from prison or post-release control, whichever is later, 773  
for the prior offense. 774

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B)(1)(f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (B)(1)(a) or (c) of this section relative to the same offense.

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

murder, murder, attempted aggravated murder, attempted murder, 808  
aggravated robbery, felonious assault, or rape, and if the 809  
offender is convicted of or pleads guilty to a specification of 810  
the type described under division (B)(1)(a) of this section in 811  
connection with two or more of the felonies, the sentencing court 812  
shall impose on the offender the prison term specified under 813  
division (B)(1)(a) of this section for each of the two most 814  
serious specifications of which the offender is convicted or to 815  
which the offender pleads guilty and, in its discretion, also may 816  
impose on the offender the prison term specified under that 817  
division for any or all of the remaining specifications. 818

(2)(a) If division (B)(2)(b) of this section does not apply, 819  
the court may impose on an offender, in addition to the longest 820  
prison term authorized or required for the offense, an additional 821  
definite prison term of one, two, three, four, five, six, seven, 822  
eight, nine, or ten years if all of the following criteria are 823  
met: 824

(i) The offender is convicted of or pleads guilty to a 825  
specification of the type described in section 2941.149 of the 826  
Revised Code that the offender is a repeat violent offender. 827

(ii) The offense of which the offender currently is convicted 828  
or to which the offender currently pleads guilty is aggravated 829  
murder and the court does not impose a sentence of death or life 830  
imprisonment without parole, murder, terrorism and the court does 831  
not impose a sentence of life imprisonment without parole, any 832  
felony of the first degree that is an offense of violence and the 833  
court does not impose a sentence of life imprisonment without 834  
parole, or any felony of the second degree that is an offense of 835  
violence and the trier of fact finds that the offense involved an 836  
attempt to cause or a threat to cause serious physical harm to a 837  
person or resulted in serious physical harm to a person. 838

(iii) The court imposes the longest prison term for the 839

offense that is not life imprisonment without parole. 840

(iv) The court finds that the prison terms imposed pursuant 841  
to division (B)(2)(a)(iii) of this section and, if applicable, 842  
division (B)(1) or (3) of this section are inadequate to punish 843  
the offender and protect the public from future crime, because the 844  
applicable factors under section 2929.12 of the Revised Code 845  
indicating a greater likelihood of recidivism outweigh the 846  
applicable factors under that section indicating a lesser 847  
likelihood of recidivism. 848

(v) The court finds that the prison terms imposed pursuant to 849  
division (B)(2)(a)(iii) of this section and, if applicable, 850  
division (B)(1) or (3) of this section are demeaning to the 851  
seriousness of the offense, because one or more of the factors 852  
under section 2929.12 of the Revised Code indicating that the 853  
offender's conduct is more serious than conduct normally 854  
constituting the offense are present, and they outweigh the 855  
applicable factors under that section indicating that the 856  
offender's conduct is less serious than conduct normally 857  
constituting the offense. 858

(b) The court shall impose on an offender the longest prison 859  
term authorized or required for the offense and shall impose on 860  
the offender an additional definite prison term of one, two, 861  
three, four, five, six, seven, eight, nine, or ten years if all of 862  
the following criteria are met: 863

(i) The offender is convicted of or pleads guilty to a 864  
specification of the type described in section 2941.149 of the 865  
Revised Code that the offender is a repeat violent offender. 866

(ii) The offender within the preceding twenty years has been 867  
convicted of or pleaded guilty to three or more offenses described 868  
in division (CC)(1) of section 2929.01 of the Revised Code, 869  
including all offenses described in that division of which the 870

offender is convicted or to which the offender pleads guilty in 871  
the current prosecution and all offenses described in that 872  
division of which the offender previously has been convicted or to 873  
which the offender previously pleaded guilty, whether prosecuted 874  
together or separately. 875

(iii) The offense or offenses of which the offender currently 876  
is convicted or to which the offender currently pleads guilty is 877  
aggravated murder and the court does not impose a sentence of 878  
death or life imprisonment without parole, murder, terrorism and 879  
the court does not impose a sentence of life imprisonment without 880  
parole, any felony of the first degree that is an offense of 881  
violence and the court does not impose a sentence of life 882  
imprisonment without parole, or any felony of the second degree 883  
that is an offense of violence and the trier of fact finds that 884  
the offense involved an attempt to cause or a threat to cause 885  
serious physical harm to a person or resulted in serious physical 886  
harm to a person. 887

(c) For purposes of division (B)(2)(b) of this section, two 888  
or more offenses committed at the same time or as part of the same 889  
act or event shall be considered one offense, and that one offense 890  
shall be the offense with the greatest penalty. 891

(d) A sentence imposed under division (B)(2)(a) or (b) of 892  
this section shall not be reduced pursuant to section 2929.20, 893  
section 2967.19, or section 2967.193, or any other provision of 894  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 895  
shall serve an additional prison term imposed under this section 896  
consecutively to and prior to the prison term imposed for the 897  
underlying offense. 898

(e) When imposing a sentence pursuant to division (B)(2)(a) 899  
or (b) of this section, the court shall state its findings 900  
explaining the imposed sentence. 901

(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 sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term of the maximum prison term prescribed for a felony of the first degree that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13

of the Revised Code, the sentencing court shall impose upon the 935  
offender a mandatory prison term in accordance with that division. 936  
In addition to the mandatory prison term, if the offender is being 937  
sentenced for a fourth degree felony OVI offense, the court, 938  
notwithstanding division (A)(4) of this section, may sentence the 939  
offender to a definite prison term of not less than six months and 940  
not more than thirty months, and if the offender is being 941  
sentenced for a third degree felony OVI offense, the sentencing 942  
court may sentence the offender to an additional prison term of 943  
any duration specified in division (A)(3) of this section. In 944  
either case, the additional prison term imposed shall be reduced 945  
by the sixty or one hundred twenty days imposed upon the offender 946  
as the mandatory prison term. The total of the additional prison 947  
term imposed under division (B)(4) of this section plus the sixty 948  
or one hundred twenty days imposed as the mandatory prison term 949  
shall equal a definite term in the range of six months to thirty 950  
months for a fourth degree felony OVI offense and shall equal one 951  
of the authorized prison terms specified in division (A)(3) of 952  
this section for a third degree felony OVI offense. If the court 953  
imposes an additional prison term under division (B)(4) of this 954  
section, the offender shall serve the additional prison term after 955  
the offender has served the mandatory prison term required for the 956  
offense. In addition to the mandatory prison term or mandatory and 957  
additional prison term imposed as described in division (B)(4) of 958  
this section, the court also may sentence the offender to a 959  
community control sanction under section 2929.16 or 2929.17 of the 960  
Revised Code, but the offender shall serve all of the prison terms 961  
so imposed prior to serving the community control sanction. 962

If the offender is being sentenced for a fourth degree felony 963  
OVI offense under division (G)(1) of section 2929.13 of the 964  
Revised Code and the court imposes a mandatory term of local 965  
incarceration, the court may impose a prison term as described in 966  
division (A)(1) of that section. 967

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

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B)(6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose



more than one prison term on an offender under division (B)(6) of 1001  
this section for felonies committed as part of the same act. 1002

(7)(a) If an offender is convicted of or pleads guilty to a 1003  
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1004  
2923.32, division (A)(1) or (2) of section 2907.323, or division 1005  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 1006  
Code and also is convicted of or pleads guilty to a specification 1007  
of the type described in section 2941.1422 of the Revised Code 1008  
that charges that the offender knowingly committed the offense in 1009  
furtherance of human trafficking, the court shall impose on the 1010  
offender a mandatory prison term that is one of the following: 1011

(i) If the offense is a felony of the first degree, a 1012  
definite prison term of not less than five years and not greater 1013  
than ten years; 1014

(ii) If the offense is a felony of the second or third 1015  
degree, a definite prison term of not less than three years and 1016  
not greater than the maximum prison term allowed for the offense 1017  
by division (A) of section 2929.14 of the Revised Code; 1018

(iii) If the offense is a felony of the fourth or fifth 1019  
degree, a definite prison term that is the maximum prison term 1020  
allowed for the offense by division (A) of section 2929.14 of the 1021  
Revised Code. 1022

(b) Subject to divisions (C) to (I) of section 2967.19 of the 1023  
Revised Code, the prison term imposed under division (B)(7)(a) of 1024  
this section shall not be reduced pursuant to section 2929.20, 1025  
section 2967.19, section 2967.193, or any other provision of 1026  
Chapter 2967. of the Revised Code. A court shall not impose more 1027  
than one prison term on an offender under division (B)(7)(a) of 1028  
this section for felonies committed as part of the same act, 1029  
scheme, or plan. 1030

(8) If an offender is convicted of or pleads guilty to a 1031

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.

(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 mandatory prison term imposed under either division or under division (B)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so

imposed consecutively to any other mandatory prison term imposed 1064  
under that division or under division (B)(1)(a) or (c) of this 1065  
section, consecutively to and prior to any prison term imposed for 1066  
the underlying felony under division (A), (B)(2), or (B)(3) of 1067  
this section or any other section of the Revised Code, and 1068  
consecutively to any other prison term or mandatory prison term 1069  
previously or subsequently imposed upon the offender. 1070

(c) If a mandatory prison term is imposed upon an offender 1071  
pursuant to division (B)(1)(f) of this section, the offender shall 1072  
serve the mandatory prison term so imposed consecutively to and 1073  
prior to any prison term imposed for the underlying felony under 1074  
division (A), (B)(2), or (B)(3) of this section or any other 1075  
section of the Revised Code, and consecutively to any other prison 1076  
term or mandatory prison term previously or subsequently imposed 1077  
upon the offender. 1078

(d) If a mandatory prison term is imposed upon an offender 1079  
pursuant to division (B)(7) or (8) of this section, the offender 1080  
shall serve the mandatory prison term so imposed consecutively to 1081  
any other mandatory prison term imposed under that division or 1082  
under any other provision of law and consecutively to any other 1083  
prison term or mandatory prison term previously or subsequently 1084  
imposed upon the offender. 1085

(2) If an offender who is an inmate in a jail, prison, or 1086  
other residential detention facility violates section 2917.02, 1087  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 1088  
of section 2921.34 of the Revised Code, if an offender who is 1089  
under detention at a detention facility commits a felony violation 1090  
of section 2923.131 of the Revised Code, or if an offender who is 1091  
an inmate in a jail, prison, or other residential detention 1092  
facility or is under detention at a detention facility commits 1093  
another felony while the offender is an escapee in violation of 1094  
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 1095

prison term imposed upon the offender for one of those violations 1096  
shall be served by the offender consecutively to the prison term 1097  
or term of imprisonment the offender was serving when the offender 1098  
committed that offense and to any other prison term previously or 1099  
subsequently imposed upon the offender. 1100

(3) If a prison term is imposed for a violation of division 1101  
(B) of section 2911.01 of the Revised Code, a violation of 1102  
division (A) of section 2913.02 of the Revised Code in which the 1103  
stolen property is a firearm or dangerous ordnance, or a felony 1104  
violation of division (B) of section 2921.331 of the Revised Code, 1105  
the offender shall serve that prison term consecutively to any 1106  
other prison term or mandatory prison term previously or 1107  
subsequently imposed upon the offender. 1108

(4) If multiple prison terms are imposed on an offender for 1109  
convictions of multiple offenses, the court may require the 1110  
offender to serve the prison terms consecutively if the court 1111  
finds that the consecutive service is necessary to protect the 1112  
public from future crime or to punish the offender and that 1113  
consecutive sentences are not disproportionate to the seriousness 1114  
of the offender's conduct and to the danger the offender poses to 1115  
the public, and if the court also finds any of the following: 1116

(a) The offender committed one or more of the multiple 1117  
offenses while the offender was awaiting trial or sentencing, was 1118  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1119  
2929.18 of the Revised Code, or was under post-release control for 1120  
a prior offense. 1121

(b) At least two of the multiple offenses were committed as 1122  
part of one or more courses of conduct, and the harm caused by two 1123  
or more of the multiple offenses so committed was so great or 1124  
unusual that no single prison term for any of the offenses 1125  
committed as part of any of the courses of conduct adequately 1126  
reflects the seriousness of the offender's conduct. 1127

(c) The offender's history of criminal conduct demonstrates 1128  
that consecutive sentences are necessary to protect the public 1129  
from future crime by the offender. 1130

(5) If a mandatory prison term is imposed upon an offender 1131  
pursuant to division (B)(5) or (6) of this section, the offender 1132  
shall serve the mandatory prison term consecutively to and prior 1133  
to any prison term imposed for the underlying violation of 1134  
division (A)(1) or (2) of section 2903.06 of the Revised Code 1135  
pursuant to division (A) of this section or section 2929.142 of 1136  
the Revised Code. If a mandatory prison term is imposed upon an 1137  
offender pursuant to division (B)(5) of this section, and if a 1138  
mandatory prison term also is imposed upon the offender pursuant 1139  
to division (B)(6) of this section in relation to the same 1140  
violation, the offender shall serve the mandatory prison term 1141  
imposed pursuant to division (B)(5) of this section consecutively 1142  
to and prior to the mandatory prison term imposed pursuant to 1143  
division (B)(6) of this section and consecutively to and prior to 1144  
any prison term imposed for the underlying violation of division 1145  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 1146  
division (A) of this section or section 2929.142 of the Revised 1147  
Code. 1148

(6) When consecutive prison terms are imposed pursuant to 1149  
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) 1150  
of this section, the term to be served is the aggregate of all of 1151  
the terms so imposed. 1152

(D)(1) If a court imposes a prison term for a felony of the 1153  
first degree, for a felony of the second degree, for a felony sex 1154  
offense, or for a felony of the third degree that is not a felony 1155  
sex offense and in the commission of which the offender caused or 1156  
threatened to cause physical harm to a person, it shall include in 1157  
the sentence a requirement that the offender be subject to a 1158  
period of post-release control after the offender's release from 1159

imprisonment, in accordance with that division. If a court imposes 1160  
a sentence including a prison term of a type described in this 1161  
division on or after July 11, 2006, the failure of a court to 1162  
include a post-release control requirement in the sentence 1163  
pursuant to this division does not negate, limit, or otherwise 1164  
affect the mandatory period of post-release control that is 1165  
required for the offender under division (B) of section 2967.28 of 1166  
the Revised Code. Section 2929.191 of the Revised Code applies if, 1167  
prior to July 11, 2006, a court imposed a sentence including a 1168  
prison term of a type described in this division and failed to 1169  
include in the sentence pursuant to this division a statement 1170  
regarding post-release control. 1171

(2) If a court imposes a prison term for a felony of the 1172  
third, fourth, or fifth degree that is not subject to division 1173  
(D)(1) of this section, it shall include in the sentence a 1174  
requirement that the offender be subject to a period of 1175  
post-release control after the offender's release from 1176  
imprisonment, in accordance with that division, if the parole 1177  
board determines that a period of post-release control is 1178  
necessary. Section 2929.191 of the Revised Code applies if, prior 1179  
to July 11, 2006, a court imposed a sentence including a prison 1180  
term of a type described in this division and failed to include in 1181  
the sentence pursuant to this division a statement regarding 1182  
post-release control. 1183

(E) The court shall impose sentence upon the offender in 1184  
accordance with section 2971.03 of the Revised Code, and Chapter 1185  
2971. of the Revised Code applies regarding the prison term or 1186  
term of life imprisonment without parole imposed upon the offender 1187  
and the service of that term of imprisonment if any of the 1188  
following apply: 1189

(1) A person is convicted of or pleads guilty to a violent 1190  
sex offense or a designated homicide, assault, or kidnapping 1191

offense, and, in relation to that offense, the offender is 1192  
adjudicated a sexually violent predator. 1193

(2) A person is convicted of or pleads guilty to a violation 1194  
of division (A)(1)(b) of section 2907.02 of the Revised Code 1195  
committed on or after January 2, 2007, and either the court does 1196  
not impose a sentence of life without parole when authorized 1197  
pursuant to division (B) of section 2907.02 of the Revised Code, 1198  
or division (B) of section 2907.02 of the Revised Code provides 1199  
that the court shall not sentence the offender pursuant to section 1200  
2971.03 of the Revised Code. 1201

(3) A person is convicted of or pleads guilty to attempted 1202  
rape committed on or after January 2, 2007, and a specification of 1203  
the type described in section 2941.1418, 2941.1419, or 2941.1420 1204  
of the Revised Code. 1205

(4) A person is convicted of or pleads guilty to a violation 1206  
of section 2905.01 of the Revised Code committed on or after 1207  
January 1, 2008, and that section requires the court to sentence 1208  
the offender pursuant to section 2971.03 of the Revised Code. 1209

(5) A person is convicted of or pleads guilty to aggravated 1210  
murder committed on or after January 1, 2008, and division 1211  
(A)(2)(b)(ii) of section 2929.022, division (A)(1)~~(e)~~(g), 1212  
(C)(1)(a)~~(v)~~(vii), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)~~(iv)~~(vi), or 1213  
(E)~~(1)(d)~~(6) of section 2929.03, or division (A) or (B) of section 1214  
2929.06 of the Revised Code requires the court to sentence the 1215  
offender pursuant to division (B)(3) of section 2971.03 of the 1216  
Revised Code. 1217

(6) A person is convicted of or pleads guilty to murder 1218  
committed on or after January 1, 2008, and division (B)(2) of 1219  
section 2929.02 of the Revised Code requires the court to sentence 1220  
the offender pursuant to section 2971.03 of the Revised Code. 1221

(F) If a person who has been convicted of or pleaded guilty 1222

to a felony is sentenced to a prison term or term of imprisonment 1223  
under this section, sections 2929.02 to 2929.06 of the Revised 1224  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 1225  
Revised Code, or any other provision of law, section 5120.163 of 1226  
the Revised Code applies regarding the person while the person is 1227  
confined in a state correctional institution. 1228

(G) If an offender who is convicted of or pleads guilty to a 1229  
felony that is an offense of violence also is convicted of or 1230  
pleads guilty to a specification of the type described in section 1231  
2941.142 of the Revised Code that charges the offender with having 1232  
committed the felony while participating in a criminal gang, the 1233  
court shall impose upon the offender an additional prison term of 1234  
one, two, or three years. 1235

(H)(1) If an offender who is convicted of or pleads guilty to 1236  
aggravated murder, murder, or a felony of the first, second, or 1237  
third degree that is an offense of violence also is convicted of 1238  
or pleads guilty to a specification of the type described in 1239  
section 2941.143 of the Revised Code that charges the offender 1240  
with having committed the offense in a school safety zone or 1241  
towards a person in a school safety zone, the court shall impose 1242  
upon the offender an additional prison term of two years. The 1243  
offender shall serve the additional two years consecutively to and 1244  
prior to the prison term imposed for the underlying offense. 1245

(2)(a) If an offender is convicted of or pleads guilty to a 1246  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 1247  
of the Revised Code and to a specification of the type described 1248  
in section 2941.1421 of the Revised Code and if the court imposes 1249  
a prison term on the offender for the felony violation, the court 1250  
may impose upon the offender an additional prison term as follows: 1251

(i) Subject to division (H)(2)(a)(ii) of this section, an 1252  
additional prison term of one, two, three, four, five, or six 1253  
months; 1254



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

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

(I) At the time of sentencing, the court may recommend the  
offender for placement in a program of shock incarceration under

section 5120.031 of the Revised Code or for placement in an 1287  
intensive program prison under section 5120.032 of the Revised 1288  
Code, disapprove placement of the offender in a program of shock 1289  
incarceration or an intensive program prison of that nature, or 1290  
make no recommendation on placement of the offender. In no case 1291  
shall the department of rehabilitation and correction place the 1292  
offender in a program or prison of that nature unless the 1293  
department determines as specified in section 5120.031 or 5120.032 1294  
of the Revised Code, whichever is applicable, that the offender is 1295  
eligible for the placement. 1296

If the court disapproves placement of the offender in a 1297  
program or prison of that nature, the department of rehabilitation 1298  
and correction shall not place the offender in any program of 1299  
shock incarceration or intensive program prison. 1300

If the court recommends placement of the offender in a 1301  
program of shock incarceration or in an intensive program prison, 1302  
and if the offender is subsequently placed in the recommended 1303  
program or prison, the department shall notify the court of the 1304  
placement and shall include with the notice a brief description of 1305  
the placement. 1306

If the court recommends placement of the offender in a 1307  
program of shock incarceration or in an intensive program prison 1308  
and the department does not subsequently place the offender in the 1309  
recommended program or prison, the department shall send a notice 1310  
to the court indicating why the offender was not placed in the 1311  
recommended program or prison. 1312

If the court does not make a recommendation under this 1313  
division with respect to an offender and if the department 1314  
determines as specified in section 5120.031 or 5120.032 of the 1315  
Revised Code, whichever is applicable, that the offender is 1316  
eligible for placement in a program or prison of that nature, the 1317  
department shall screen the offender and determine if there is an 1318

available program of shock incarceration or an intensive program 1319  
prison for which the offender is suited. If there is an available 1320  
program of shock incarceration or an intensive program prison for 1321  
which the offender is suited, the department shall notify the 1322  
court of the proposed placement of the offender as specified in 1323  
section 5120.031 or 5120.032 of the Revised Code and shall include 1324  
with the notice a brief description of the placement. The court 1325  
shall have ten days from receipt of the notice to disapprove the 1326  
placement. 1327

(J) If a person is convicted of or pleads guilty to 1328  
aggravated vehicular homicide in violation of division (A)(1) of 1329  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 1330  
section applies, the person shall be sentenced pursuant to section 1331  
2929.142 of the Revised Code. 1332

**Sec. 2941.148.** (A)(1) The application of Chapter 2971. of the 1333  
Revised Code to an offender is precluded unless one of the 1334  
following applies: 1335

(a) The offender is charged with a violent sex offense, and 1336  
the indictment, count in the indictment, or information charging 1337  
the violent sex offense also includes a specification that the 1338  
offender is a sexually violent predator, or the offender is 1339  
charged with a designated homicide, assault, or kidnapping 1340  
offense, and the indictment, count in the indictment, or 1341  
information charging the designated homicide, assault, or 1342  
kidnapping offense also includes both a specification of the type 1343  
described in section 2941.147 of the Revised Code and a 1344  
specification that the offender is a sexually violent predator. 1345

(b) The offender is convicted of or pleads guilty to a 1346  
violation of division (A)(1)(b) of section 2907.02 of the Revised 1347  
Code committed on or after January 2, 2007, and division (B) of 1348  
section 2907.02 of the Revised Code does not prohibit the court 1349

from sentencing the offender pursuant to section 2971.03 of the Revised Code.

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

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

(e) The offender is convicted of or pleads guilty to aggravated murder and to a specification of the type described in section 2941.147 of the Revised Code, and division (A)(2)(b)(ii) of section 2929.022, division (A)(1)~~(e)~~(g), (C)(1)(a)~~(v)~~(vii), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)~~(iv)~~(vi), or (E)~~(1)(d)~~(6) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires a court to sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code.

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

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

"Specification (or, specification to the first count). The

grand jury (or insert the person's or prosecuting attorney's name  
when appropriate) further find and specify that the offender is a  
sexually violent predator." 1381  
1382  
1383

(B) In determining for purposes of this section whether a 1384  
person is a sexually violent predator, all of the factors set 1385  
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 1386  
Code that apply regarding the person may be considered as evidence 1387  
tending to indicate that it is likely that the person will engage 1388  
in the future in one or more sexually violent offenses. 1389

(C) As used in this section, "designated homicide, assault,  
or kidnapping offense," "violent sex offense," and "sexually  
violent predator" have the same meanings as in section 2971.01 of  
the Revised Code. 1390  
1391  
1392  
1393

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 1394  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 1395  
another section of the Revised Code, other than divisions (B) and 1396  
(C) of section 2929.14 of the Revised Code, that authorizes or 1397  
requires a specified prison term or a mandatory prison term for a 1398  
person who is convicted of or pleads guilty to a felony or that 1399  
specifies the manner and place of service of a prison term or term 1400  
of imprisonment, the court shall impose a sentence upon a person 1401  
who is convicted of or pleads guilty to a violent sex offense and 1402  
who also is convicted of or pleads guilty to a sexually violent 1403  
predator specification that was included in the indictment, count 1404  
in the indictment, or information charging that offense, and upon 1405  
a person who is convicted of or pleads guilty to a designated 1406  
homicide, assault, or kidnapping offense and also is convicted of 1407  
or pleads guilty to both a sexual motivation specification and a 1408  
sexually violent predator specification that were included in the 1409  
indictment, count in the indictment, or information charging that 1410  
offense, as follows: 1411

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

(2) If the offense for which the sentence is being imposed is murder; or if the offense is rape committed in violation of division (A)(1)(b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force, when the victim was less than ten years of age, when the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of section 2907.02 of the Revised Code, or when the offender during or immediately after the commission of the rape caused serious physical harm to the victim; or if the offense is an offense other than aggravated murder or murder for which a term of life imprisonment may be imposed, it shall impose upon the offender a term of life imprisonment without parole.

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

(b) Except as otherwise provided in division (A)(4) of this

section, if the offense for which the sentence is being imposed is 1444  
kidnapping that is a felony of the first degree, it shall impose 1445  
an indefinite prison term as follows: 1446

(i) If the kidnapping is committed on or after January 1, 1447  
2008, and the victim of the offense is less than thirteen years of 1448  
age, except as otherwise provided in this division, it shall 1449  
impose an indefinite prison term consisting of a minimum term of 1450  
fifteen years and a maximum term of life imprisonment. If the 1451  
kidnapping is committed on or after January 1, 2008, the victim of 1452  
the offense is less than thirteen years of age, and the offender 1453  
released the victim in a safe place unharmed, it shall impose an 1454  
indefinite prison term consisting of a minimum term of ten years 1455  
and a maximum term of life imprisonment. 1456

(ii) If the kidnapping is committed prior to January 1, 2008, 1457  
or division (A)(3)(b)(i) of this section does not apply, it shall 1458  
impose an indefinite term consisting of a minimum term fixed by 1459  
the court that is not less than ten years and a maximum term of 1460  
life imprisonment. 1461

(c) Except as otherwise provided in division (A)(4) of this 1462  
section, if the offense for which the sentence is being imposed is 1463  
kidnapping that is a felony of the second degree, it shall impose 1464  
an indefinite prison term consisting of a minimum term fixed by 1465  
the court that is not less than eight years, and a maximum term of 1466  
life imprisonment. 1467

(d) Except as otherwise provided in division (A)(4) of this 1468  
section, if the offense for which the sentence is being imposed is 1469  
rape for which a term of life imprisonment is not imposed under 1470  
division (A)(2) of this section or division (B) of section 2907.02 1471  
of the Revised Code, it shall impose an indefinite prison term as 1472  
follows: 1473

(i) If the rape is committed on or after January 2, 2007, in 1474

violation of division (A)(1)(b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

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

(e) Except as otherwise provided in division (A)(4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

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

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

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

(iv) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the



offender also is convicted of or pleads guilty to a specification 1506  
of the type described in section 2941.1420 of the Revised Code, it 1507  
shall impose an indefinite prison term consisting of a minimum 1508  
term of fifteen years and a maximum of life imprisonment. 1509

(4) For any offense for which the sentence is being imposed, 1510  
if the offender previously has been convicted of or pleaded guilty 1511  
to a violent sex offense and also to a sexually violent predator 1512  
specification that was included in the indictment, count in the 1513  
indictment, or information charging that offense, or previously 1514  
has been convicted of or pleaded guilty to a designated homicide, 1515  
assault, or kidnapping offense and also to both a sexual 1516  
motivation specification and a sexually violent predator 1517  
specification that were included in the indictment, count in the 1518  
indictment, or information charging that offense, it shall impose 1519  
upon the offender a term of life imprisonment without parole. 1520

(B)(1) Notwithstanding section 2929.13, division (A) or (D) 1521  
of section 2929.14, or another section of the Revised Code other 1522  
than division (B) of section 2907.02 or divisions (B) and (C) of 1523  
section 2929.14 of the Revised Code that authorizes or requires a 1524  
specified prison term or a mandatory prison term for a person who 1525  
is convicted of or pleads guilty to a felony or that specifies the 1526  
manner and place of service of a prison term or term of 1527  
imprisonment, if a person is convicted of or pleads guilty to a 1528  
violation of division (A)(1)(b) of section 2907.02 of the Revised 1529  
Code committed on or after January 2, 2007, if division (A) of 1530  
this section does not apply regarding the person, and if the court 1531  
does not impose a sentence of life without parole when authorized 1532  
pursuant to division (B) of section 2907.02 of the Revised Code, 1533  
the court shall impose upon the person an indefinite prison term 1534  
consisting of one of the following: 1535

(a) Except as otherwise required in division (B)(1)(b) or (c) 1536  
of this section, a minimum term of ten years and a maximum term of 1537

life imprisonment. 1538

(b) If the victim was less than ten years of age, a minimum 1539  
term of fifteen years and a maximum of life imprisonment. 1540

(c) If the offender purposely compels the victim to submit by 1541  
force or threat of force, or if the offender previously has been 1542  
convicted of or pleaded guilty to violating division (A)(1)(b) of 1543  
section 2907.02 of the Revised Code or to violating an existing or 1544  
former law of this state, another state, or the United States that 1545  
is substantially similar to division (A)(1)(b) of that section, or 1546  
if the offender during or immediately after the commission of the 1547  
offense caused serious physical harm to the victim, a minimum term 1548  
of twenty-five years and a maximum of life imprisonment. 1549

(2) Notwithstanding section 2929.13, division (A) or (D) of 1550  
section 2929.14, or another section of the Revised Code other than 1551  
divisions (B) and (C) of section 2929.14 of the Revised Code that 1552  
authorizes or requires a specified prison term or a mandatory 1553  
prison term for a person who is convicted of or pleads guilty to a 1554  
felony or that specifies the manner and place of service of a 1555  
prison term or term of imprisonment and except as otherwise 1556  
provided in division (B) of section 2907.02 of the Revised Code, 1557  
if a person is convicted of or pleads guilty to attempted rape 1558  
committed on or after January 2, 2007, and if division (A) of this 1559  
section does not apply regarding the person, the court shall 1560  
impose upon the person an indefinite prison term consisting of one 1561  
of the following: 1562

(a) If the person also is convicted of or pleads guilty to a 1563  
specification of the type described in section 2941.1418 of the 1564  
Revised Code, the court shall impose upon the person an indefinite 1565  
prison term consisting of a minimum term of five years and a 1566  
maximum term of twenty-five years. 1567

(b) If the person also is convicted of or pleads guilty to a 1568

specification of the type described in section 2941.1419 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment.

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

(3) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than 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 an offense described in division (B)(3)(a), (b), (c), or (d) of this section committed on or after January 1, 2008, if the person 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 that offense, and if division (A) of this section does not apply regarding the person, the court shall impose upon the person an indefinite prison term consisting of one of the following:

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

(b) An indefinite prison term consisting of a minimum of fifteen years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping when

the victim of the offense is less than thirteen years of age and 1601  
division (B)(3)(a) of this section does not apply; 1602

(c) An indefinite term consisting of a minimum of thirty 1603  
years and a maximum term of life imprisonment if the offense for 1604  
which the sentence is being imposed is aggravated murder, when the 1605  
victim of the offense is less than thirteen years of age, a 1606  
sentence of death or life imprisonment without parole is not 1607  
imposed for the offense, and division (A)(2)(b)(ii) of section 1608  
2929.022, division (A)(1)~~(e)~~(g), (C)(1)(a)~~(v)~~(vii), (C)(2)(a)(ii), 1609  
(D)(2)(b), (D)(3)(a)~~(iv)~~(vi), or (E)~~(1)~~(d)(6) of section 2929.03, 1610  
or division (A) or (B) of section 2929.06 of the Revised Code 1611  
requires that the sentence for the offense be imposed pursuant to 1612  
this division; 1613

(d) An indefinite prison term consisting of a minimum of 1614  
thirty years and a maximum term of life imprisonment if the 1615  
offense for which the sentence is being imposed is murder when the 1616  
victim of the offense is less than thirteen years of age. 1617

(C)(1) If the offender is sentenced to a prison term pursuant 1618  
to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1619  
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 1620  
board shall have control over the offender's service of the term 1621  
during the entire term unless the parole board terminates its 1622  
control in accordance with section 2971.04 of the Revised Code. 1623

(2) Except as provided in division (C)(3) of this section, an 1624  
offender sentenced to a prison term or term of life imprisonment 1625  
without parole pursuant to division (A) of this section shall 1626  
serve the entire prison term or term of life imprisonment in a 1627  
state correctional institution. The offender is not eligible for 1628  
judicial release under section 2929.20 of the Revised Code. 1629

(3) For a prison term imposed pursuant to division (A)(3), 1630  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1631

(c), or (d) of this section, the court, in accordance with section 1632  
2971.05 of the Revised Code, may terminate the prison term or 1633  
modify the requirement that the offender serve the entire term in 1634  
a state correctional institution if all of the following apply: 1635

(a) The offender has served at least the minimum term imposed 1636  
as part of that prison term. 1637

(b) The parole board, pursuant to section 2971.04 of the 1638  
Revised Code, has terminated its control over the offender's 1639  
service of that prison term. 1640

(c) The court has held a hearing and found, by clear and 1641  
convincing evidence, one of the following: 1642

(i) In the case of termination of the prison term, that the 1643  
offender is unlikely to commit a sexually violent offense in the 1644  
future; 1645

(ii) In the case of modification of the requirement, that the 1646  
offender does not represent a substantial risk of physical harm to 1647  
others. 1648

(4) An offender who has been sentenced to a term of life 1649  
imprisonment without parole pursuant to division (A)(1), (2), or 1650  
(4) of this section shall not be released from the term of life 1651  
imprisonment or be permitted to serve a portion of it in a place 1652  
other than a state correctional institution. 1653

(D) If a court sentences an offender to a prison term or term 1654  
of life imprisonment without parole pursuant to division (A) of 1655  
this section and the court also imposes on the offender one or 1656  
more additional prison terms pursuant to division (B) of section 1657  
2929.14 of the Revised Code, all of the additional prison terms 1658  
shall be served consecutively with, and prior to, the prison term 1659  
or term of life imprisonment without parole imposed upon the 1660  
offender pursuant to division (A) of this section. 1661

(E) If the offender is convicted of or pleads guilty to two 1662  
or more offenses for which a prison term or term of life 1663  
imprisonment without parole is required to be imposed pursuant to 1664  
division (A) of this section, divisions (A) to (D) of this section 1665  
shall be applied for each offense. All minimum terms imposed upon 1666  
the offender pursuant to division (A)(3) or (B) of this section 1667  
for those offenses shall be aggregated and served consecutively, 1668  
as if they were a single minimum term imposed under that division. 1669

(F)(1) If an offender is convicted of or pleads guilty to a 1670  
violent sex offense and also is convicted of or pleads guilty to a 1671  
sexually violent predator specification that was included in the 1672  
indictment, count in the indictment, or information charging that 1673  
offense, or is convicted of or pleads guilty to a designated 1674  
homicide, assault, or kidnapping offense and also is convicted of 1675  
or pleads guilty to both a sexual motivation specification and a 1676  
sexually violent predator specification that were included in the 1677  
indictment, count in the indictment, or information charging that 1678  
offense, the conviction of or plea of guilty to the offense and 1679  
the sexually violent predator specification automatically 1680  
classifies the offender as a tier III sex offender/child-victim 1681  
offender for purposes of Chapter 2950. of the Revised Code. 1682

(2) If an offender is convicted of or pleads guilty to 1683  
committing on or after January 2, 2007, a violation of division 1684  
(A)(1)(b) of section 2907.02 of the Revised Code and either the 1685  
offender is sentenced under section 2971.03 of the Revised Code or 1686  
a sentence of life without parole is imposed under division (B) of 1687  
section 2907.02 of the Revised Code, the conviction of or plea of 1688  
guilty to the offense automatically classifies the offender as a 1689  
tier III sex offender/child-victim offender for purposes of 1690  
Chapter 2950. of the Revised Code. 1691

(3) If a person is convicted of or pleads guilty to 1692  
committing on or after January 2, 2007, attempted rape and also is 1693

convicted of or pleads guilty to a specification of the type 1694  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1695  
Revised Code, the conviction of or plea of guilty to the offense 1696  
and the specification automatically classify the offender as a 1697  
tier III sex offender/child-victim offender for purposes of 1698  
Chapter 2950. of the Revised Code. 1699

(4) If a person is convicted of or pleads guilty to one of 1700  
the offenses described in division (B)(3)(a), (b), (c), or (d) of 1701  
this section and a sexual motivation specification related to the 1702  
offense and the victim of the offense is less than thirteen years 1703  
of age, the conviction of or plea of guilty to the offense 1704  
automatically classifies the offender as a tier III sex 1705  
offender/child-victim offender for purposes of Chapter 2950. of 1706  
the Revised Code. 1707

**Sec. 2971.07.** (A) This chapter does not apply to any offender 1708  
unless the offender is one of the following: 1709

(1) The offender is convicted of or pleads guilty to a 1710  
violent sex offense and also is convicted of or pleads guilty to a 1711  
sexually violent predator specification that was included in the 1712  
indictment, count in the indictment, or information charging that 1713  
offense. 1714

(2) The offender is convicted of or pleads guilty to a 1715  
designated homicide, assault, or kidnapping offense and also is 1716  
convicted of or pleads guilty to both a sexual motivation 1717  
specification and a sexually violent predator specification that 1718  
were included in the indictment, count in the indictment, or 1719  
information charging that offense. 1720

(3) The offender is convicted of or pleads guilty to a 1721  
violation of division (A)(1)(b) of section 2907.02 of the Revised 1722  
Code committed on or after January 2, 2007, and the court does not 1723  
sentence the offender to a term of life without parole pursuant to 1724

division (B) of section 2907.02 of the Revised Code or division 1725  
(B) of that section prohibits the court from sentencing the 1726  
offender pursuant to section 2971.03 of the Revised Code. 1727

(4) The offender is convicted of or pleads guilty to 1728  
attempted rape committed on or after January 2, 2007, and also is 1729  
convicted of or pleads guilty to a specification of the type 1730  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1731  
Revised Code. 1732

(5) The offender is convicted of or pleads guilty to a 1733  
violation of section 2905.01 of the Revised Code and also is 1734  
convicted of or pleads guilty to a sexual motivation specification 1735  
that was included in the indictment, count in the indictment, or 1736  
information charging that offense, and that section requires a 1737  
court to sentence the offender pursuant to section 2971.03 of the 1738  
Revised Code. 1739

(6) The offender is convicted of or pleads guilty to 1740  
aggravated murder and also is convicted of or pleads guilty to a 1741  
sexual motivation specification that was included in the 1742  
indictment, count in the indictment, or information charging that 1743  
offense, and division (A)(2)(b)(ii) of section 2929.022, division 1744  
(A)(1)~~(e)~~(g), (C)(1)(a)~~(v)~~(vii), (C)(2)(a)(ii), (D)(2)(b), 1745  
(D)(3)(a)~~(iv)~~(vi), or (E)~~(1)~~(d)(6) of section 2929.03, or division 1746  
(A) or (B) of section 2929.06 of the Revised Code requires a court 1747  
to sentence the offender pursuant to division (B)(3) of section 1748  
2971.03 of the Revised Code. 1749

(7) The offender is convicted of or pleads guilty to murder 1750  
and also is convicted of or pleads guilty to a sexual motivation 1751  
specification that was included in the indictment, count in the 1752  
indictment, or information charging that offense, and division 1753  
(B)(2) of section 2929.02 of the Revised Code requires a court to 1754  
sentence the offender pursuant to section 2971.03 of the Revised 1755  
Code. 1756



(B) This chapter does not limit or affect a court in imposing 1757  
upon an offender described in divisions (A)(1) to (9) of this 1758  
section any financial sanction under section 2929.18 or any other 1759  
section of the Revised Code, or, except as specifically provided 1760  
in this chapter, any other sanction that is authorized or required 1761  
for the offense or violation by any other provision of law. 1762

(C) If an offender is sentenced to a prison term under 1763  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1764  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1765  
Code and if, pursuant to section 2971.05 of the Revised Code, the 1766  
court modifies the requirement that the offender serve the entire 1767  
prison term in a state correctional institution or places the 1768  
offender on conditional release that involves the placement of the 1769  
offender under the supervision of the adult parole authority, 1770  
authorized field officers of the authority who are engaged within 1771  
the scope of their supervisory duties or responsibilities may 1772  
search, with or without a warrant, the person of the offender, the 1773  
place of residence of the offender, and a motor vehicle, another 1774  
item of tangible or intangible personal property, or any other 1775  
real property in which the offender has the express or implied 1776  
permission of a person with a right, title, or interest to use, 1777  
occupy, or possess if the field officer has reasonable grounds to 1778  
believe that the offender is not abiding by the law or otherwise 1779  
is not complying with the terms and conditions of the offender's 1780  
modification or release. The authority shall provide each offender 1781  
with a written notice that informs the offender that authorized 1782  
field officers of the authority who are engaged within the scope 1783  
of their supervisory duties or responsibilities may conduct those 1784  
types of searches during the period of the modification or release 1785  
if they have reasonable grounds to believe that the offender is 1786  
not abiding by the law or otherwise is not complying with the 1787  
terms and conditions of the offender's modification or release. 1788

Sec. 5120.61. (A)(1) Not later than ninety days after January 1789  
1, 1997, the department of rehabilitation and correction shall 1790  
adopt standards that it will use under this section to assess the 1791  
following criminal offenders and may periodically revise the 1792  
standards: 1793

(a) A criminal offender who is convicted of or pleads guilty 1794  
to a violent sex offense or designated homicide, assault, or 1795  
kidnapping offense and is adjudicated a sexually violent predator 1796  
in relation to that offense; 1797

(b) A criminal offender who is convicted of or pleads guilty 1798  
to a violation of division (A)(1)(b) of section 2907.02 of the 1799  
Revised Code committed on or after January 2, 2007, and either who 1800  
is sentenced under section 2971.03 of the Revised Code or upon 1801  
whom a sentence of life without parole is imposed under division 1802  
(B) of section 2907.02 of the Revised Code; 1803

(c) A criminal offender who is convicted of or pleads guilty 1804  
to attempted rape committed on or after January 2, 2007, and a 1805  
specification of the type described in section 2941.1418, 1806  
2941.1419, or 2941.1420 of the Revised Code; 1807

(d) A criminal offender who is convicted of or pleads guilty 1808  
to a violation of section 2905.01 of the Revised Code and also is 1809  
convicted of or pleads guilty to a sexual motivation specification 1810  
that was included in the indictment, count in the indictment, or 1811  
information charging that offense, and who is sentenced pursuant 1812  
to section 2971.03 of the Revised Code; 1813

(e) A criminal offender who is convicted of or pleads guilty 1814  
to aggravated murder and also is convicted of or pleads guilty to 1815  
a sexual motivation specification that was included in the 1816  
indictment, count in the indictment, or information charging that 1817  
offense, and who pursuant to division (A)(2)(b)(ii) of section 1818  
2929.022, division (A)(1)~~(e)~~(g), (C)(1)(a)~~(v)~~(vii), (C)(2)(a)(ii), 1819

(D)(2)(b), (D)(3)(a)~~(iv)~~(vi), or (E)~~(1)(d)~~(6) of section 2929.03, 1820  
or division (A) or (B) of section 2929.06 of the Revised Code is 1821  
sentenced pursuant to division (B)(3) of section 2971.03 of the 1822  
Revised Code; 1823

(f) A criminal offender who is convicted of or pleads guilty 1824  
to murder and also is convicted of or pleads guilty to a sexual 1825  
motivation specification that was included in the indictment, 1826  
count in the indictment, or information charging that offense, and 1827  
who pursuant to division (B)(2) of section 2929.02 of the Revised 1828  
Code is sentenced pursuant to section 2971.03 of the Revised Code. 1829

(2) When the department is requested by the parole board or 1830  
the court to provide a risk assessment report of the offender 1831  
under section 2971.04 or 2971.05 of the Revised Code, it shall 1832  
assess the offender and complete the assessment as soon as 1833  
possible after the offender has commenced serving the prison term 1834  
or term of life imprisonment without parole imposed under division 1835  
(A), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 1836  
(b), (c), or (d) of section 2971.03 of the Revised Code. 1837  
Thereafter, the department shall update a risk assessment report 1838  
pertaining to an offender as follows: 1839

(a) Periodically, in the discretion of the department, 1840  
provided that each report shall be updated no later than two years 1841  
after its initial preparation or most recent update; 1842

(b) Upon the request of the parole board for use in 1843  
determining pursuant to section 2971.04 of the Revised Code 1844  
whether it should terminate its control over an offender's service 1845  
of a prison term imposed upon the offender under division (A)(3), 1846  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1847  
(c), or (d) of section 2971.03 of the Revised Code; 1848

(c) Upon the request of the court. 1849

(3) After the department of rehabilitation and correction 1850

assesses an offender pursuant to division (A)(2) of this section, 1851  
it shall prepare a report that contains its risk assessment for 1852  
the offender or, if a risk assessment report previously has been 1853  
prepared, it shall update the risk assessment report. 1854

(4) The department of rehabilitation and correction shall 1855  
provide each risk assessment report that it prepares or updates 1856  
pursuant to this section regarding an offender to all of the 1857  
following: 1858

(a) The parole board for its use in determining pursuant to 1859  
section 2971.04 of the Revised Code whether it should terminate 1860  
its control over an offender's service of a prison term imposed 1861  
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 1862  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1863  
2971.03 of the Revised Code, if the parole board has not 1864  
terminated its control over the offender; 1865

(b) The court for use in determining, pursuant to section 1866  
2971.05 of the Revised Code, whether to modify the requirement 1867  
that the offender serve the entire prison term imposed upon the 1868  
offender under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 1869  
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 1870  
the Revised Code in a state correctional institution, whether to 1871  
revise any modification previously made, or whether to terminate 1872  
the prison term; 1873

(c) The prosecuting attorney who prosecuted the case, or the 1874  
successor in office to that prosecuting attorney; 1875

(d) The offender. 1876

(B) When the department of rehabilitation and correction 1877  
provides a risk assessment report regarding an offender to the 1878  
parole board or court pursuant to division (A)(4)(a) or (b) of 1879  
this section, the department, prior to the parole board's or 1880  
court's hearing, also shall provide to the offender or to the 1881

offender's attorney of record a copy of the report and a copy of 1882  
any other relevant documents the department possesses regarding 1883  
the offender that the department does not consider to be 1884  
confidential. 1885

(C) As used in this section: 1886

(1) "Adjudicated a sexually violent predator" has the same 1887  
meaning as in section 2929.01 of the Revised Code, and a person is 1888  
"adjudicated a sexually violent predator" in the same manner and 1889  
the same circumstances as are described in that section. 1890

(2) "Designated homicide, assault, or kidnapping offense" and 1891  
"violent sex offense" have the same meanings as in section 2971.01 1892  
of the Revised Code. 1893

**Section 2.** That existing sections 2929.03, 2929.04, 2929.06, 1894  
2929.14, 2941.148, 2971.03, 2971.07, and 5120.61 of the Revised 1895  
Code are hereby repealed. 1896

**Section 3.** This act shall be known as "Justin's Law." 1897