

As Introduced

130th General Assembly

**Regular Session
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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) <u>If Subject to division (A)(1)(g) of this section, life imprisonment with parole eligibility after serving forty-five full years of imprisonment;</u>	28 29 30
(f) <u>Subject to division (A)(1)(g) of this section, life imprisonment with parole eligibility after serving fifty-five full years of imprisonment;</u>	31 32 33
(g) <u>If</u> 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 of the charge but not guilty of each of the specifications, and regardless of whether the offender raised the matter of age pursuant to section 2929.023 of the Revised Code, the trial court shall impose sentence on the offender as follows:	82 83 84 85 86
(a) Except as provided in division (C)(1)(b) <u>or (c)</u> of this section, the trial court shall impose one of the following sentences on the offender:	87 88 89
(i) Life imprisonment without parole;	90
(ii) Subject to division (C)(1)(a) v <u>(vii)</u> of this section, life imprisonment with parole eligibility after serving twenty <u>twenty-five</u> years of imprisonment;	91 92 93
(iii) Subject to division (C)(1)(a) v <u>(vii)</u> of this section, life imprisonment with parole eligibility after serving twenty five <u>thirty</u> full years of imprisonment;	94 95 96
(iv) Subject to division (C)(1)(a) v <u>(vii)</u> of this section, life imprisonment with parole eligibility after serving thirty <u>thirty-five</u> full years of imprisonment;	97 98 99
(v) <u>If Subject to division (C)(1)(a)(vii) of this section,</u> <u>life imprisonment with parole eligibility after serving forty-five</u> <u>full years of imprisonment;</u>	100 101 102
(vi) <u>Subject to division (C)(1)(a)(vii) of this section, life</u> <u>imprisonment with parole eligibility after serving fifty-five full</u> <u>years of imprisonment;</u>	103 104 105
(vii) <u>If</u> 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	106 107 108 109 110 111

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)~~ 139
~~or (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 <u>thirty thirty-five</u> full years of imprisonment, <u>life imprisonment with parole eligibility after serving forty-five full years of imprisonment, or life imprisonment with parole eligibility after serving fifty-five full years of imprisonment.</u>	144 145 146 147 148
(ii) Except as provided in division (C)(2)(a)(iii) of this section, 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 death or life imprisonment without parole on the offender pursuant to division (C)(2)(a)(i) of this section, the penalty to be imposed on the offender shall be an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that shall be imposed pursuant to division (B)(3) of section 2971.03 of the Revised Code and served pursuant to that section.	149 150 151 152 153 154 155 156 157 158 159 160 161
(iii) 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 penalty to be imposed on the offender shall be death or life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code <u>unless the offender raised the matter of age pursuant to section 2929.023 of the Revised Code and was found at trial not to have been eighteen years of age or older at the time of the commission of the offense.</u>	162 163 164 165 166 167 168 169 170 171
<u>(iv) If one or more specifications of aggravating circumstances is the specification listed in division (A)(11) of section 2929.04 of the Revised Code, the penalty to be imposed upon the offender shall be death or life imprisonment without</u>	172 173 174 175

<u>parole unless the offender raised the matter of age pursuant to</u>	176
<u>section 2929.023 of the Revised Code and was found at trial not to</u>	177
<u>have been eighteen years of age or older at the time of the</u>	178
<u>commission of the offense.</u>	179
(b) A penalty imposed pursuant to division (C)(2)(a)(i),	180
(ii), or (iii), <u>or</u> (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 208
offender's counsel for use under this division. The court, and the 209
trial jury if the offender was tried by a jury, shall consider any 210
report prepared pursuant to this division and furnished to it and 211
any evidence raised at trial that is relevant to the aggravating 212
circumstances the offender was found guilty of committing or to 213
any factors in mitigation of the imposition of the sentence of 214
death, shall hear testimony and other evidence that is relevant to 215
the nature and circumstances of the aggravating circumstances the 216
offender was found guilty of committing, the mitigating factors 217
set forth in division (B) of section 2929.04 of the Revised Code, 218
and any other factors in mitigation of the imposition of the 219
sentence of death, and shall hear the statement, if any, of the 220
offender, and the arguments, if any, of counsel for the defense 221
and prosecution, that are relevant to the penalty that should be 222
imposed on the offender. The defendant shall be given great 223
latitude in the presentation of evidence of the mitigating factors 224
set forth in division (B) of section 2929.04 of the Revised Code 225
and of any other factors in mitigation of the imposition of the 226
sentence of death. If the offender chooses to make a statement, 227
the offender is subject to cross-examination only if the offender 228
consents to make the statement under oath or affirmation. 229

The defendant shall have the burden of going forward with the 230
evidence of any factors in mitigation of the imposition of the 231
sentence of death. The prosecution shall have the burden of 232
proving, by proof beyond a reasonable doubt, that the aggravating 233
circumstances the defendant was found guilty of committing are 234
sufficient to outweigh the factors in mitigation of the imposition 235
of the sentence of death. 236

(2) Upon consideration of the relevant evidence raised at 237
trial, the testimony, other evidence, statement of the offender, 238
arguments of counsel, and, if applicable, the reports submitted 239

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
<u>thirty</u> full years of imprisonment, or life imprisonment with	254
parole eligibility after serving thirty <u>thirty-five</u> full years of	255
imprisonment, <u>life imprisonment with parole eligibility after</u>	256
<u>serving forty-five full years of imprisonment, or life</u>	257
<u>imprisonment with parole eligibility after serving fifty-five full</u>	258
<u>years of imprisonment;</u>	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. 272
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(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. 276
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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. 281
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(3) Upon consideration of the relevant evidence raised at trial, the testimony, other evidence, statement of the offender, 302
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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) <u>or (c)</u> of this	315
section, one of the following:	316
(i) Life imprisonment without parole;	317
(ii) Subject to division (D)(3)(a) (iv) <u>(vi)</u> of this section,	318
life imprisonment with parole eligibility after serving	319
twenty five <u>thirty</u> full years of imprisonment;	320
(iii) Subject to division (D)(3)(a) (iv) <u>(vi)</u> of this section,	321
life imprisonment with parole eligibility after serving thirty	322
<u>thirty-five</u> full years of imprisonment;	323
(iv) If <u>Subject to division (D)(3)(a)(vi) of this section,</u>	324
<u>life imprisonment with parole eligibility after serving forty-five</u>	325
<u>full years of imprisonment;</u>	326
(v) <u>Subject to division (D)(3)(a)(vi) of this section, life</u>	327
<u>imprisonment with parole eligibility after serving fifty-five full</u>	328
<u>years of imprisonment;</u>	329
(vi) <u>If</u> 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 division (D)(3)(a)(i) 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.	335 336 337 338 339 340
(b) 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.	341 342 343 344 345 346
<u>(c) 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, life imprisonment without parole.</u>	347 348 349 350
(E) If the offender raised the matter of age at trial pursuant to section 2929.023 of the Revised Code, was convicted of aggravated murder and one or more specifications of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, and was not found at trial to have been eighteen years of age or older at the time of the commission of the offense, the court or the panel of three judges shall not impose a sentence of death on the offender. Instead, the court or panel shall impose one of the following sentences on the offender:	351 352 353 354 355 356 357 358 359
(1) Except as provided in division (E)(2) of this section, one of the following:	360 361
(a) (1) Life imprisonment without parole;	362
(b) (2) Subject to division (E) (2)(d)(6) of this section, life imprisonment with parole eligibility after serving twenty-five thirty full years of imprisonment;	363 364 365

<u>(e)(3) Subject to division (E)(2)(d)(6) of this section, life imprisonment with parole eligibility after serving thirty-five full years of imprisonment;</u>	366
<u>(d) If (4) Subject to division (E)(6) of this section, life imprisonment with parole eligibility after serving forty-five full years of imprisonment;</u>	369
<u>(5) Subject to division (E)(6) of this section, life imprisonment with parole eligibility after serving fifty-five full years of imprisonment;</u>	372
<u>(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.</u>	375
<u>(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.</u>	386
(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	392
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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 charged with a violation of a section of the Revised Code.	461 462
(b) The offender was under detention as a result of being convicted of or pleading guilty to a violation of a section of the Revised Code.	463 464 465
(5) Prior to the offense at bar, the offender was convicted of an offense an essential element of which was the purposeful killing of or attempt to kill another, or the offense at bar was part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons by the offender.	466 467 468 469 470
(6) The victim of the offense was a law enforcement officer, as defined in section 2911.01 of the Revised Code, whom the offender had reasonable cause to know or knew to be a law enforcement officer as so defined, and either the victim, at the time of the commission of the offense, was engaged in the victim's duties, or it was the offender's specific purpose to kill a law enforcement officer as so defined.	471 472 473 474 475 476 477
(7) The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary, and either the offender was the principal offender in the commission of the aggravated murder or, if not the principal offender, committed the aggravated murder with prior calculation and design.	478 479 480 481 482 483 484
(8) The victim of the aggravated murder was a witness to an offense who was purposely killed to prevent the victim's testimony in any criminal proceeding and the aggravated murder was not committed during the commission, attempted commission, or flight immediately after the commission or attempted commission of the offense to which the victim was a witness, or the victim of the	485 486 487 488 489 490

aggravated murder was a witness to an offense and was purposely
killed in retaliation for the victim's testimony in any criminal
proceeding. 491
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(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. 494
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(10) The offense was committed while the offender was
committing, attempting to commit, or fleeing immediately after
committing or attempting to commit terrorism. 500
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(11) The offense was a violation of division (A) of section 503
2903.01 of the Revised Code. 504

(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: 505
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(1) Whether the victim of the offense induced or facilitated
it; 517
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(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; 519
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(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;	522 523 524 525 526
(4) The youth of the offender;	527
(5) The offender's lack of a significant history of prior criminal convictions and delinquency adjudications;	528 529
(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;	530 531 532 533
(7) Any other factors that are relevant to the issue of whether the offender should be sentenced to death.	534 535
(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.	536 537 538 539
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.	540 541 542 543 544 545 546
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,	547 548 549 550 551

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 be six, seven, eight, nine, ten, eleven, or twelve months.	680 681
(B)(1)(a) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:	682 683 684 685 686 687
(i) A prison term of six years if the specification is of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony;	688 689 690 691 692 693
(ii) A prison term of three years if the specification is of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;	694 695 696 697 698 699 700
(iii) A prison term of one year if the specification is of the type described in section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the felony.	701 702 703 704 705
(b) If a court imposes a prison term on an offender under division (B)(1)(a) of this section, the prison term shall not be reduced pursuant to section 2967.19, section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. Except as provided in division (B)(1)(g) of	706 707 708 709 710

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 of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed, 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)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B)(1)(d) of this section.	743 744 745 746 747 748 749 750 751 752 753 754 755
(e) The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:	756 757 758 759 760 761 762 763 764 765 766 767 768 769
(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.	770 771
(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.	772 773 774

(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 to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.	841 842 843 844 845 846 847 848
(v) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.	849 850 851 852 853 854 855 856 857 858
(b) The court shall impose on an offender the longest prison term authorized or required for the offense and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:	859 860 861 862 863
(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.	864 865 866
(ii) The offender within the preceding twenty years has been convicted of or pleaded guilty to three or more offenses described in division (CC)(1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the	867 868 869 870

offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that division of which the offender previously has been convicted or to which the offender previously pleaded guilty, whether prosecuted together or separately.	871 872 873 874 875
(iii) The offense or offenses of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.	876 877 878 879 880 881 882 883 884 885 886 887
(c) For purposes of division (B)(2)(b) of this section, two or more offenses committed at the same time or as part of the same act or event shall be considered one offense, and that one offense shall be the offense with the greatest penalty.	888 889 890 891
(d) A sentence imposed under division (B)(2)(a) or (b) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, or section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. The offender shall serve an additional prison term imposed under this section consecutively to and prior to the prison term imposed for the underlying offense.	892 893 894 895 896 897 898
(e) When imposing a sentence pursuant to division (B)(2)(a) or (b) of this section, the court shall state its findings explaining the imposed sentence.	899 900 901

(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.	902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932
(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13	933 934

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 1032
Revised Code and also is convicted of or pleads guilty to a 1033
specification of the type described in section 2941.1423 of the 1034
Revised Code that charges that the victim of the violation was a 1035
woman whom the offender knew was pregnant at the time of the 1036
violation, notwithstanding the range of prison terms prescribed in 1037
division (A) of this section for felonies of the same degree as 1038
the violation, the court shall impose on the offender a mandatory 1039
prison term that is either a definite prison term of six months or 1040
one of the prison terms prescribed in section 2929.14 of the 1041
Revised Code for felonies of the same degree as the violation. 1042

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 1043
mandatory prison term is imposed upon an offender pursuant to 1044
division (B)(1)(a) of this section for having a firearm on or 1045
about the offender's person or under the offender's control while 1046
committing a felony, if a mandatory prison term is imposed upon an 1047
offender pursuant to division (B)(1)(c) of this section for 1048
committing a felony specified in that division by discharging a 1049
firearm from a motor vehicle, or if both types of mandatory prison 1050
terms are imposed, the offender shall serve any mandatory prison 1051
term imposed under either division consecutively to any other 1052
mandatory prison term imposed under either division or under 1053
division (B)(1)(d) of this section, consecutively to and prior to 1054
any prison term imposed for the underlying felony pursuant to 1055
division (A), (B)(2), or (B)(3) of this section or any other 1056
section of the Revised Code, and consecutively to any other prison 1057
term or mandatory prison term previously or subsequently imposed 1058
upon the offender. 1059

(b) If a mandatory prison term is imposed upon an offender 1060
pursuant to division (B)(1)(d) of this section for wearing or 1061
carrying body armor while committing an offense of violence that 1062
is a felony, the offender shall serve the mandatory term so 1063

imposed consecutively to any other mandatory prison term imposed under that division or under division (B)(1)(a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under 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.	1064 1065 1066 1067 1068 1069 1070
(c) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(f) of this section, the offender shall serve the mandatory prison term so imposed consecutively to and prior to any prison term imposed for the underlying felony under 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.	1071 1072 1073 1074 1075 1076 1077 1078
(d) If a mandatory prison term is imposed upon an offender pursuant to division (B)(7) or (8) of this section, the offender shall serve the mandatory prison term so imposed consecutively to any other mandatory prison term imposed under that division or under any other provision of law and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.	1079 1080 1081 1082 1083 1084 1085
(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) of section 2921.34 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of division (A)(1) or (2) of section 2921.34 of the Revised Code, any	1086 1087 1088 1089 1090 1091 1092 1093 1094 1095

prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.	1096 1097 1098 1099 1100
(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.	1101 1102 1103 1104 1105 1106 1107 1108
(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:	1109 1110 1111 1112 1113 1114 1115 1116
(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.	1117 1118 1119 1120 1121
(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.	1122 1123 1124 1125 1126 1127

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.	1128 1129 1130
(5) If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (B)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (B)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to division (B)(6) of this section and consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.	1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148
(6) When consecutive prison terms are imposed pursuant to division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) of this section, the term to be served is the aggregate of all of the terms so imposed.	1149 1150 1151 1152
(D)(1) If a court imposes a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from	1153 1154 1155 1156 1157 1158 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 adjudicated a sexually violent predator.	1192 1193
(2) A person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.	1194 1195 1196 1197 1198 1199 1200 1201
(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.	1202 1203 1204 1205
(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	1206 1207 1208 1209
(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, division (A)(1) e (q), (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 the court to sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code.	1210 1211 1212 1213 1214 1215 1216 1217
(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B)(2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	1218 1219 1220 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 under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.	1223 1224 1225 1226 1227 1228
(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.	1229 1230 1231 1232 1233 1234 1235
(H)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.	1236 1237 1238 1239 1240 1241 1242 1243 1244 1245
(2)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:	1246 1247 1248 1249 1250 1251
(i) Subject to division (H)(2)(a)(ii) of this section, an additional prison term of one, two, three, four, five, or six months;	1252 1253 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.	1255 1256 1257 1258 1259 1260 1261 1262
(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.	1263 1264 1265 1266 1267 1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284
(I) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under	1285 1286

section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.	1287 1288 1289 1290 1291 1292 1293 1294 1295 1296
If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.	1297 1298 1299 1300
If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.	1301 1302 1303 1304 1305 1306
If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.	1307 1308 1309 1310 1311 1312
If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an	1313 1314 1315 1316 1317 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.	1350 1351
(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.	1352 1353 1354 1355
(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.	1356 1357 1358 1359 1360 1361
(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.	1362 1363 1364 1365 1366 1367 1368 1369
(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.	1370 1371 1372 1373 1374
(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:	1375 1376 1377 1378 1379
"Specification (or, specification to the first count). The	1380

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 person is a sexually violent predator, all of the factors set forth in divisions (H)(1) to (6) of section 2971.01 of the Revised Code that apply regarding the person may be considered as evidence tending to indicate that it is likely that the person will engage in the future in one or more sexually violent offenses.	1384 1385 1386 1387 1388 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 section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, 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, the court shall impose a sentence upon a person who is convicted of or pleads guilty to a violent sex offense and who also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, and upon a person who is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, as follows:	1394 1395 1396 1397 1398 1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411

- (1) If the offense for which the sentence is being imposed is 1412
aggravated murder and if the court does not impose upon the 1413
offender a sentence of death, it shall impose upon the offender a 1414
term of life imprisonment without parole. If the court sentences 1415
the offender to death and the sentence of death is vacated, 1416
overturned, or otherwise set aside, the court shall impose upon 1417
the offender a term of life imprisonment without parole. 1418
- (2) If the offense for which the sentence is being imposed is 1419
murder; or if the offense is rape committed in violation of 1420
division (A)(1)(b) of section 2907.02 of the Revised Code when the 1421
offender purposely compelled the victim to submit by force or 1422
threat of force, when the victim was less than ten years of age, 1423
when the offender previously has been convicted of or pleaded 1424
guilty to either rape committed in violation of that division or a 1425
violation of an existing or former law of this state, another 1426
state, or the United States that is substantially similar to 1427
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 1428
the offender during or immediately after the commission of the 1429
rape caused serious physical harm to the victim; or if the offense 1430
is an offense other than aggravated murder or murder for which a 1431
term of life imprisonment may be imposed, it shall impose upon the 1432
offender a term of life imprisonment without parole. 1433
- (3)(a) Except as otherwise provided in division (A)(3)(b), 1434
(c), (d), or (e) or (A)(4) of this section, if the offense for 1435
which the sentence is being imposed is an offense other than 1436
aggravated murder, murder, or rape and other than an offense for 1437
which a term of life imprisonment may be imposed, it shall impose 1438
an indefinite prison term consisting of a minimum term fixed by 1439
the court from among the range of terms available as a definite 1440
term for the offense, but not less than two years, and a maximum 1441
term of life imprisonment. 1442
- (b) Except as otherwise provided in division (A)(4) of this 1443

section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the first degree, it shall impose an indefinite prison term as follows:	1444 1445 1446
(i) If the kidnapping is committed on or after January 1, 2008, and the victim of the offense is less than thirteen years of age, except as otherwise provided in this division, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment. If the kidnapping is committed on or after January 1, 2008, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment.	1447 1448 1449 1450 1451 1452 1453 1454 1455 1456
(ii) If the kidnapping is committed prior to January 1, 2008, or division (A)(3)(b)(i) of this section does not apply, it shall impose an indefinite term consisting of a minimum term fixed by the court that is not less than ten years and a maximum term of life imprisonment.	1457 1458 1459 1460 1461
(c) Except as otherwise provided in division (A)(4) of this section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the second degree, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than eight years, and a maximum term of life imprisonment.	1462 1463 1464 1465 1466 1467
(d) Except as otherwise provided in division (A)(4) of this section, if the offense for which the sentence is being imposed is rape for which a term of life imprisonment is not imposed under division (A)(2) of this section or division (B) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term as follows:	1468 1469 1470 1471 1472 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.	1475 1476 1477 1478
(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.	1479 1480 1481 1482 1483 1484
(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:	1485 1486 1487 1488
(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.	1489 1490 1491
(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.	1492 1493 1494 1495 1496 1497
(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.	1498 1499 1500 1501 1502 1503
(iv) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the	1504 1505

offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum of life imprisonment.	1506 1507 1508 1509
(4) For any offense for which the sentence is being imposed, if the offender previously has been convicted of or pleaded guilty to a violent sex offense and also to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or previously has been convicted of or pleaded guilty to a designated homicide, assault, or kidnapping offense and also to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, it shall impose upon the offender a term of life imprisonment without parole.	1510 1511 1512 1513 1514 1515 1516 1517 1518 1519 1520
(B)(1) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than division (B) of section 2907.02 or divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, if a person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, if division (A) of this section does not apply regarding the person, and if the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of one of the following:	1521 1522 1523 1524 1525 1526 1527 1528 1529 1530 1531 1532 1533 1534 1535
(a) Except as otherwise required in division (B)(1)(b) or (c) of this section, a minimum term of ten years and a maximum term of	1536 1537

life imprisonment.	1538
(b) If the victim was less than ten years of age, a minimum term of fifteen years and a maximum of life imprisonment.	1539 1540
(c) If the offender purposely compels the victim to submit by force or threat of force, or if the offender previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of section 2907.02 of the Revised Code or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of that section, or if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, a minimum term of twenty-five years and a maximum of life imprisonment.	1541 1542 1543 1544 1545 1546 1547 1548 1549
(2) 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 and except as otherwise provided in division (B) of section 2907.02 of the Revised Code, if a person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, 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:	1550 1551 1552 1553 1554 1555 1556 1557 1558 1559 1560 1561 1562
(a) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.	1563 1564 1565 1566 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 1569
Revised Code, the court shall impose upon the person an indefinite 1570
prison term consisting of a minimum term of ten years and a 1571
maximum term of life imprisonment. 1572

(c) If the person also is convicted of or pleads guilty to a 1573
specification of the type described in section 2941.1420 of the 1574
Revised Code, the court shall impose upon the person an indefinite 1575
prison term consisting of a minimum term of fifteen years and a 1576
maximum term of life imprisonment. 1577

(3) Notwithstanding section 2929.13, division (A) or (D) of 1578
section 2929.14, or another section of the Revised Code other than 1579
divisions (B) and (C) of section 2929.14 of the Revised Code that 1580
authorizes or requires a specified prison term or a mandatory 1581
prison term for a person who is convicted of or pleads guilty to a 1582
felony or that specifies the manner and place of service of a 1583
prison term or term of imprisonment, if a person is convicted of 1584
or pleads guilty to an offense described in division (B)(3)(a), 1585
(b), (c), or (d) of this section committed on or after January 1, 1586
2008, if the person also is convicted of or pleads guilty to a 1587
sexual motivation specification that was included in the 1588
indictment, count in the indictment, or information charging that 1589
offense, and if division (A) of this section does not apply 1590
regarding the person, the court shall impose upon the person an 1591
indefinite prison term consisting of one of the following: 1592

(a) An indefinite prison term consisting of a minimum of ten 1593
years and a maximum term of life imprisonment if the offense for 1594
which the sentence is being imposed is kidnapping, the victim of 1595
the offense is less than thirteen years of age, and the offender 1596
released the victim in a safe place unharmed; 1597

(b) An indefinite prison term consisting of a minimum of 1598
fifteen years and a maximum term of life imprisonment if the 1599
offense for which the sentence is being imposed is kidnapping when 1600

the victim of the offense is less than thirteen years of age and division (B)(3)(a) of this section does not apply;	1601 1602
(c) An indefinite term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is aggravated murder, when the victim of the offense is less than thirteen years of age, a sentence of death or life imprisonment without parole is not imposed for the offense, and division (A)(2)(b)(ii) of section 2929.022, division (A)(1) e <u>q</u> , (C)(1)(a) v <u>vii</u> , (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a) iv <u>vi</u> , or (E) 1 <u>d</u> 6 of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires that the sentence for the offense be imposed pursuant to this division;	1603 1604 1605 1606 1607 1608 1609 1610 1611 1612 1613
(d) An indefinite prison term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is murder when the victim of the offense is less than thirteen years of age.	1614 1615 1616 1617
(C)(1) If the offender is sentenced to a prison term pursuant to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board terminates its control in accordance with section 2971.04 of the Revised Code.	1618 1619 1620 1621 1622 1623
(2) Except as provided in division (C)(3) of this section, an offender sentenced to a prison term or term of life imprisonment without parole pursuant to division (A) of this section shall serve the entire prison term or term of life imprisonment in a state correctional institution. The offender is not eligible for judicial release under section 2929.20 of the Revised Code.	1624 1625 1626 1627 1628 1629
(3) For a prison term imposed pursuant to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b),	1630 1631

(c), or (d) of this section, the court, in accordance with section 2971.05 of the Revised Code, may terminate the prison term or modify the requirement that the offender serve the entire term in a state correctional institution if all of the following apply:	1632 1633 1634 1635
(a) The offender has served at least the minimum term imposed as part of that prison term.	1636 1637
(b) The parole board, pursuant to section 2971.04 of the Revised Code, has terminated its control over the offender's service of that prison term.	1638 1639 1640
(c) The court has held a hearing and found, by clear and convincing evidence, one of the following:	1641 1642
(i) In the case of termination of the prison term, that the offender is unlikely to commit a sexually violent offense in the future;	1643 1644 1645
(ii) In the case of modification of the requirement, that the offender does not represent a substantial risk of physical harm to others.	1646 1647 1648
(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A)(1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.	1649 1650 1651 1652 1653
(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.	1654 1655 1656 1657 1658 1659 1660 1661

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A)(3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.	1662 1663 1664 1665 1666 1667 1668 1669
(F)(1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, the conviction of or plea of guilty to the offense and the sexually violent predator specification automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.	1670 1671 1672 1673 1674 1675 1676 1677 1678 1679 1680 1681 1682
(2) If an offender is convicted of or pleads guilty to committing on or after January 2, 2007, a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and either the offender is sentenced under section 2971.03 of the Revised Code or a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.	1683 1684 1685 1686 1687 1688 1689 1690 1691
(3) If a person is convicted of or pleads guilty to committing on or after January 2, 2007, attempted rape and also is	1692 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 (B) of that section prohibits the court from sentencing the offender pursuant to section 2971.03 of the Revised Code.	1725 1726 1727
(4) The offender is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.	1728 1729 1730 1731 1732
(5) The offender is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code and 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 that section requires a court to sentence the offender pursuant to section 2971.03 of the Revised Code.	1733 1734 1735 1736 1737 1738 1739
(6) The offender is convicted of or pleads guilty to aggravated murder and 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 division (A)(2)(b)(ii) of section 2929.022, division (A)(1) (e) <u>(g)</u> , (C)(1)(a) v <u>vii</u> , (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a) iv <u>vi</u> , or (E) 1 <u>d</u> 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.	1740 1741 1742 1743 1744 1745 1746 1747 1748 1749
(7) The offender is convicted of or pleads guilty to murder and 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 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.	1750 1751 1752 1753 1754 1755 1756

(B) This chapter does not limit or affect a court in imposing upon an offender described in divisions (A)(1) to (9) of this section any financial sanction under section 2929.18 or any other section of the Revised Code, or, except as specifically provided in this chapter, any other sanction that is authorized or required for the offense or violation by any other provision of law.	1757 1758 1759 1760 1761 1762
(C) If an offender is sentenced to a prison term under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and if, pursuant to section 2971.05 of the Revised Code, the court modifies the requirement that the offender serve the entire prison term in a state correctional institution or places the offender on conditional release that involves the placement of the offender under the supervision of the adult parole authority, authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or any other real property in which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the field officer has reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the terms and conditions of the offender's modification or release. The authority shall provide each offender with a written notice that informs the offender that authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of the modification or release if they have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the terms and conditions of the offender's modification or release.	1763 1764 1765 1766 1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784 1785 1786 1787 1788

Sec. 5120.61. (A)(1) Not later than ninety days after January 1, 1997, the department of rehabilitation and correction shall adopt standards that it will use under this section to assess the following criminal offenders and may periodically revise the standards:	1789 1790 1791 1792 1793
(a) A criminal offender who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and is adjudicated a sexually violent predator in relation to that offense;	1794 1795 1796 1797
(b) A criminal offender who is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;	1798 1799 1800 1801 1802 1803
(c) A criminal offender who is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;	1804 1805 1806 1807
(d) A criminal offender who is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code and 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 who is sentenced pursuant to section 2971.03 of the Revised Code;	1808 1809 1810 1811 1812 1813
(e) A criminal offender who is convicted of or pleads guilty to aggravated murder and 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 who pursuant to division (A)(2)(b)(ii) of section 2929.022, division (A)(1) <u>(e)(g)</u> , (C)(1)(a) <u>(v)(vi)</u> , (C)(2)(a)(ii),	1814 1815 1816 1817 1818 1819

(D)(2)(b), (D)(3)(a) (iv) <ins>(vi)</ins> , or (E) (1) <ins>(d)</ins> (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 any other relevant documents the department possesses regarding the offender that the department does not consider to be confidential.	1882 1883 1884 1885
(C) As used in this section:	1886
(1) "Adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.	1887 1888 1889 1890
(2) "Designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code.	1891 1892 1893
Section 2. That existing sections 2929.03, 2929.04, 2929.06, 2929.14, 2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code are hereby repealed.	1894 1895 1896
Section 3. This act shall be known as "Justin's Law."	1897