

As Introduced

**130th General Assembly
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H. B. No. 648

Representative Patmon

Cosponsor: Representative Becker

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A B I L L

To amend sections 2152.17 and 2929.14 and to enact 1
sections 2941.1424 and 2941.1425 of the Revised 2
Code to create specifications that impose an 3
additional prison term upon an offender who 4
commits a felony offense against a disabled person 5
or an elderly person and increase the period of 6
commitment to the Department of Youth Services for 7
committing an act that would be a felony offense 8
against a disabled person or an elderly person if 9
committed by an adult, for felony offenses that do 10
not delineate enhanced penalties when a disabled 11
person or an elderly person is the victim of the 12
violation. 13

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

Section 1. That sections 2152.17 and 2929.14 be amended and 14
sections 2941.1424 and 2941.1425 of the Revised Code be enacted to 15
read as follows: 16

Sec. 2152.17. (A) Subject to division (D) of this section, if 17
a child is adjudicated a delinquent child for committing an act, 18
other than a violation of section 2923.12 of the Revised Code, 19

that would be a felony if committed by an adult and if the court
determines that, if the child was an adult, the child would be
guilty of a specification of the type set forth in section
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, ~~or~~
2941.1415, 2941.1424, or 2941.1425 of the Revised Code, in
addition to any commitment or other disposition the court imposes
for the underlying delinquent act, all of the following apply:

(1) If the court determines that the child would be guilty of
a specification of the type set forth in section 2941.141 of the
Revised Code, the court may commit the child to the department of
youth services for the specification for a definite period of up
to one year.

(2) If the court determines that the child would be guilty of
a specification of the type set forth in section 2941.145 of the
Revised Code or if the delinquent act is a violation of division
(A)(1) or (2) of section 2903.06 of the Revised Code and the court
determines that the child would be guilty of a specification of
the type set forth in section 2941.1415 of the Revised Code, the
court shall commit the child to the department of youth services
for the specification for a definite period of not less than one
and not more than three years, and the court also shall commit the
child to the department for the underlying delinquent act under
sections 2152.11 to 2152.16 of the Revised Code.

(3) If the court determines that the child would be guilty of
a specification of the type set forth in section 2941.144,
2941.146, or 2941.1412 of the Revised Code or if the delinquent
act is a violation of division (A)(1) or (2) of section 2903.06 of
the Revised Code and the court determines that the child would be
guilty of a specification of the type set forth in section
2941.1414 of the Revised Code, the court shall commit the child to
the department of youth services for the specification for a
definite period of not less than one and not more than five years,

and the court also shall commit the child to the department for 52
the underlying delinquent act under sections 2152.11 to 2152.16 of 53
the Revised Code. 54

(4) If the court determines that the child would be guilty of 55
a specification of the type set forth in section 2941.1424 or 56
2941.1425 of the Revised Code, the court shall commit the child to 57
the department of youth services for the specification for a 58
definite period of two years. 59

(B)(1) If a child is adjudicated a delinquent child for 60
committing an act, other than a violation of section 2923.12 of 61
the Revised Code, that would be a felony if committed by an adult, 62
if the court determines that the child is complicit in another 63
person's conduct that is of such a nature that the other person 64
would be guilty of a specification of the type set forth in 65
section 2941.141, 2941.144, 2941.145, or 2941.146 of the Revised 66
Code if the other person was an adult, if the other person's 67
conduct relates to the child's underlying delinquent act, and if 68
the child did not furnish, use, or dispose of any firearm that was 69
involved with the underlying delinquent act or with the other 70
person's specification-related conduct, in addition to any other 71
disposition the court imposes for the underlying delinquent act, 72
the court may commit the child to the department of youth services 73
for the specification for a definite period of not more than one 74
year, subject to division (D)(2) of this section. 75

(2) Except as provided in division (B)(1) of this section, 76
division (A) of this section also applies to a child who is an 77
accomplice regarding a firearm specification of the type set forth 78
in section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 79
to the same extent the firearm specifications would apply to an 80
adult accomplice in a criminal proceeding. 81

(C) If a child is adjudicated a delinquent child for 82
committing an act that would be aggravated murder, murder, or a 83

first, second, or third degree felony offense of violence if 84
committed by an adult and if the court determines that, if the 85
child was an adult, the child would be guilty of a specification 86
of the type set forth in section 2941.142 of the Revised Code in 87
relation to the act for which the child was adjudicated a 88
delinquent child, the court shall commit the child for the 89
specification to the legal custody of the department of youth 90
services for institutionalization in a secure facility for a 91
definite period of not less than one and not more than three 92
years, subject to division (D)(2) of this section, and the court 93
also shall commit the child to the department for the underlying 94
delinquent act. 95

(D)(1) If the child is adjudicated a delinquent child for 96
committing an act that would be an offense of violence that is a 97
felony if committed by an adult and is committed to the legal 98
custody of the department of youth services pursuant to division 99
(A)(1) of section 2152.16 of the Revised Code and if the court 100
determines that the child, if the child was an adult, would be 101
guilty of a specification of the type set forth in section 102
2941.1411 of the Revised Code in relation to the act for which the 103
child was adjudicated a delinquent child, the court may commit the 104
child to the custody of the department of youth services for 105
institutionalization in a secure facility for up to two years, 106
subject to division (D)(2) of this section. 107

(2) A court that imposes a period of commitment under 108
division (A) of this section is not precluded from imposing an 109
additional period of commitment under division (C) or (D)(1) of 110
this section, a court that imposes a period of commitment under 111
division (C) of this section is not precluded from imposing an 112
additional period of commitment under division (A) or (D)(1) of 113
this section, and a court that imposes a period of commitment 114
under division (D)(1) of this section is not precluded from 115

imposing an additional period of commitment under division (A) or 116
(C) of this section. 117

(E) The court shall not commit a child to the legal custody 118
of the department of youth services for a specification pursuant 119
to this section for a period that exceeds five years for any one 120
delinquent act. Any commitment imposed pursuant to division (A), 121
(B), (C), or (D)(1) of this section shall be in addition to, and 122
shall be served consecutively with and prior to, a period of 123
commitment ordered under this chapter for the underlying 124
delinquent act, and each commitment imposed pursuant to division 125
(A), (B), (C), or (D)(1) of this section shall be in addition to, 126
and shall be served consecutively with, any other period of 127
commitment imposed under those divisions. If a commitment is 128
imposed under division (A) or (B) of this section and a commitment 129
also is imposed under division (C) of this section, the period 130
imposed under division (A) or (B) of this section shall be served 131
prior to the period imposed under division (C) of this section. 132

In each case in which a court makes a disposition under this 133
section, the court retains control over the commitment for the 134
entire period of the commitment. 135

The total of all the periods of commitment imposed for any 136
specification under this section and for the underlying offense 137
shall not exceed the child's attainment of twenty-one years of 138
age. 139

(F) If a child is adjudicated a delinquent child for 140
committing two or more acts that would be felonies if committed by 141
an adult and if the court entering the delinquent child 142
adjudication orders the commitment of the child for two or more of 143
those acts to the legal custody of the department of youth 144
services for institutionalization in a secure facility pursuant to 145
section 2152.13 or 2152.16 of the Revised Code, the court may 146
order that all of the periods of commitment imposed under those 147

sections for those acts be served consecutively in the legal 148
custody of the department of youth services, provided that those 149
periods of commitment shall be in addition to and commence 150
immediately following the expiration of a period of commitment 151
that the court imposes pursuant to division (A), (B), (C), or 152
(D)(1) of this section. A court shall not commit a delinquent 153
child to the legal custody of the department of youth services 154
under this division for a period that exceeds the child's 155
attainment of twenty-one years of age. 156

Sec. 2929.14. (A) Except as provided in division (B)(1), 157
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 158
(B)(10), (E), (G), (H), or (J) of this section or in division 159
(D)(6) of section 2919.25 of the Revised Code and except in 160
relation to an offense for which a sentence of death or life 161
imprisonment is to be imposed, if the court imposing a sentence 162
upon an offender for a felony elects or is required to impose a 163
prison term on the offender pursuant to this chapter, the court 164
shall impose a definite prison term that shall be one of the 165
following: 166

(1) For a felony of the first degree, the prison term shall 167
be three, four, five, six, seven, eight, nine, ten, or eleven 168
years. 169

(2) For a felony of the second degree, the prison term shall 170
be two, three, four, five, six, seven, or eight years. 171

(3)(a) For a felony of the third degree that is a violation 172
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 173
Revised Code or that is a violation of section 2911.02 or 2911.12 174
of the Revised Code if the offender previously has been convicted 175
of or pleaded guilty in two or more separate proceedings to two or 176
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 177
of the Revised Code, the prison term shall be twelve, eighteen, 178

twenty-four, thirty, thirty-six, forty-two, forty-eight, 179
fifty-four, or sixty months. 180

(b) For a felony of the third degree that is not an offense 181
for which division (A)(3)(a) of this section applies, the prison 182
term shall be nine, twelve, eighteen, twenty-four, thirty, or 183
thirty-six months. 184

(4) For a felony of the fourth degree, the prison term shall 185
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 186
fourteen, fifteen, sixteen, seventeen, or eighteen months. 187

(5) For a felony of the fifth degree, the prison term shall 188
be six, seven, eight, nine, ten, eleven, or twelve months. 189

(B)(1)(a) Except as provided in division (B)(1)(e) of this 190
section, if an offender who is convicted of or pleads guilty to a 191
felony also is convicted of or pleads guilty to a specification of 192
the type described in section 2941.141, 2941.144, or 2941.145 of 193
the Revised Code, the court shall impose on the offender one of 194
the following prison terms: 195

(i) A prison term of six years if the specification is of the 196
type described in section 2941.144 of the Revised Code that 197
charges the offender with having a firearm that is an automatic 198
firearm or that was equipped with a firearm muffler or silencer on 199
or about the offender's person or under the offender's control 200
while committing the felony; 201

(ii) A prison term of three years if the specification is of 202
the type described in section 2941.145 of the Revised Code that 203
charges the offender with having a firearm on or about the 204
offender's person or under the offender's control while committing 205
the offense and displaying the firearm, brandishing the firearm, 206
indicating that the offender possessed the firearm, or using it to 207
facilitate the offense; 208

(iii) A prison term of one year if the specification is of 209

the type described in section 2941.141 of the Revised Code that 210
charges the offender with having a firearm on or about the 211
offender's person or under the offender's control while committing 212
the felony. 213

(b) If a court imposes a prison term on an offender under 214
division (B)(1)(a) of this section, the prison term shall not be 215
reduced pursuant to section 2967.19, section 2929.20, section 216
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 217
of the Revised Code. Except as provided in division (B)(1)(g) of 218
this section, a court shall not impose more than one prison term 219
on an offender under division (B)(1)(a) of this section for 220
felonies committed as part of the same act or transaction. 221

(c) Except as provided in division (B)(1)(e) of this section, 222
if an offender who is convicted of or pleads guilty to a violation 223
of section 2923.161 of the Revised Code or to a felony that 224
includes, as an essential element, purposely or knowingly causing 225
or attempting to cause the death of or physical harm to another, 226
also is convicted of or pleads guilty to a specification of the 227
type described in section 2941.146 of the Revised Code that 228
charges the offender with committing the offense by discharging a 229
firearm from a motor vehicle other than a manufactured home, the 230
court, after imposing a prison term on the offender for the 231
violation of section 2923.161 of the Revised Code or for the other 232
felony offense under division (A), (B)(2), or (B)(3) of this 233
section, shall impose an additional prison term of five years upon 234
the offender that shall not be reduced pursuant to section 235
2929.20, section 2967.19, section 2967.193, or any other provision 236
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 237
shall not impose more than one additional prison term on an 238
offender under division (B)(1)(c) of this section for felonies 239
committed as part of the same act or transaction. If a court 240
imposes an additional prison term on an offender under division 241

(B)(1)(c) of this section relative to an offense, the court also 242
shall impose a prison term under division (B)(1)(a) of this 243
section relative to the same offense, provided the criteria 244
specified in that division for imposing an additional prison term 245
are satisfied relative to the offender and the offense. 246

(d) If an offender who is convicted of or pleads guilty to an 247
offense of violence that is a felony also is convicted of or 248
pleads guilty to a specification of the type described in section 249
2941.1411 of the Revised Code that charges the offender with 250
wearing or carrying body armor while committing the felony offense 251
of violence, the court shall impose on the offender a prison term 252
of two years. The prison term so imposed, subject to divisions (C) 253
to (I) of section 2967.19 of the Revised Code, shall not be 254
reduced pursuant to section 2929.20, section 2967.19, section 255
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 256
of the Revised Code. A court shall not impose more than one prison 257
term on an offender under division (B)(1)(d) of this section for 258
felonies committed as part of the same act or transaction. If a 259
court imposes an additional prison term under division (B)(1)(a) 260
or (c) of this section, the court is not precluded from imposing 261
an additional prison term under division (B)(1)(d) of this 262
section. 263

(e) The court shall not impose any of the prison terms 264
described in division (B)(1)(a) of this section or any of the 265
additional prison terms described in division (B)(1)(c) of this 266
section upon an offender for a violation of section 2923.12 or 267
2923.123 of the Revised Code. The court shall not impose any of 268
the prison terms described in division (B)(1)(a) or (b) of this 269
section upon an offender for a violation of section 2923.122 that 270
involves a deadly weapon that is a firearm other than a dangerous 271
ordnance, section 2923.16, or section 2923.121 of the Revised 272
Code. The court shall not impose any of the prison terms described 273

in division (B)(1)(a) of this section or any of the additional 274
prison terms described in division (B)(1)(c) of this section upon 275
an offender for a violation of section 2923.13 of the Revised Code 276
unless all of the following apply: 277

(i) The offender previously has been convicted of aggravated 278
murder, murder, or any felony of the first or second degree. 279

(ii) Less than five years have passed since the offender was 280
released from prison or post-release control, whichever is later, 281
for the prior offense. 282

(f) If an offender is convicted of or pleads guilty to a 283
felony that includes, as an essential element, causing or 284
attempting to cause the death of or physical harm to another and 285
also is convicted of or pleads guilty to a specification of the 286
type described in section 2941.1412 of the Revised Code that 287
charges the offender with committing the offense by discharging a 288
firearm at a peace officer as defined in section 2935.01 of the 289
Revised Code or a corrections officer, as defined in section 290
2941.1412 of the Revised Code, the court, after imposing a prison 291
term on the offender for the felony offense under division (A), 292
(B)(2), or (B)(3) of this section, shall impose an additional 293
prison term of seven years upon the offender that shall not be 294
reduced pursuant to section 2929.20, section 2967.19, section 295
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 296
of the Revised Code. If an offender is convicted of or pleads 297
guilty to two or more felonies that include, as an essential 298
element, causing or attempting to cause the death or physical harm 299
to another and also is convicted of or pleads guilty to a 300
specification of the type described under division (B)(1)(f) of 301
this section in connection with two or more of the felonies of 302
which the offender is convicted or to which the offender pleads 303
guilty, the sentencing court shall impose on the offender the 304
prison term specified under division (B)(1)(f) of this section for 305

each of two of the specifications of which the offender is 306
convicted or to which the offender pleads guilty and, in its 307
discretion, also may impose on the offender the prison term 308
specified under that division for any or all of the remaining 309
specifications. If a court imposes an additional prison term on an 310
offender under division (B)(1)(f) of this section relative to an 311
offense, the court shall not impose a prison term under division 312
(B)(1)(a) or (c) of this section relative to the same offense. 313

(g) If an offender is convicted of or pleads guilty to two or 314
more felonies, if one or more of those felonies are aggravated 315
murder, murder, attempted aggravated murder, attempted murder, 316
aggravated robbery, felonious assault, or rape, and if the 317
offender is convicted of or pleads guilty to a specification of 318
the type described under division (B)(1)(a) of this section in 319
connection with two or more of the felonies, the sentencing court 320
shall impose on the offender the prison term specified under 321
division (B)(1)(a) of this section for each of the two most 322
serious specifications of which the offender is convicted or to 323
which the offender pleads guilty and, in its discretion, also may 324
impose on the offender the prison term specified under that 325
division for any or all of the remaining specifications. 326

(2)(a) If division (B)(2)(b) of this section does not apply, 327
the court may impose on an offender, in addition to the longest 328
prison term authorized or required for the offense, an additional 329
definite prison term of one, two, three, four, five, six, seven, 330
eight, nine, or ten years if all of the following criteria are 331
met: 332

(i) The offender is convicted of or pleads guilty to a 333
specification of the type described in section 2941.149 of the 334
Revised Code that the offender is a repeat violent offender. 335

(ii) The offense of which the offender currently is convicted 336
or to which the offender currently pleads guilty is aggravated 337

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.

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

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

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

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

three, four, five, six, seven, eight, nine, or ten years if all of 370
the following criteria are met: 371

(i) The offender is convicted of or pleads guilty to a 372
specification of the type described in section 2941.149 of the 373
Revised Code that the offender is a repeat violent offender. 374

(ii) The offender within the preceding twenty years has been 375
convicted of or pleaded guilty to three or more offenses described 376
in division (CC)(1) of section 2929.01 of the Revised Code, 377
including all offenses described in that division of which the 378
offender is convicted or to which the offender pleads guilty in 379
the current prosecution and all offenses described in that 380
division of which the offender previously has been convicted or to 381
which the offender previously pleaded guilty, whether prosecuted 382
together or separately. 383

(iii) The offense or offenses of which the offender currently 384
is convicted or to which the offender currently pleads guilty is 385
aggravated murder and the court does not impose a sentence of 386
death or life imprisonment without parole, murder, terrorism and 387
the court does not impose a sentence of life imprisonment without 388
parole, any felony of the first degree that is an offense of 389
violence and the court does not impose a sentence of life 390
imprisonment without parole, or any felony of the second degree 391
that is an offense of violence and the trier of fact finds that 392
the offense involved an attempt to cause or a threat to cause 393
serious physical harm to a person or resulted in serious physical 394
harm to a person. 395

(c) For purposes of division (B)(2)(b) of this section, two 396
or more offenses committed at the same time or as part of the same 397
act or event shall be considered one offense, and that one offense 398
shall be the offense with the greatest penalty. 399

(d) A sentence imposed under division (B)(2)(a) or (b) of 400

this section shall not be reduced pursuant to section 2929.20, 401
section 2967.19, or section 2967.193, or any other provision of 402
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 403
shall serve an additional prison term imposed under this section 404
consecutively to and prior to the prison term imposed for the 405
underlying offense. 406

(e) When imposing a sentence pursuant to division (B)(2)(a) 407
or (b) of this section, the court shall state its findings 408
explaining the imposed sentence. 409

(3) Except when an offender commits a violation of section 410
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 411
the violation is life imprisonment or commits a violation of 412
section 2903.02 of the Revised Code, if the offender commits a 413
violation of section 2925.03 or 2925.11 of the Revised Code and 414
that section classifies the offender as a major drug offender, if 415
the offender commits a felony violation of section 2925.02, 416
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 417
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 418
division (C) of section 4729.51, or division (J) of section 419
4729.54 of the Revised Code that includes the sale, offer to sell, 420
or possession of a schedule I or II controlled substance, with the 421
exception of marihuana, and the court imposing sentence upon the 422
offender finds that the offender is guilty of a specification of 423
the type described in section 2941.1410 of the Revised Code 424
charging that the offender is a major drug offender, if the court 425
imposing sentence upon an offender for a felony finds that the 426
offender is guilty of corrupt activity with the most serious 427
offense in the pattern of corrupt activity being a felony of the 428
first degree, or if the offender is guilty of an attempted 429
violation of section 2907.02 of the Revised Code and, had the 430
offender completed the violation of section 2907.02 of the Revised 431
Code that was attempted, the offender would have been subject to a 432

sentence of life imprisonment or life imprisonment without parole 433
for the violation of section 2907.02 of the Revised Code, the 434
court shall impose upon the offender for the felony violation a 435
mandatory prison term of the maximum prison term prescribed for a 436
felony of the first degree that, subject to divisions (C) to (I) 437
of section 2967.19 of the Revised Code, cannot be reduced pursuant 438
to section 2929.20, section 2967.19, or any other provision of 439
Chapter 2967. or 5120. of the Revised Code. 440

(4) If the offender is being sentenced for a third or fourth 441
degree felony OVI offense under division (G)(2) of section 2929.13 442
of the Revised Code, the sentencing court shall impose upon the 443
offender a mandatory prison term in accordance with that division. 444
In addition to the mandatory prison term, if the offender is being 445
sentenced for a fourth degree felony OVI offense, the court, 446
notwithstanding division (A)(4) of this section, may sentence the 447
offender to a definite prison term of not less than six months and 448
not more than thirty months, and if the offender is being 449
sentenced for a third degree felony OVI offense, the sentencing 450
court may sentence the offender to an additional prison term of 451
any duration specified in division (A)(3) of this section. In 452
either case, the additional prison term imposed shall be reduced 453
by the sixty or one hundred twenty days imposed upon the offender 454
as the mandatory prison term. The total of the additional prison 455
term imposed under division (B)(4) of this section plus the sixty 456
or one hundred twenty days imposed as the mandatory prison term 457
shall equal a definite term in the range of six months to thirty 458
months for a fourth degree felony OVI offense and shall equal one 459
of the authorized prison terms specified in division (A)(3) of 460
this section for a third degree felony OVI offense. If the court 461
imposes an additional prison term under division (B)(4) of this 462
section, the offender shall serve the additional prison term after 463
the offender has served the mandatory prison term required for the 464
offense. In addition to the mandatory prison term or mandatory and 465

additional prison term imposed as described in division (B)(4) of 466
this section, the court also may sentence the offender to a 467
community control sanction under section 2929.16 or 2929.17 of the 468
Revised Code, but the offender shall serve all of the prison terms 469
so imposed prior to serving the community control sanction. 470

If the offender is being sentenced for a fourth degree felony 471
OVI offense under division (G)(1) of section 2929.13 of the 472
Revised Code and the court imposes a mandatory term of local 473
incarceration, the court may impose a prison term as described in 474
division (A)(1) of that section. 475

(5) If an offender is convicted of or pleads guilty to a 476
violation of division (A)(1) or (2) of section 2903.06 of the 477
Revised Code and also is convicted of or pleads guilty to a 478
specification of the type described in section 2941.1414 of the 479
Revised Code that charges that the victim of the offense is a 480
peace officer, as defined in section 2935.01 of the Revised Code, 481
or an investigator of the bureau of criminal identification and 482
investigation, as defined in section 2903.11 of the Revised Code, 483
the court shall impose on the offender a prison term of five 484
years. If a court imposes a prison term on an offender under 485
division (B)(5) of this section, the prison term, subject to 486
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 487
not be reduced pursuant to section 2929.20, section 2967.19, 488
section 2967.193, or any other provision of Chapter 2967. or 489
Chapter 5120. of the Revised Code. A court shall not impose more 490
than one prison term on an offender under division (B)(5) of this 491
section for felonies committed as part of the same act. 492

(6) If an offender is convicted of or pleads guilty to a 493
violation of division (A)(1) or (2) of section 2903.06 of the 494
Revised Code and also is convicted of or pleads guilty to a 495
specification of the type described in section 2941.1415 of the 496
Revised Code that charges that the offender previously has been 497

convicted of or pleaded guilty to three or more violations of 498
division (A) or (B) of section 4511.19 of the Revised Code or an 499
equivalent offense, as defined in section 2941.1415 of the Revised 500
Code, or three or more violations of any combination of those 501
divisions and offenses, the court shall impose on the offender a 502
prison term of three years. If a court imposes a prison term on an 503
offender under division (B)(6) of this section, the prison term, 504
subject to divisions (C) to (I) of section 2967.19 of the Revised 505
Code, shall not be reduced pursuant to section 2929.20, section 506
2967.19, section 2967.193, or any other provision of Chapter 2967. 507
or Chapter 5120. of the Revised Code. A court shall not impose 508
more than one prison term on an offender under division (B)(6) of 509
this section for felonies committed as part of the same act. 510

(7)(a) If an offender is convicted of or pleads guilty to a 511
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 512
2923.32, division (A)(1) or (2) of section 2907.323, or division 513
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 514
Code and also is convicted of or pleads guilty to a specification 515
of the type described in section 2941.1422 of the Revised Code 516
that charges that the offender knowingly committed the offense in 517
furtherance of human trafficking, the court shall impose on the 518
offender a mandatory prison term that is one of the following: 519

(i) If the offense is a felony of the first degree, a 520
definite prison term of not less than five years and not greater 521
than ten years; 522

(ii) If the offense is a felony of the second or third 523
degree, a definite prison term of not less than three years and 524
not greater than the maximum prison term allowed for the offense 525
by division (A) of section 2929.14 of the Revised Code; 526

(iii) If the offense is a felony of the fourth or fifth 527
degree, a definite prison term that is the maximum prison term 528
allowed for the offense by division (A) of section 2929.14 of the 529

Revised Code. 530

(b) Subject to divisions (C) to (I) of section 2967.19 of the 531
Revised Code, the prison term imposed under division (B)(7)(a) of 532
this section shall not be reduced pursuant to section 2929.20, 533
section 2967.19, section 2967.193, or any other provision of 534
Chapter 2967. of the Revised Code. A court shall not impose more 535
than one prison term on an offender under division (B)(7)(a) of 536
this section for felonies committed as part of the same act, 537
scheme, or plan. 538

(8) If an offender is convicted of or pleads guilty to a 539
felony violation of section 2903.11, 2903.12, or 2903.13 of the 540
Revised Code and also is convicted of or pleads guilty to a 541
specification of the type described in section 2941.1423 of the 542
Revised Code that charges that the victim of the violation was a 543
woman whom the offender knew was pregnant at the time of the 544
violation, notwithstanding the range of prison terms prescribed in 545
division (A) of this section for felonies of the same degree as 546
the violation, the court shall impose on the offender a mandatory 547
prison term that is either a definite prison term of six months or 548
one of the prison terms prescribed in section 2929.14 of the 549
Revised Code for felonies of the same degree as the violation. 550

(9)(a) Except as provided in division (B)(9)(b) of this 551
section, if an offender who is convicted of or pleads guilty to a 552
felony also is convicted of or pleads guilty to a specification of 553
the type described in section 2941.1424 of the Revised Code that 554
charges the victim of the offense is a disabled person, the court 555
shall impose upon the offender a mandatory prison term of two 556
years. If a court imposes a prison term on an offender under 557
division (B)(9) of this section, the prison term shall not be 558
reduced pursuant to any provision of Chapter 2967. or Chapter 559
5120. of the Revised Code. A court shall not impose more than one 560
prison term on an offender under division (B)(9) of this section 561

for felonies committed as part of the same act. 562

(b) The court shall not impose the prison term described in 563
division (B)(9)(a) of this section upon an offender if the 564
offender is convicted of or pleads guilty to a violation of 565
section 2913.02, 2913.03, 2913.21, 2913.43, 2913.49, division 566
(A)(1) of section 1716.14, division (A)(3)(b) of section 2907.24, 567
division (A) or (B) of section 2913.04, division (A) of section 568
2913.31, or a violation of section 2903.13 of the Revised Code 569
that is committed by a caretaker against a functionally impaired 570
person under the caretaker's care. 571

(10)(a) Except as provided in division (B)(10)(b) of this 572
section, if an offender who is convicted of or pleads guilty to a 573
felony also is convicted of or pleads guilty to a specification of 574
the type described in section 2941.1425 of the Revised Code that 575
charges the victim of the offense is an elderly person, the court 576
shall impose upon the offender a mandatory prison term of two 577
years. If a court imposes a prison term on an offender under 578
division (B)(10) of this section, the prison term shall not be 579
reduced pursuant to any provision of Chapter 2967. or Chapter 580
5120. of the Revised Code. A court shall not impose more than one 581
prison term on an offender under division (B)(10) of this section 582
for felonies committed as part of the same act. 583

(b) The court shall not impose the prison term described in 584
division (B)(10)(a) of this section upon an offender if the 585
offender is convicted of or pleads guilty to a violation of 586
section 2913.02, 2913.03, 2913.21, 2913.43, 2913.49, division 587
(A)(1) of section 1716.14, division (A) or (B) of section 2913.04, 588
division (A) of section 2913.31, or a violation of section 2903.13 589
of the Revised Code that is committed by a caretaker against a 590
functionally impaired person under the caretaker's care. 591

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 592
mandatory prison term is imposed upon an offender pursuant to 593

division (B)(1)(a) of this section for having a firearm on or 594
about the offender's person or under the offender's control while 595
committing a felony, if a mandatory prison term is imposed upon an 596
offender pursuant to division (B)(1)(c) of this section for 597
committing a felony specified in that division by discharging a 598
firearm from a motor vehicle, or if both types of mandatory prison 599
terms are imposed, the offender shall serve any mandatory prison 600
term imposed under either division consecutively to any other 601
mandatory prison term imposed under either division or under 602
division (B)(1)(d) of this section, consecutively to and prior to 603
any prison term imposed for the underlying felony pursuant to 604
division (A), (B)(2), or (B)(3) of this section or any other 605
section of the Revised Code, and consecutively to any other prison 606
term or mandatory prison term previously or subsequently imposed 607
upon the offender. 608

(b) If a mandatory prison term is imposed upon an offender 609
pursuant to division (B)(1)(d) of this section for wearing or 610
carrying body armor while committing an offense of violence that 611
is a felony, the offender shall serve the mandatory term so 612
imposed consecutively to any other mandatory prison term imposed 613
under that division or under division (B)(1)(a) or (c) of this 614
section, consecutively to and prior to any prison term imposed for 615
the underlying felony under division (A), (B)(2), or (B)(3) of 616
this section or any other section of the Revised Code, and 617
consecutively to any other prison term or mandatory prison term 618
previously or subsequently imposed upon the offender. 619

(c) If a mandatory prison term is imposed upon an offender 620
pursuant to division (B)(1)(f) of this section, the offender shall 621
serve the mandatory prison term so imposed consecutively to and 622
prior to any prison term imposed for the underlying felony under 623
division (A), (B)(2), or (B)(3) of this section or any other 624
section of the Revised Code, and consecutively to any other prison 625

term or mandatory prison term previously or subsequently imposed 626
upon the offender. 627

(d) If a mandatory prison term is imposed upon an offender 628
pursuant to division (B)(7) ~~or~~, (8), (9), or (10) of this section, 629
the offender shall serve the mandatory prison term so imposed 630
consecutively to any other mandatory prison term imposed under 631
that division or under any other provision of law and 632
consecutively to any other prison term or mandatory prison term 633
previously or subsequently imposed upon the offender. 634

(2) If an offender who is an inmate in a jail, prison, or 635
other residential detention facility violates section 2917.02, 636
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 637
of section 2921.34 of the Revised Code, if an offender who is 638
under detention at a detention facility commits a felony violation 639
of section 2923.131 of the Revised Code, or if an offender who is 640
an inmate in a jail, prison, or other residential detention 641
facility or is under detention at a detention facility commits 642
another felony while the offender is an escapee in violation of 643
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 644
prison term imposed upon the offender for one of those violations 645
shall be served by the offender consecutively to the prison term 646
or term of imprisonment the offender was serving when the offender 647
committed that offense and to any other prison term previously or 648
subsequently imposed upon the offender. 649

(3) If a prison term is imposed for a violation of division 650
(B) of section 2911.01 of the Revised Code, a violation of 651
division (A) of section 2913.02 of the Revised Code in which the 652
stolen property is a firearm or dangerous ordnance, or a felony 653
violation of division (B) of section 2921.331 of the Revised Code, 654
the offender shall serve that prison term consecutively to any 655
other prison term or mandatory prison term previously or 656
subsequently imposed upon the offender. 657

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

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

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

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

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

violation, the offender shall serve the mandatory prison term 690
imposed pursuant to division (B)(5) of this section consecutively 691
to and prior to the mandatory prison term imposed pursuant to 692
division (B)(6) of this section and consecutively to and prior to 693
any prison term imposed for the underlying violation of division 694
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 695
division (A) of this section or section 2929.142 of the Revised 696
Code. 697

(6) When consecutive prison terms are imposed pursuant to 698
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) 699
of this section, the term to be served is the aggregate of all of 700
the terms so imposed. 701

(D)(1) If a court imposes a prison term for a felony of the 702
first degree, for a felony of the second degree, for a felony sex 703
offense, or for a felony of the third degree that is not a felony 704
sex offense and in the commission of which the offender caused or 705
threatened to cause physical harm to a person, it shall include in 706
the sentence a requirement that the offender be subject to a 707
period of post-release control after the offender's release from 708
imprisonment, in accordance with that division. If a court imposes 709
a sentence including a prison term of a type described in this 710
division on or after July 11, 2006, the failure of a court to 711
include a post-release control requirement in the sentence 712
pursuant to this division does not negate, limit, or otherwise 713
affect the mandatory period of post-release control that is 714
required for the offender under division (B) of section 2967.28 of 715
the Revised Code. Section 2929.191 of the Revised Code applies if, 716
prior to July 11, 2006, a court imposed a sentence including a 717
prison term of a type described in this division and failed to 718
include in the sentence pursuant to this division a statement 719
regarding post-release control. 720

(2) If a court imposes a prison term for a felony of the 721

third, fourth, or fifth degree that is not subject to division 722
(D)(1) of this section, it shall include in the sentence a 723
requirement that the offender be subject to a period of 724
post-release control after the offender's release from 725
imprisonment, in accordance with that division, if the parole 726
board determines that a period of post-release control is 727
necessary. Section 2929.191 of the Revised Code applies if, prior 728
to July 11, 2006, a court imposed a sentence including a prison 729
term of a type described in this division and failed to include in 730
the sentence pursuant to this division a statement regarding 731
post-release control. 732

(E) The court shall impose sentence upon the offender in 733
accordance with section 2971.03 of the Revised Code, and Chapter 734
2971. of the Revised Code applies regarding the prison term or 735
term of life imprisonment without parole imposed upon the offender 736
and the service of that term of imprisonment if any of the 737
following apply: 738

(1) A person is convicted of or pleads guilty to a violent 739
sex offense or a designated homicide, assault, or kidnapping 740
offense, and, in relation to that offense, the offender is 741
adjudicated a sexually violent predator. 742

(2) A person is convicted of or pleads guilty to a violation 743
of division (A)(1)(b) of section 2907.02 of the Revised Code 744
committed on or after January 2, 2007, and either the court does 745
not impose a sentence of life without parole when authorized 746
pursuant to division (B) of section 2907.02 of the Revised Code, 747
or division (B) of section 2907.02 of the Revised Code provides 748
that the court shall not sentence the offender pursuant to section 749
2971.03 of the Revised Code. 750

(3) A person is convicted of or pleads guilty to attempted 751
rape committed on or after January 2, 2007, and a specification of 752
the type described in section 2941.1418, 2941.1419, or 2941.1420 753

of the Revised Code. 754

(4) A person is convicted of or pleads guilty to a violation 755
of section 2905.01 of the Revised Code committed on or after 756
January 1, 2008, and that section requires the court to sentence 757
the offender pursuant to section 2971.03 of the Revised Code. 758

(5) A person is convicted of or pleads guilty to aggravated 759
murder committed on or after January 1, 2008, and division 760
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 761
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 762
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 763
2929.06 of the Revised Code requires the court to sentence the 764
offender pursuant to division (B)(3) of section 2971.03 of the 765
Revised Code. 766

(6) A person is convicted of or pleads guilty to murder 767
committed on or after January 1, 2008, and division (B)(2) of 768
section 2929.02 of the Revised Code requires the court to sentence 769
the offender pursuant to section 2971.03 of the Revised Code. 770

(F) If a person who has been convicted of or pleaded guilty 771
to a felony is sentenced to a prison term or term of imprisonment 772
under this section, sections 2929.02 to 2929.06 of the Revised 773
Code, section 2929.142 of the Revised Code, section 2971.03 of the 774
Revised Code, or any other provision of law, section 5120.163 of 775
the Revised Code applies regarding the person while the person is 776
confined in a state correctional institution. 777

(G) If an offender who is convicted of or pleads guilty to a 778
felony that is an offense of violence also is convicted of or 779
pleads guilty to a specification of the type described in section 780
2941.142 of the Revised Code that charges the offender with having 781
committed the felony while participating in a criminal gang, the 782
court shall impose upon the offender an additional prison term of 783
one, two, or three years. 784

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

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

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

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

(b) In lieu of imposing an additional prison term under division (H)(2)(a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The

period of time specified by the court shall equal the duration of 817
an additional prison term that the court could have imposed upon 818
the offender under division (H)(2)(a) of this section. A sanction 819
imposed under this division shall commence on the date specified 820
by the court, provided that the sanction shall not commence until 821
after the offender has served the prison term imposed for the 822
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 823
of the Revised Code and any residential sanction imposed for the 824
violation under section 2929.16 of the Revised Code. A sanction 825
imposed under this division shall be considered to be a community 826
control sanction for purposes of section 2929.15 of the Revised 827
Code, and all provisions of the Revised Code that pertain to 828
community control sanctions shall apply to a sanction imposed 829
under this division, except to the extent that they would by their 830
nature be clearly inapplicable. The offender shall pay all costs 831
associated with a sanction imposed under this division, including 832
the cost of the use of the monitoring device. 833

(I) At the time of sentencing, the court may recommend the 834
offender for placement in a program of shock incarceration under 835
section 5120.031 of the Revised Code or for placement in an 836
intensive program prison under section 5120.032 of the Revised 837
Code, disapprove placement of the offender in a program of shock 838
incarceration or an intensive program prison of that nature, or 839
make no recommendation on placement of the offender. In no case 840
shall the department of rehabilitation and correction place the 841
offender in a program or prison of that nature unless the 842
department determines as specified in section 5120.031 or 5120.032 843
of the Revised Code, whichever is applicable, that the offender is 844
eligible for the placement. 845

If the court disapproves placement of the offender in a 846
program or prison of that nature, the department of rehabilitation 847
and correction shall not place the offender in any program of 848

shock incarceration or intensive program prison. 849

If the court recommends placement of the offender in a 850
program of shock incarceration or in an intensive program prison, 851
and if the offender is subsequently placed in the recommended 852
program or prison, the department shall notify the court of the 853
placement and shall include with the notice a brief description of 854
the placement. 855

If the court recommends placement of the offender in a 856
program of shock incarceration or in an intensive program prison 857
and the department does not subsequently place the offender in the 858
recommended program or prison, the department shall send a notice 859
to the court indicating why the offender was not placed in the 860
recommended program or prison. 861

If the court does not make a recommendation under this 862
division with respect to an offender and if the department 863
determines as specified in section 5120.031 or 5120.032 of the 864
Revised Code, whichever is applicable, that the offender is 865
eligible for placement in a program or prison of that nature, the 866
department shall screen the offender and determine if there is an 867
available program of shock incarceration or an intensive program 868
prison for which the offender is suited. If there is an available 869
program of shock incarceration or an intensive program prison for 870
which the offender is suited, the department shall notify the 871
court of the proposed placement of the offender as specified in 872
section 5120.031 or 5120.032 of the Revised Code and shall include 873
with the notice a brief description of the placement. The court 874
shall have ten days from receipt of the notice to disapprove the 875
placement. 876

(J) If a person is convicted of or pleads guilty to 877
aggravated vehicular homicide in violation of division (A)(1) of 878
section 2903.06 of the Revised Code and division (B)(2)(c) of that 879
section applies, the person shall be sentenced pursuant to section 880

2929.142 of the Revised Code. 881

Sec. 2941.1424. (A) Imposition of a two-year mandatory prison 882
term upon an offender under division (B)(9) of section 2929.14 of 883
the Revised Code is precluded unless the indictment, count in the 884
indictment, or information charging the offense specifies that the 885
victim of the offense is a disabled person. The specification 886
shall be stated at the end of the body of the indictment, count, 887
or information, and shall be in substantially the following form: 888
889

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 890
Grand Jurors (or insert the person's or the prosecuting attorney's 891
name when appropriate) further find and specify that (set forth 892
that the victim of the offense is a disabled person)." 893

(B) The specification described in division (A) of this 894
section may be used in a delinquent child proceeding in the manner 895
and for the purpose described in section 2152.17 of the Revised 896
Code. 897

(C) As used in this section: 898

(1) "Disabled person" means a person who has a physical or 899
mental impairment which substantially limits one or more of the 900
person's major life activities. 901

(2) "Physical or mental impairment" means any of the 902
following: 903

(a) Any physiological disorder or condition, cosmetic 904
disfigurement, or anatomical loss substantially affecting one or 905
more of the following body systems: neurological; musculoskeletal; 906
special sense organs; respiratory, including speech organs; 907
cardiovascular; reproductive; digestive; genitourinary; hemic and 908
lymphatic; skin; or endocrine. 909

(b) Any mental or psychological disorder, such as mental 910

retardation, organic brain syndrome, emotional or mental illness, 911
and specific learning disabilities. 912

(3) "Substantially limits" means substantially interferes 913
with or affects over an extended period of time. Minor temporary 914
ailments or injuries shall not be considered physical or mental 915
impairments that substantially limit a person's major life 916
activities. Examples of minor temporary ailments are colds, 917
influenza, sprains, or minor injuries. 918

(4) "Major life activities" include functions such as caring 919
for oneself, performing manual tasks, walking, seeing, hearing, 920
speaking, breathing, learning, and working. 921

Sec. 2941.1425. (A) Imposition of a two-year mandatory prison 922
term upon an offender under division (B)(10) of section 2929.14 of 923
the Revised Code is precluded unless the indictment, count in the 924
indictment, or information charging the offense specifies that the 925
victim of the offense is an elderly person. The specification 926
shall be stated at the end of the body of the indictment, count, 927
or information, and shall be in substantially the following form: 928
929

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 930
Grand Jurors (or insert the person's or the prosecuting attorney's 931
name when appropriate) further find and specify that (set forth 932
that the victim of the offense is an elderly person)." 933

(B) The specification described in division (A) of this 934
section may be used in a delinquent child proceeding in the manner 935
and for the purpose described in section 2152.17 of the Revised 936
Code. 937

(C) As used in this section, "elderly person" means a person 938
who is sixty-five years of age or older. 939

Section 2. That existing sections 2152.17 and 2929.14 of the 940

Revised Code are hereby repealed.

941