

As Introduced

**130th General Assembly
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S. B. No. 147

Senators Schaffer, Peterson

Cosponsors: Senators Hughes, LaRose, Hite

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A B I L L

To amend sections 2152.17, 2903.13, 2923.125, 1
2929.13, and 2929.14 of the Revised Code to 2
increase the penalty for an assault committed by a 3
prisoner at a state correctional institution or 4
delinquent child detained at a Department of Youth 5
Services institution on an employee of the 6
Department of Rehabilitation and Correction or 7
Youth Services on the grounds of the state 8
correctional institution or Department of Youth 9
Services institution and to eliminate the 10
increased penalty for an assault committed by such 11
a prisoner or delinquent child, a parolee, or an 12
offender under any type of government supervision 13
on a probation department employee or by an 14
offender under any type of government supervision 15
on an employee of the Department of Rehabilitation 16
and Correction or Youth Services. 17

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

Section 1. That sections 2152.17, 2903.13, 2923.125, 2929.13, 18
and 2929.14 of the Revised Code be amended to read as follows: 19

Sec. 2152.17. (A) Subject to division (D) of this section, if
a child is adjudicated a delinquent child for committing an act,
other than a violation of section 2923.12 of the Revised Code,
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 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 52
2941.1414 of the Revised Code, the court shall commit the child to 53
the department of youth services for the specification for a 54
definite period of not less than one and not more than five years, 55
and the court also shall commit the child to the department for 56
the underlying delinquent act under sections 2152.11 to 2152.16 of 57
the Revised Code. 58

(B)(1) If a child is adjudicated a delinquent child for 59
committing an act, other than a violation of section 2923.12 of 60
the Revised Code, that would be a felony if committed by an adult, 61
if the court determines that the child is complicit in another 62
person's conduct that is of such a nature that the other person 63
would be guilty of a specification of the type set forth in 64
section 2941.141, 2941.144, 2941.145, or 2941.146 of the Revised 65
Code if the other person was an adult, if the other person's 66
conduct relates to the child's underlying delinquent act, and if 67
the child did not furnish, use, or dispose of any firearm that was 68
involved with the underlying delinquent act or with the other 69
person's specification-related conduct, in addition to any other 70
disposition the court imposes for the underlying delinquent act, 71
the court may commit the child to the department of youth services 72
for the specification for a definite period of not more than one 73
year, subject to division (D)(2) of this section. 74

(2) Except as provided in division (B)(1) of this section, 75
division (A) of this section also applies to a child who is an 76
accomplice regarding a firearm specification of the type set forth 77
in section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 78
to the same extent the firearm specifications would apply to an 79
adult accomplice in a criminal proceeding. 80

(C) If a child is adjudicated a delinquent child for 81
committing an act that would be aggravated murder, murder, or a 82
first, second, or third degree felony offense of violence if 83

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 2941.142 of the Revised Code in relation to the act for which the child was adjudicated a delinquent child, the court shall commit the child for the specification to the legal custody of the department of youth services for institutionalization in a secure facility for a definite period of not less than one and not more than three years, subject to division (D)(2) of this section, and the court also shall commit the child to the department for the underlying delinquent act.

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

(2) A court that imposes a period of commitment under division (A) of this section is not precluded from imposing an additional period of commitment under division (C) or (D)(1) of this section, a court that imposes a period of commitment under division (C) of this section is not precluded from imposing an additional period of commitment under division (A) or (D)(1) of this section, and a court that imposes a period of commitment under division (D)(1) of this section is not precluded from imposing an additional period of commitment under division (A) or

(C) of this section. 116

(E) The court shall not commit a child to the legal custody 117
of the department of youth services for a specification pursuant 118
to this section for a period that exceeds five years for any one 119
delinquent act. Any commitment imposed pursuant to division (A), 120
(B), (C), or (D)(1) of this section shall be in addition to, and 121
shall be served consecutively with and prior to, a period of 122
commitment ordered under this chapter for the underlying 123
delinquent act, and each commitment imposed pursuant to division 124
(A), (B), (C), or (D)(1) of this section shall be in addition to, 125
and shall be served consecutively with, any other period of 126
commitment imposed under those divisions. If a commitment is 127
imposed under division (A) or (B) of this section and a commitment 128
also is imposed under division (C) of this section, the period 129
imposed under division (A) or (B) of this section shall be served 130
prior to the period imposed under division (C) of this section. 131

In each case in which a court makes a disposition under this 132
section, the court retains control over the commitment for the 133
entire period of the commitment. 134

The total of all the periods of commitment imposed for any 135
specification under this section and for the underlying offense 136
shall not exceed the child's attainment of twenty-one years of 137
age. 138

(F) If a child is adjudicated a delinquent child for 139
committing two or more acts that would be felonies if committed by 140
an adult and if the court entering the delinquent child 141
adjudication orders the commitment of the child for two or more of 142
those acts to the legal custody of the department of youth 143
services for institutionalization in a secure facility pursuant to 144
section 2152.13 or 2152.16 of the Revised Code, the court may 145
order that all of the periods of commitment imposed under those 146
sections for those acts be served consecutively in the legal 147

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

(G) If a child is adjudicated a delinquent child for 156
violating division (C)(3) of section 2903.13 of the Revised Code, 157
any period of commitment to the legal custody of the department of 158
youth services imposed for the violation shall be served 159
consecutively to any other period of commitment to the department 160
imposed on the child. 161

Sec. 2903.13. (A) No person shall knowingly cause or attempt 162
to cause physical harm to another or to another's unborn. 163

(B) No person shall recklessly cause serious physical harm to 164
another or to another's unborn. 165

(C)(1) Whoever violates this section is guilty of assault, 166
and the court shall sentence the offender as provided in this 167
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), 168
~~and~~ (9), and (10) of this section. Except as otherwise provided in 169
division (C)(2), (3), (4), (5), (6), (7), ~~or~~ (8), or (9) of this 170
section, assault is a misdemeanor of the first degree. 171

(2) Except as otherwise provided in this division, if the 172
offense is committed by a caretaker against a functionally 173
impaired person under the caretaker's care, assault is a felony of 174
the fourth degree. If the offense is committed by a caretaker 175
against a functionally impaired person under the caretaker's care, 176
if the offender previously has been convicted of or pleaded guilty 177
to a violation of this section or section 2903.11 or 2903.16 of 178

the Revised Code, and if in relation to the previous conviction 179
the offender was a caretaker and the victim was a functionally 180
impaired person under the offender's care, assault is a felony of 181
the third degree. 182

(3) If the offense occurs in or on the grounds of a state 183
correctional institution or an institution of the department of 184
youth services, the victim of the offense is an employee of the 185
department of rehabilitation and correction or the department of 186
youth services, and the offense is committed by a person 187
incarcerated in the state correctional institution or by a person 188
institutionalized in the department of youth services institution 189
pursuant to a commitment to the department of youth services, 190
assault is a felony of the third degree. The offender shall serve 191
a prison term imposed under this division consecutively to any 192
other prison term or mandatory prison term imposed upon the 193
offender. 194

(4) If the offense is committed in any of the following 195
circumstances, assault is a felony of the fifth degree: 196

~~(a) The offense occurs in or on the grounds of a state 197
correctional institution or an institution of the department of 198
youth services, the victim of the offense is an employee of the 199
department of rehabilitation and correction, the department of 200
youth services, or a probation department or is on the premises of 201
the particular institution for business purposes or as a visitor, 202
and the offense is committed by a person incarcerated in the state 203
correctional institution, by a person institutionalized in the 204
department of youth services institution pursuant to a commitment 205
to the department of youth services, by a parolee, by an offender 206
under transitional control, under a community control sanction, or 207
on an escorted visit, by a person under post-release control, or 208
by an offender under any other type of supervision by a government 209
agency. 210~~

~~(b)~~ The offense occurs in or on the grounds of a local 211
correctional facility, the victim of the offense is an employee of 212
the local correctional facility or a probation department or is on 213
the premises of the facility for business purposes or as a 214
visitor, and the offense is committed by a person who is under 215
custody in the facility subsequent to the person's arrest for any 216
crime or delinquent act, subsequent to the person's being charged 217
with or convicted of any crime, or subsequent to the person's 218
being alleged to be or adjudicated a delinquent child. 219

~~(e)~~(b) The offense occurs off the grounds of a state 220
correctional institution and off the grounds of an institution of 221
the department of youth services, the victim of the offense is an 222
employee of the department of rehabilitation and correction, the 223
department of youth services, or a probation department, the 224
offense occurs during the employee's official work hours and while 225
the employee is engaged in official work responsibilities, and the 226
offense is committed by a person incarcerated in a state 227
correctional institution or institutionalized in the department of 228
youth services who temporarily is outside of the institution for 229
any purpose, by a parolee, by an offender under transitional 230
control, under a community control sanction, or on an escorted 231
visit, by a person under post-release control, or by an offender 232
under any other type of supervision by a government agency. 233

~~(d)~~(c) The offense occurs off the grounds of a local 234
correctional facility, the victim of the offense is an employee of 235
the local correctional facility or a probation department, the 236
offense occurs during the employee's official work hours and while 237
the employee is engaged in official work responsibilities, and the 238
offense is committed by a person who is under custody in the 239
facility subsequent to the person's arrest for any crime or 240
delinquent act, subsequent to the person being charged with or 241
convicted of any crime, or subsequent to the person being alleged 242

to be or adjudicated a delinquent child and who temporarily is 243
outside of the facility for any purpose or by a parolee, by an 244
offender under transitional control, under a community control 245
sanction, or on an escorted visit, by a person under post-release 246
control, or by an offender under any other type of supervision by 247
a government agency. 248

~~(e)~~(d) The victim of the offense is a school teacher or 249
administrator or a school bus operator, and the offense occurs in 250
a school, on school premises, in a school building, on a school 251
bus, or while the victim is outside of school premises or a school 252
bus and is engaged in duties or official responsibilities 253
associated with the victim's employment or position as a school 254
teacher or administrator or a school bus operator, including, but 255
not limited to, driving, accompanying, or chaperoning students at 256
or on class or field trips, athletic events, or other school 257
extracurricular activities or functions outside of school 258
premises. 259

~~(4)~~(5) If the victim of the offense is a peace officer or an 260
investigator of the bureau of criminal identification and 261
investigation, a firefighter, or a person performing emergency 262
medical service, while in the performance of their official 263
duties, assault is a felony of the fourth degree. 264

~~(5)~~(6) If the victim of the offense is a peace officer or an 265
investigator of the bureau of criminal identification and 266
investigation and if the victim suffered serious physical harm as 267
a result of the commission of the offense, assault is a felony of 268
the fourth degree, and the court, pursuant to division (F) of 269
section 2929.13 of the Revised Code, shall impose as a mandatory 270
prison term one of the prison terms prescribed for a felony of the 271
fourth degree that is at least twelve months in duration. 272

~~(6)~~(7) If the victim of the offense is an officer or employee 273
of a public children services agency or a private child placing 274

agency and the offense relates to the officer's or employee's 275
performance or anticipated performance of official 276
responsibilities or duties, assault is either a felony of the 277
fifth degree or, if the offender previously has been convicted of 278
or pleaded guilty to an offense of violence, the victim of that 279
prior offense was an officer or employee of a public children 280
services agency or private child placing agency, and that prior 281
offense related to the officer's or employee's performance or 282
anticipated performance of official responsibilities or duties, a 283
felony of the fourth degree. 284

~~(7)~~(8) If the victim of the offense is a health care 285
professional of a hospital, a health care worker of a hospital, or 286
a security officer of a hospital whom the offender knows or has 287
reasonable cause to know is a health care professional of a 288
hospital, a health care worker of a hospital, or a security 289
officer of a hospital, if the victim is engaged in the performance 290
of the victim's duties, and if the hospital offers de-escalation 291
or crisis intervention training for such professionals, workers, 292
or officers, assault is one of the following: 293

(a) Except as otherwise provided in division (C)~~(7)~~(8)(b) of 294
this section, assault committed in the specified circumstances is 295
a misdemeanor of the first degree. Notwithstanding the fine 296
specified in division (A)(2)(b) of section 2929.28 of the Revised 297
Code for a misdemeanor of the first degree, in sentencing the 298
offender under this division and if the court decides to impose a 299
fine, the court may impose upon the offender a fine of not more 300
than five thousand dollars. 301

(b) If the offender previously has been convicted of or 302
pleaded guilty to one or more assault or homicide offenses 303
committed against hospital personnel, assault committed in the 304
specified circumstances is a felony of the fifth degree. 305

~~(8)~~(9) If the victim of the offense is a judge, magistrate, 306

prosecutor, or court official or employee whom the offender knows 307
or has reasonable cause to know is a judge, magistrate, 308
prosecutor, or court official or employee, and if the victim is 309
engaged in the performance of the victim's duties, assault is one 310
of the following: 311

(a) Except as otherwise provided in division (C)~~(7)~~(8)(b) of 312
this section, assault committed in the specified circumstances is 313
a misdemeanor of the first degree. In sentencing the offender 314
under this division, if the court decides to impose a fine, 315
notwithstanding the fine specified in division (A)(2)(b) of 316
section 2929.28 of the Revised Code for a misdemeanor of the first 317
degree, the court may impose upon the offender a fine of not more 318
than five thousand dollars. 319

(b) If the offender previously has been convicted of or 320
pleaded guilty to one or more assault or homicide offenses 321
committed against justice system personnel, assault committed in 322
the specified circumstances is a felony of the fifth degree. 323

~~(9)~~(10) If an offender who is convicted of or pleads guilty 324
to assault when it is a misdemeanor also is convicted of or pleads 325
guilty to a specification as described in section 2941.1423 of the 326
Revised Code that was included in the indictment, count in the 327
indictment, or information charging the offense, the court shall 328
sentence the offender to a mandatory jail term as provided in 329
division (G) of section 2929.24 of the Revised Code. 330

If an offender who is convicted of or pleads guilty to 331
assault when it is a felony also is convicted of or pleads guilty 332
to a specification as described in section 2941.1423 of the 333
Revised Code that was included in the indictment, count in the 334
indictment, or information charging the offense, except as 335
otherwise provided in division (C)~~(5)~~(6) of this section, the 336
court shall sentence the offender to a mandatory prison term as 337
provided in division (B)(8) of section 2929.14 of the Revised 338

Code.	339
(D) As used in this section:	340
(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	341 342
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	343 344
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	345 346
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	347 348 349 350 351 352 353 354
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	355 356 357 358 359
(6) "School teacher or administrator" means either of the following:	360 361
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	362 363 364 365 366
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under	367 368

section 3301.07 of the Revised Code and who is certificated in	369
accordance with section 3301.071 of the Revised Code.	370
(7) "Community control sanction" has the same meaning as in	371
section 2929.01 of the Revised Code.	372
(8) "Escorted visit" means an escorted visit granted under	373
section 2967.27 of the Revised Code.	374
(9) "Post-release control" and "transitional control" have	375
the same meanings as in section 2967.01 of the Revised Code.	376
(10) "Investigator of the bureau of criminal identification	377
and investigation" has the same meaning as in section 2903.11 of	378
the Revised Code.	379
(11) "Health care professional" and "health care worker" have	380
the same meanings as in section 2305.234 of the Revised Code.	381
(12) "Assault or homicide offense committed against hospital	382
personnel" means a violation of this section or of section	383
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or	384
2903.14 of the Revised Code committed in circumstances in which	385
all of the following apply:	386
(a) The victim of the offense was a health care professional	387
of a hospital, a health care worker of a hospital, or a security	388
officer of a hospital.	389
(b) The offender knew or had reasonable cause to know that	390
the victim was a health care professional of a hospital, a health	391
care worker of a hospital, or a security officer of a hospital.	392
(c) The victim was engaged in the performance of the victim's	393
duties.	394
(d) The hospital offered de-escalation or crisis intervention	395
training for such professionals, workers, or officers.	396
(13) "De-escalation or crisis intervention training" means	397
de-escalation or crisis intervention training for health care	398

professionals of a hospital, health care workers of a hospital, 399
and security officers of a hospital to facilitate interaction with 400
patients, members of a patient's family, and visitors, including 401
those with mental impairments. 402

(14) "Assault or homicide offense committed against justice 403
system personnel" means a violation of this section or of section 404
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 405
2903.14 of the Revised Code committed in circumstances in which 406
the victim of the offense was a judge, magistrate, prosecutor, or 407
court official or employee whom the offender knew or had 408
reasonable cause to know was a judge, magistrate, prosecutor, or 409
court official or employee, and the victim was engaged in the 410
performance of the victim's duties. 411

(15) "Court official or employee" means any official or 412
employee of a court created under the constitution or statutes of 413
this state or of a United States court located in this state. 414

(16) "Judge" means a judge of a court created under the 415
constitution or statutes of this state or of a United States court 416
located in this state. 417

(17) "Magistrate" means an individual who is appointed by a 418
court of record of this state and who has the powers and may 419
perform the functions specified in Civil Rule 53, Criminal Rule 420
19, or Juvenile Rule 40, or an individual who is appointed by a 421
United States court located in this state who has similar powers 422
and functions. 423

(18) "Prosecutor" has the same meaning as in section 2935.01 424
of the Revised Code. 425

(19)(a) "Hospital" means, subject to division (D)(19)(b) of 426
this section, an institution classified as a hospital under 427
section 3701.01 of the Revised Code in which are provided to 428
patients diagnostic, medical, surgical, obstetrical, psychiatric, 429

or rehabilitation care or a hospital operated by a health 430
maintenance organization. 431

(b) "Hospital" does not include any of the following: 432

(i) A facility licensed under Chapter 3721. of the Revised 433
Code, a health care facility operated by the department of mental 434
health or the department of developmental disabilities, a health 435
maintenance organization that does not operate a hospital, or the 436
office of any private, licensed health care professional, whether 437
organized for individual or group practice; 438

(ii) An institution for the sick that is operated exclusively 439
for patients who use spiritual means for healing and for whom the 440
acceptance of medical care is inconsistent with their religious 441
beliefs, accredited by a national accrediting organization, exempt 442
from federal income taxation under section 501 of the "Internal 443
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 444
and providing twenty-four-hour nursing care pursuant to the 445
exemption in division (E) of section 4723.32 of the Revised Code 446
from the licensing requirements of Chapter 4723. of the Revised 447
Code. 448

(20) "Health maintenance organization" has the same meaning 449
as in section 3727.01 of the Revised Code. 450

Sec. 2923.125. (A) This section applies with respect to the 451
application for and issuance by this state of concealed handgun 452
licenses other than concealed handgun licenses on a temporary 453
emergency basis that are issued under section 2923.1213 of the 454
Revised Code. Upon the request of a person who wishes to obtain a 455
concealed handgun license with respect to which this section 456
applies or to renew a concealed handgun license with respect to 457
which this section applies, a sheriff, as provided in division (I) 458
of this section, shall provide to the person free of charge an 459
application form and the web site address at which the pamphlet 460

described in division (B) of section 109.731 of the Revised Code 461
may be found. A sheriff shall accept a completed application form 462
and the fee, items, materials, and information specified in 463
divisions (B)(1) to (5) of this section at the times and in the 464
manners described in division (I) of this section. 465

(B) An applicant for a concealed handgun license with respect 466
to which this section applies shall submit a completed application 467
form and all of the following to the sheriff of the county in 468
which the applicant resides or to the sheriff of any county 469
adjacent to the county in which the applicant resides: 470

(1)(a) A nonrefundable license fee as described in either of 471
the following: 472

(i) For an applicant who has been a resident of this state 473
for five or more years, a fee of sixty-seven dollars; 474

(ii) For an applicant who has been a resident of this state 475
for less than five years, a fee of sixty-seven dollars plus the 476
actual cost of having a background check performed by the federal 477
bureau of investigation. 478

(b) No sheriff shall require an applicant to pay for the cost 479
of a background check performed by the bureau of criminal 480
identification and investigation. 481

(c) A sheriff shall waive the payment of the license fee 482
described in division (B)(1)(a) of this section in connection with 483
an initial or renewal application for a license that is submitted 484
by an applicant who is a retired peace officer, a retired person 485
described in division (B)(1)(b) of section 109.77 of the Revised 486
Code, or a retired federal law enforcement officer who, prior to 487
retirement, was authorized under federal law to carry a firearm in 488
the course of duty, unless the retired peace officer, person, or 489
federal law enforcement officer retired as the result of a mental 490
disability. 491

(d) The sheriff shall deposit all fees paid by an applicant 492
under division (B)(1)(a) of this section into the sheriff's 493
concealed handgun license issuance fund established pursuant to 494
section 311.42 of the Revised Code. The county shall distribute 495
the fees in accordance with section 311.42 of the Revised Code. 496

(2) A color photograph of the applicant that was taken within 497
thirty days prior to the date of the application; 498

(3) One or more of the following competency certifications, 499
each of which shall reflect that, regarding a certification 500
described in division (B)(3)(a), (b), (c), (e), or (f) of this 501
section, within the three years immediately preceding the 502
application the applicant has performed that to which the 503
competency certification relates and that, regarding a 504
certification described in division (B)(3)(d) of this section, the 505
applicant currently is an active or reserve member of the armed 506
forces of the United States or within the six years immediately 507
preceding the application the honorable discharge or retirement to 508
which the competency certification relates occurred: 509

(a) An original or photocopy of a certificate of completion 510
of a firearms safety, training, or requalification or firearms 511
safety instructor course, class, or program that was offered by or 512
under the auspices of the national rifle association and that 513
complies with the requirements set forth in division (G) of this 514
section; 515

(b) An original or photocopy of a certificate of completion 516
of a firearms safety, training, or requalification or firearms 517
safety instructor course, class, or program that satisfies all of 518
the following criteria: 519

(i) It was open to members of the general public. 520

(ii) It utilized qualified instructors who were certified by 521
the national rifle association, the executive director of the Ohio 522

peace officer training commission pursuant to section 109.75 or 523
109.78 of the Revised Code, or a governmental official or entity 524
of another state. 525

(iii) It was offered by or under the auspices of a law 526
enforcement agency of this or another state or the United States, 527
a public or private college, university, or other similar 528
postsecondary educational institution located in this or another 529
state, a firearms training school located in this or another 530
state, or another type of public or private entity or organization 531
located in this or another state. 532

(iv) It complies with the requirements set forth in division 533
(G) of this section. 534

(c) An original or photocopy of a certificate of completion 535
of a state, county, municipal, or department of natural resources 536
peace officer training school that is approved by the executive 537
director of the Ohio peace officer training commission pursuant to 538
section 109.75 of the Revised Code and that complies with the 539
requirements set forth in division (G) of this section, or the 540
applicant has satisfactorily completed and been issued a 541
certificate of completion of a basic firearms training program, a 542
firearms requalification training program, or another basic 543
training program described in section 109.78 or 109.801 of the 544
Revised Code that complies with the requirements set forth in 545
division (G) of this section; 546

(d) A document that evidences both of the following: 547

(i) That the applicant is an active or reserve member of the 548
armed forces of the United States, was honorably discharged from 549
military service in the active or reserve armed forces of the 550
United States, is a retired trooper of the state highway patrol, 551
or is a retired peace officer or federal law enforcement officer 552
described in division (B)(1) of this section or a retired person 553

described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section;

(ii) That, through participation in the military service or through the former employment described in division (B)(3)(d)(i) of this section, the applicant acquired experience with handling handguns or other firearms, and the experience so acquired was equivalent to training that the applicant could have acquired in a course, class, or program described in division (B)(3)(a), (b), or (c) of this section.

(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B)(3)(a), (b), (c), or (d) of this section, that was conducted by an instructor who was certified by an official or entity of the government of this or another state or the United States or by the national rifle association, and that complies with the requirements set forth in division (G) of this section;

(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered.

(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an

electronic fingerprint reading device or, if the sheriff to whom 585
the application is submitted does not possess and does not have 586
ready access to the use of such a reading device, on a standard 587
impression sheet prescribed pursuant to division (C)(2) of section 588
109.572 of the Revised Code. 589

(C) Upon receipt of the completed application form, 590
supporting documentation, and, if not waived, license fee of an 591
applicant under this section, a sheriff, in the manner specified 592
in section 311.41 of the Revised Code, shall conduct or cause to 593
be conducted the criminal records check and the incompetency 594
records check described in section 311.41 of the Revised Code. 595

(D)(1) Except as provided in division (D)(3) or (4) of this 596
section, within forty-five days after a sheriff's receipt of an 597
applicant's completed application form for a concealed handgun 598
license under this section, the supporting documentation, and, if 599
not waived, the license fee, the sheriff shall make available 600
through the law enforcement automated data system in accordance 601
with division (H) of this section the information described in 602
that division and, upon making the information available through 603
the system, shall issue to the applicant a concealed handgun 604
license that shall expire as described in division (D)(2)(a) of 605
this section if all of the following apply: 606

(a) The applicant is legally living in the United States, has 607
been a resident of this state for at least forty-five days, and 608
has been a resident of the county in which the person seeks the 609
license or a county adjacent to the county in which the person 610
seeks the license for at least thirty days. For purposes of 611
division (D)(1)(a) of this section: 612

(i) If a person is absent from the United States, from this 613
state, or from a particular county in this state in compliance 614
with military or naval orders as an active or reserve member of 615
the armed forces of the United States and if prior to leaving this 616

state in compliance with those orders the person was legally 617
living in the United States and was a resident of this state, the 618
person, solely by reason of that absence, shall not be considered 619
to have lost the person's status as living in the United States or 620
the person's residence in this state or in the county in which the 621
person was a resident prior to leaving this state in compliance 622
with those orders, without regard to whether or not the person 623
intends to return to this state or to that county, shall not be 624
considered to have acquired a residence in any other state, and 625
shall not be considered to have become a resident of any other 626
state. 627

(ii) If a person is present in this state in compliance with 628
military or naval orders as an active or reserve member of the 629
armed forces of the United States for at least forty-five days, 630
the person shall be considered to have been a resident of this 631
state for that period of at least forty-five days, and, if a 632
person is present in a county of this state in compliance with 633
military or naval orders as an active or reserve member of the 634
armed forces of the United States for at least thirty days, the 635
person shall be considered to have been a resident of that county 636
for that period of at least thirty days. 637

(b) The applicant is at least twenty-one years of age. 638

(c) The applicant is not a fugitive from justice. 639

(d) The applicant is not under indictment for or otherwise 640
charged with a felony; an offense under Chapter 2925., 3719., or 641
4729. of the Revised Code that involves the illegal possession, 642
use, sale, administration, or distribution of or trafficking in a 643
drug of abuse; a misdemeanor offense of violence; or a violation 644
of section 2903.14 or 2923.1211 of the Revised Code. 645

(e) Except as otherwise provided in division (D)(5) of this 646
section, the applicant has not been convicted of or pleaded guilty 647

to a felony or an offense under Chapter 2925., 3719., or 4729. of 648
the Revised Code that involves the illegal possession, use, sale, 649
administration, or distribution of or trafficking in a drug of 650
abuse; has not been adjudicated a delinquent child for committing 651
an act that if committed by an adult would be a felony or would be 652
an offense under Chapter 2925., 3719., or 4729. of the Revised 653
Code that involves the illegal possession, use, sale, 654
administration, or distribution of or trafficking in a drug of 655
abuse; and has not been convicted of, pleaded guilty to, or 656
adjudicated a delinquent child for committing a violation of 657
section 2903.13 of the Revised Code when the victim of the 658
violation is a peace officer, regardless of whether the applicant 659
was sentenced under division (C)~~(3)~~(4) of that section. 660

(f) Except as otherwise provided in division (D)(5) of this 661
section, the applicant, within three years of the date of the 662
application, has not been convicted of or pleaded guilty to a 663
misdemeanor offense of violence other than a misdemeanor violation 664
of section 2921.33 of the Revised Code or a violation of section 665
2903.13 of the Revised Code when the victim of the violation is a 666
peace officer, or a misdemeanor violation of section 2923.1211 of 667
the Revised Code; and has not been adjudicated a delinquent child 668
for committing an act that if committed by an adult would be a 669
misdemeanor offense of violence other than a misdemeanor violation 670
of section 2921.33 of the Revised Code or a violation of section 671
2903.13 of the Revised Code when the victim of the violation is a 672
peace officer or for committing an act that if committed by an 673
adult would be a misdemeanor violation of section 2923.1211 of the 674
Revised Code. 675

(g) Except as otherwise provided in division (D)(1)(e) of 676
this section, the applicant, within five years of the date of the 677
application, has not been convicted of, pleaded guilty to, or 678
adjudicated a delinquent child for committing two or more 679

violations of section 2903.13 or 2903.14 of the Revised Code. 680

(h) Except as otherwise provided in division (D)(5) of this 681
section, the applicant, within ten years of the date of the 682
application, has not been convicted of, pleaded guilty to, or 683
adjudicated a delinquent child for committing a violation of 684
section 2921.33 of the Revised Code. 685

(i) The applicant has not been adjudicated as a mental 686
defective, has not been committed to any mental institution, is 687
not under adjudication of mental incompetence, has not been found 688
by a court to be a mentally ill person subject to hospitalization 689
by court order, and is not an involuntary patient other than one 690
who is a patient only for purposes of observation. As used in this 691
division, "mentally ill person subject to hospitalization by court 692
order" and "patient" have the same meanings as in section 5122.01 693
of the Revised Code. 694

(j) The applicant is not currently subject to a civil 695
protection order, a temporary protection order, or a protection 696
order issued by a court of another state. 697

(k) The applicant certifies that the applicant desires a 698
legal means to carry a concealed handgun for defense of the 699
applicant or a member of the applicant's family while engaged in 700
lawful activity. 701

(l) The applicant submits a competency certification of the 702
type described in division (B)(3) of this section and submits a 703
certification of the type described in division (B)(4) of this 704
section regarding the applicant's reading of the pamphlet prepared 705
by the Ohio peace officer training commission pursuant to section 706
109.731 of the Revised Code. 707

(m) The applicant currently is not subject to a suspension 708
imposed under division (A)(2) of section 2923.128 of the Revised 709
Code of a concealed handgun license that previously was issued to 710

the applicant under this section or section 2923.1213 of the Revised Code. 711
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(2)(a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance. 713
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If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code. 716
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(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code and this division is tolled during the pendency of the request or the challenge and review. If the court in an appeal under section 119.12 of the Revised Code and this division enters a judgment sustaining the sheriff's refusal to grant to the applicant a concealed handgun license, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew 721
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the license for any proper cause that may occur after the date the 743
judgment is entered. In the appeal, the court shall have full 744
power to dispose of all costs. 745

(3) If the sheriff with whom an application for a concealed 746
handgun license was filed under this section becomes aware that 747
the applicant has been arrested for or otherwise charged with an 748
offense that would disqualify the applicant from holding the 749
license, the sheriff shall suspend the processing of the 750
application until the disposition of the case arising from the 751
arrest or charge. 752

(4) If the sheriff determines that the applicant is legally 753
living in the United States and is a resident of the county in 754
which the applicant seeks the license or of an adjacent county but 755
does not yet meet the residency requirements described in division 756
(D)(1)(a) of this section, the sheriff shall not deny the license 757
because of the residency requirements but shall not issue the 758
license until the applicant meets those residency requirements. 759

(5) If an applicant has been convicted of or pleaded guilty 760
to an offense identified in division (D)(1)(e), (f), or (h) of 761
this section or has been adjudicated a delinquent child for 762
committing an act or violation identified in any of those 763
divisions, and if a court has ordered the sealing or expungement 764
of the records of that conviction, guilty plea, or adjudication 765
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 766
2953.36, or section 2953.37 of the Revised Code or a court has 767
granted the applicant relief pursuant to section 2923.14 of the 768
Revised Code from the disability imposed pursuant to section 769
2923.13 of the Revised Code relative to that conviction, guilty 770
plea, or adjudication, the sheriff with whom the application was 771
submitted shall not consider the conviction, guilty plea, or 772
adjudication in making a determination under division (D)(1) or 773
(F) of this section or, in relation to an application for a 774

concealed handgun license on a temporary emergency basis submitted 775
under section 2923.1213 of the Revised Code, in making a 776
determination under division (B)(2) of that section. 777

(E) If a concealed handgun license issued under this section 778
is lost or is destroyed, the licensee may obtain from the sheriff 779
who issued that license a duplicate license upon the payment of a 780
fee of fifteen dollars and the submission of an affidavit 781
attesting to the loss or destruction of the license. The sheriff, 782
in accordance with the procedures prescribed in section 109.731 of 783
the Revised Code, shall place on the replacement license a 784
combination of identifying numbers different from the combination 785
on the license that is being replaced. 786

(F)(1) A licensee who wishes to renew a concealed handgun 787
license issued under this section shall do so not earlier than 788
ninety days before the expiration date of the license or at any 789
time after the expiration date of the license by filing with the 790
sheriff of the county in which the applicant resides or with the 791
sheriff of an adjacent county an application for renewal of the 792
license obtained pursuant to division (D) of this section, a 793
certification by the applicant that, subsequent to the issuance of 794
the license, the applicant has reread the pamphlet prepared by the 795
Ohio peace officer training commission pursuant to section 109.731 796
of the Revised Code that reviews firearms, dispute resolution, and 797
use of deadly force matters, and a nonrefundable license renewal 798
fee in an amount determined pursuant to division (F)(4) of this 799
section unless the fee is waived. 800

(2) A sheriff shall accept a completed renewal application, 801
the license renewal fee, and the information specified in division 802
(F)(1) of this section at the times and in the manners described 803
in division (I) of this section. Upon receipt of a completed 804
renewal application, of certification that the applicant has 805
reread the specified pamphlet prepared by the Ohio peace officer 806

training commission, and of a license renewal fee unless the fee 807
is waived, a sheriff, in the manner specified in section 311.41 of 808
the Revised Code shall conduct or cause to be conducted the 809
criminal records check and the incompetency records check 810
described in section 311.41 of the Revised Code. The sheriff shall 811
renew the license if the sheriff determines that the applicant 812
continues to satisfy the requirements described in division (D)(1) 813
of this section, except that the applicant is not required to meet 814
the requirements of division (D)(1)(1) of this section. A renewed 815
license shall expire five years after the date of issuance. A 816
renewed license is subject to division (E) of this section and 817
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 818
shall comply with divisions (D)(2) to (4) of this section when the 819
circumstances described in those divisions apply to a requested 820
license renewal. If a sheriff denies the renewal of a concealed 821
handgun license, the applicant may appeal the denial, or challenge 822
the criminal record check results that were the basis of the 823
denial if applicable, in the same manner as specified in division 824
(D)(2)(b) of this section and in section 2923.127 of the Revised 825
Code, regarding the denial of a license under this section. 826

(3) A renewal application submitted pursuant to division (F) 827
of this section shall only require the licensee to list on the 828
application form information and matters occurring since the date 829
of the licensee's last application for a license pursuant to 830
division (B) or (F) of this section. A sheriff conducting the 831
criminal records check and the incompetency records check 832
described in section 311.41 of the Revised Code shall conduct the 833
check only from the date of the licensee's last application for a 834
license pursuant to division (B) or (F) of this section through 835
the date of the renewal application submitted pursuant to division 836
(F) of this section. 837

(4) An applicant for a renewal concealed handgun license 838

under this section shall submit to the sheriff of the county in 839
which the applicant resides or to the sheriff of any county 840
adjacent to the county in which the applicant resides a 841
nonrefundable license fee as described in either of the following: 842

(a) For an applicant who has been a resident of this state 843
for five or more years, a fee of fifty dollars; 844

(b) For an applicant who has been a resident of this state 845
for less than five years, a fee of fifty dollars plus the actual 846
cost of having a background check performed by the federal bureau 847
of investigation. 848

(G)(1) Each course, class, or program described in division 849
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 850
person who takes the course, class, or program the web site 851
address at which the pamphlet prepared by the Ohio peace officer 852
training commission pursuant to section 109.731 of the Revised 853
Code that reviews firearms, dispute resolution, and use of deadly 854
force matters may be found. Each such course, class, or program 855
described in one of those divisions shall include at least twelve 856
hours of training in the safe handling and use of a firearm that 857
shall include all of the following: 858

(a) At least ten hours of training on the following matters: 859

(i) The ability to name, explain, and demonstrate the rules 860
for safe handling of a handgun and proper storage practices for 861
handguns and ammunition; 862

(ii) The ability to demonstrate and explain how to handle 863
ammunition in a safe manner; 864

(iii) The ability to demonstrate the knowledge, skills, and 865
attitude necessary to shoot a handgun in a safe manner; 866

(iv) Gun handling training. 867

(b) At least two hours of training that consists of range 868

time and live-fire training. 869

(2) To satisfactorily complete the course, class, or program 870
described in division (B)(3)(a), (b), (c), or (e) of this section, 871
the applicant shall pass a competency examination that shall 872
include both of the following: 873

(a) A written section on the ability to name and explain the 874
rules for the safe handling of a handgun and proper storage 875
practices for handguns and ammunition; 876

(b) A physical demonstration of competence in the use of a 877
handgun and in the rules for safe handling and storage of a 878
handgun and a physical demonstration of the attitude necessary to 879
shoot a handgun in a safe manner. 880

(3) The competency certification described in division 881
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 882
shall attest that the course, class, or program the applicant 883
successfully completed met the requirements described in division 884
(G)(1) of this section and that the applicant passed the 885
competency examination described in division (G)(2) of this 886
section. 887

(H) Upon deciding to issue a concealed handgun license, 888
deciding to issue a replacement concealed handgun license, or 889
deciding to renew a concealed handgun license pursuant to this 890
section, and before actually issuing or renewing the license, the 891
sheriff shall make available through the law enforcement automated 892
data system all information contained on the license. If the 893
license subsequently is suspended under division (A)(1) or (2) of 894
section 2923.128 of the Revised Code, revoked pursuant to division 895
(B)(1) of section 2923.128 of the Revised Code, or lost or 896
destroyed, the sheriff also shall make available through the law 897
enforcement automated data system a notation of that fact. The 898
superintendent of the state highway patrol shall ensure that the 899

law enforcement automated data system is so configured as to 900
permit the transmission through the system of the information 901
specified in this division. 902

(I) A sheriff shall accept a completed application form or 903
renewal application, and the fee, items, materials, and 904
information specified in divisions (B)(1) to (5) or division (F) 905
of this section, whichever is applicable, and shall provide an 906
application form or renewal application to any person during at 907
least fifteen hours a week and shall provide the web site address 908
at which the pamphlet described in division (B) of section 109.731 909
of the Revised Code may be found at any time, upon request. The 910
sheriff shall post notice of the hours during which the sheriff is 911
available to accept or provide the information described in this 912
division. 913

Sec. 2929.13. (A) Except as provided in division (E), (F), or 914
(G) of this section and unless a specific sanction is required to 915
be imposed or is precluded from being imposed pursuant to law, a 916
court that imposes a sentence upon an offender for a felony may 917
impose any sanction or combination of sanctions on the offender 918
that are provided in sections 2929.14 to 2929.18 of the Revised 919
Code. 920

If the offender is eligible to be sentenced to community 921
control sanctions, the court shall consider the appropriateness of 922
imposing a financial sanction pursuant to section 2929.18 of the 923
Revised Code or a sanction of community service pursuant to 924
section 2929.17 of the Revised Code as the sole sanction for the 925
offense. Except as otherwise provided in this division, if the 926
court is required to impose a mandatory prison term for the 927
offense for which sentence is being imposed, the court also shall 928
impose any financial sanction pursuant to section 2929.18 of the 929
Revised Code that is required for the offense and may impose any 930

other financial sanction pursuant to that section but may not 931
impose any additional sanction or combination of sanctions under 932
section 2929.16 or 2929.17 of the Revised Code. 933

If the offender is being sentenced for a fourth degree felony 934
OVI offense or for a third degree felony OVI offense, in addition 935
to the mandatory term of local incarceration or the mandatory 936
prison term required for the offense by division (G)(1) or (2) of 937
this section, the court shall impose upon the offender a mandatory 938
fine in accordance with division (B)(3) of section 2929.18 of the 939
Revised Code and may impose whichever of the following is 940
applicable: 941

(1) For a fourth degree felony OVI offense for which sentence 942
is imposed under division (G)(1) of this section, an additional 943
community control sanction or combination of community control 944
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 945
the court imposes upon the offender a community control sanction 946
and the offender violates any condition of the community control 947
sanction, the court may take any action prescribed in division (B) 948
of section 2929.15 of the Revised Code relative to the offender, 949
including imposing a prison term on the offender pursuant to that 950
division. 951

(2) For a third or fourth degree felony OVI offense for which 952
sentence is imposed under division (G)(2) of this section, an 953
additional prison term as described in division (B)(4) of section 954
2929.14 of the Revised Code or a community control sanction as 955
described in division (G)(2) of this section. 956

(B)(1)(a) Except as provided in division (B)(1)(b) of this 957
section, if an offender is convicted of or pleads guilty to a 958
felony of the fourth or fifth degree that is not an offense of 959
violence or that is a qualifying assault offense, the court shall 960
sentence the offender to a community control sanction of at least 961
one year's duration if all of the following apply: 962

(i) The offender previously has not been convicted of or 963
pleaded guilty to a felony offense. 964

(ii) The most serious charge against the offender at the time 965
of sentencing is a felony of the fourth or fifth degree. 966

(iii) If the court made a request of the department of 967
rehabilitation and correction pursuant to division (B)(1)(c) of 968
this section, the department, within the forty-five-day period 969
specified in that division, provided the court with the names of, 970
contact information for, and program details of one or more 971
community control sanctions of at least one year's duration that 972
are available for persons sentenced by the court. 973

(iv) The offender previously has not been convicted of or 974
pleaded guilty to a misdemeanor offense of violence that the 975
offender committed within two years prior to the offense for which 976
sentence is being imposed. 977

(b) The court has discretion to impose a prison term upon an 978
offender who is convicted of or pleads guilty to a felony of the 979
fourth or fifth degree that is not an offense of violence or that 980
is a qualifying assault offense if any of the following apply: 981

(i) The offender committed the offense while having a firearm 982
on or about the offender's person or under the offender's control. 983

(ii) If the offense is a qualifying assault offense, the 984
offender caused serious physical harm to another person while 985
committing the offense, and, if the offense is not a qualifying 986
assault offense, the offender caused physical harm to another 987
person while committing the offense. 988

(iii) The offender violated a term of the conditions of bond 989
as set by the court. 990

(iv) The court made a request of the department of 991
rehabilitation and correction pursuant to division (B)(1)(c) of 992

this section, and the department, within the forty-five-day period 993
specified in that division, did not provide the court with the 994
name of, contact information for, and program details of any 995
community control sanction of at least one year's duration that is 996
available for persons sentenced by the court. 997

(v) The offense is a sex offense that is a fourth or fifth 998
degree felony violation of any provision of Chapter 2907. of the 999
Revised Code. 1000

(vi) In committing the offense, the offender attempted to 1001
cause or made an actual threat of physical harm to a person with a 1002
deadly weapon. 1003

(vii) In committing the offense, the offender attempted to 1004
cause or made an actual threat of physical harm to a person, and 1005
the offender previously was convicted of an offense that caused 1006
physical harm to a person. 1007

(viii) The offender held a public office or position of 1008
trust, and the offense related to that office or position; the 1009
offender's position obliged the offender to prevent the offense or 1010
to bring those committing it to justice; or the offender's 1011
professional reputation or position facilitated the offense or was 1012
likely to influence the future conduct of others. 1013

(ix) The offender committed the offense for hire or as part 1014
of an organized criminal activity. 1015

(x) The offender at the time of the offense was serving, or 1016
the offender previously had served, a prison term. 1017

(xi) The offender committed the offense while under a 1018
community control sanction, while on probation, or while released 1019
from custody on a bond or personal recognizance. 1020

(c) If a court that is sentencing an offender who is 1021
convicted of or pleads guilty to a felony of the fourth or fifth 1022

degree that is not an offense of violence or that is a qualifying 1023
assault offense believes that no community control sanctions are 1024
available for its use that, if imposed on the offender, will 1025
adequately fulfill the overriding principles and purposes of 1026
sentencing, the court shall contact the department of 1027
rehabilitation and correction and ask the department to provide 1028
the court with the names of, contact information for, and program 1029
details of one or more community control sanctions of at least one 1030
year's duration that are available for persons sentenced by the 1031
court. Not later than forty-five days after receipt of a request 1032
from a court under this division, the department shall provide the 1033
court with the names of, contact information for, and program 1034
details of one or more community control sanctions of at least one 1035
year's duration that are available for persons sentenced by the 1036
court, if any. Upon making a request under this division that 1037
relates to a particular offender, a court shall defer sentencing 1038
of that offender until it receives from the department the names 1039
of, contact information for, and program details of one or more 1040
community control sanctions of at least one year's duration that 1041
are available for persons sentenced by the court or for forty-five 1042
days, whichever is the earlier. 1043

If the department provides the court with the names of, 1044
contact information for, and program details of one or more 1045
community control sanctions of at least one year's duration that 1046
are available for persons sentenced by the court within the 1047
forty-five-day period specified in this division, the court shall 1048
impose upon the offender a community control sanction under 1049
division (B)(1)(a) of this section, except that the court may 1050
impose a prison term under division (B)(1)(b) of this section if a 1051
factor described in division (B)(1)(b)(i) or (ii) of this section 1052
applies. If the department does not provide the court with the 1053
names of, contact information for, and program details of one or 1054
more community control sanctions of at least one year's duration 1055

that are available for persons sentenced by the court within the 1056
forty-five-day period specified in this division, the court may 1057
impose upon the offender a prison term under division 1058
(B)(1)(b)(iv) of this section. 1059

(d) A sentencing court may impose an additional penalty under 1060
division (B) of section 2929.15 of the Revised Code upon an 1061
offender sentenced to a community control sanction under division 1062
(B)(1)(a) of this section if the offender violates the conditions 1063
of the community control sanction, violates a law, or leaves the 1064
state without the permission of the court or the offender's 1065
probation officer. 1066

(2) If division (B)(1) of this section does not apply, except 1067
as provided in division (E), (F), or (G) of this section, in 1068
determining whether to impose a prison term as a sanction for a 1069
felony of the fourth or fifth degree, the sentencing court shall 1070
comply with the purposes and principles of sentencing under 1071
section 2929.11 of the Revised Code and with section 2929.12 of 1072
the Revised Code. 1073

(C) Except as provided in division (D), (E), (F), or (G) of 1074
this section, in determining whether to impose a prison term as a 1075
sanction for a felony of the third degree or a felony drug offense 1076
that is a violation of a provision of Chapter 2925. of the Revised 1077
Code and that is specified as being subject to this division for 1078
purposes of sentencing, the sentencing court shall comply with the 1079
purposes and principles of sentencing under section 2929.11 of the 1080
Revised Code and with section 2929.12 of the Revised Code. 1081

(D)(1) Except as provided in division (E) or (F) of this 1082
section, for a felony of the first or second degree, for a felony 1083
drug offense that is a violation of any provision of Chapter 1084
2925., 3719., or 4729. of the Revised Code for which a presumption 1085
in favor of a prison term is specified as being applicable, and 1086
for a violation of division (A)(4) or (B) of section 2907.05 of 1087

the Revised Code for which a presumption in favor of a prison term 1088
is specified as being applicable, it is presumed that a prison 1089
term is necessary in order to comply with the purposes and 1090
principles of sentencing under section 2929.11 of the Revised 1091
Code. Division (D)(2) of this section does not apply to a 1092
presumption established under this division for a violation of 1093
division (A)(4) of section 2907.05 of the Revised Code. 1094

(2) Notwithstanding the presumption established under 1095
division (D)(1) of this section for the offenses listed in that 1096
division other than a violation of division (A)(4) or (B) of 1097
section 2907.05 of the Revised Code, the sentencing court may 1098
impose a community control sanction or a combination of community 1099
control sanctions instead of a prison term on an offender for a 1100
felony of the first or second degree or for a felony drug offense 1101
that is a violation of any provision of Chapter 2925., 3719., or 1102
4729. of the Revised Code for which a presumption in favor of a 1103
prison term is specified as being applicable if it makes both of 1104
the following findings: 1105

(a) A community control sanction or a combination of 1106
community control sanctions would adequately punish the offender 1107
and protect the public from future crime, because the applicable 1108
factors under section 2929.12 of the Revised Code indicating a 1109
lesser likelihood of recidivism outweigh the applicable factors 1110
under that section indicating a greater likelihood of recidivism. 1111

(b) A community control sanction or a combination of 1112
community control sanctions would not demean the seriousness of 1113
the offense, because one or more factors under section 2929.12 of 1114
the Revised Code that indicate that the offender's conduct was 1115
less serious than conduct normally constituting the offense are 1116
applicable, and they outweigh the applicable factors under that 1117
section that indicate that the offender's conduct was more serious 1118
than conduct normally constituting the offense. 1119

(E)(1) Except as provided in division (F) of this section, 1120
for any drug offense that is a violation of any provision of 1121
Chapter 2925. of the Revised Code and that is a felony of the 1122
third, fourth, or fifth degree, the applicability of a presumption 1123
under division (D) of this section in favor of a prison term or of 1124
division (B) or (C) of this section in determining whether to 1125
impose a prison term for the offense shall be determined as 1126
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1127
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1128
Revised Code, whichever is applicable regarding the violation. 1129

(2) If an offender who was convicted of or pleaded guilty to 1130
a felony violates the conditions of a community control sanction 1131
imposed for the offense solely by reason of producing positive 1132
results on a drug test, the court, as punishment for the violation 1133
of the sanction, shall not order that the offender be imprisoned 1134
unless the court determines on the record either of the following: 1135

(a) The offender had been ordered as a sanction for the 1136
felony to participate in a drug treatment program, in a drug 1137
education program, or in narcotics anonymous or a similar program, 1138
and the offender continued to use illegal drugs after a reasonable 1139
period of participation in the program. 1140

(b) The imprisonment of the offender for the violation is 1141
consistent with the purposes and principles of sentencing set 1142
forth in section 2929.11 of the Revised Code. 1143

(3) A court that sentences an offender for a drug abuse 1144
offense that is a felony of the third, fourth, or fifth degree may 1145
require that the offender be assessed by a properly credentialed 1146
professional within a specified period of time. The court shall 1147
require the professional to file a written assessment of the 1148
offender with the court. If the offender is eligible for a 1149
community control sanction and after considering the written 1150
assessment, the court may impose a community control sanction that 1151

includes treatment and recovery support services authorized by 1152
section 3793.02 of the Revised Code. If the court imposes 1153
treatment and recovery support services as a community control 1154
sanction, the court shall direct the level and type of treatment 1155
and recovery support services after considering the assessment and 1156
recommendation of treatment and recovery support services 1157
providers. 1158

(F) Notwithstanding divisions (A) to (E) of this section, the 1159
court shall impose a prison term or terms under sections 2929.02 1160
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 1161
of the Revised Code and except as specifically provided in section 1162
2929.20, divisions (C) to (I) of section 2967.19, or section 1163
2967.191 of the Revised Code or when parole is authorized for the 1164
offense under section 2967.13 of the Revised Code shall not reduce 1165
the term or terms pursuant to section 2929.20, section 2967.19, 1166
section 2967.193, or any other provision of Chapter 2967. or 1167
Chapter 5120. of the Revised Code for any of the following 1168
offenses: 1169

(1) Aggravated murder when death is not imposed or murder; 1170

(2) Any rape, regardless of whether force was involved and 1171
regardless of the age of the victim, or an attempt to commit rape 1172
if, had the offender completed the rape that was attempted, the 1173
offender would have been guilty of a violation of division 1174
(A)(1)(b) of section 2907.02 of the Revised Code and would be 1175
sentenced under section 2971.03 of the Revised Code; 1176

(3) Gross sexual imposition or sexual battery, if the victim 1177
is less than thirteen years of age and if any of the following 1178
applies: 1179

(a) Regarding gross sexual imposition, the offender 1180
previously was convicted of or pleaded guilty to rape, the former 1181
offense of felonious sexual penetration, gross sexual imposition, 1182

or sexual battery, and the victim of the previous offense was less than thirteen years of age;

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

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

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

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and either is a

violation of section 2903.04 of the Revised Code or an attempt to 1213
commit a felony of the second degree that is an offense of 1214
violence and involved an attempt to cause serious physical harm to 1215
a person or that resulted in serious physical harm to a person if 1216
the offender previously was convicted of or pleaded guilty to any 1217
of the following offenses: 1218

(a) Aggravated murder, murder, involuntary manslaughter, 1219
rape, felonious sexual penetration as it existed under section 1220
2907.12 of the Revised Code prior to September 3, 1996, a felony 1221
of the first or second degree that resulted in the death of a 1222
person or in physical harm to a person, or complicity in or an 1223
attempt to commit any of those offenses; 1224

(b) An offense under an existing or former law of this state, 1225
another state, or the United States that is or was substantially 1226
equivalent to an offense listed in division (F)(7)(a) of this 1227
section that resulted in the death of a person or in physical harm 1228
to a person. 1229

(8) Any offense, other than a violation of section 2923.12 of 1230
the Revised Code, that is a felony, if the offender had a firearm 1231
on or about the offender's person or under the offender's control 1232
while committing the felony, with respect to a portion of the 1233
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 1234
of the Revised Code for having the firearm; 1235

(9) Any offense of violence that is a felony, if the offender 1236
wore or carried body armor while committing the felony offense of 1237
violence, with respect to the portion of the sentence imposed 1238
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 1239
Code for wearing or carrying the body armor; 1240

(10) Corrupt activity in violation of section 2923.32 of the 1241
Revised Code when the most serious offense in the pattern of 1242
corrupt activity that is the basis of the offense is a felony of 1243

the first degree; 1244

(11) Any violent sex offense or designated homicide, assault, 1245
or kidnapping offense if, in relation to that offense, the 1246
offender is adjudicated a sexually violent predator; 1247

(12) A violation of division (A)(1) or (2) of section 2921.36 1248
of the Revised Code, or a violation of division (C) of that 1249
section involving an item listed in division (A)(1) or (2) of that 1250
section, if the offender is an officer or employee of the 1251
department of rehabilitation and correction; 1252

(13) A violation of division (A)(1) or (2) of section 2903.06 1253
of the Revised Code if the victim of the offense is a peace 1254
officer, as defined in section 2935.01 of the Revised Code, or an 1255
investigator of the bureau of criminal identification and 1256
investigation, as defined in section 2903.11 of the Revised Code, 1257
with respect to the portion of the sentence imposed pursuant to 1258
division (B)(5) of section 2929.14 of the Revised Code; 1259

(14) A violation of division (A)(1) or (2) of section 2903.06 1260
of the Revised Code if the offender has been convicted of or 1261
pleaded guilty to three or more violations of division (A) or (B) 1262
of section 4511.19 of the Revised Code or an equivalent offense, 1263
as defined in section 2941.1415 of the Revised Code, or three or 1264
more violations of any combination of those divisions and 1265
offenses, with respect to the portion of the sentence imposed 1266
pursuant to division (B)(6) of section 2929.14 of the Revised 1267
Code; 1268

(15) Kidnapping, in the circumstances specified in section 1269
2971.03 of the Revised Code and when no other provision of 1270
division (F) of this section applies; 1271

(16) Kidnapping, abduction, compelling prostitution, 1272
promoting prostitution, engaging in a pattern of corrupt activity, 1273
illegal use of a minor in a nudity-oriented material or 1274

performance in violation of division (A)(1) or (2) of section 1275
2907.323 of the Revised Code, or endangering children in violation 1276
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 1277
the Revised Code, if the offender is convicted of or pleads guilty 1278
to a specification as described in section 2941.1422 of the 1279
Revised Code that was included in the indictment, count in the 1280
indictment, or information charging the offense; 1281

(17) A felony violation of division (A) or (B) of section 1282
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 1283
that section, and division (D)(6) of that section, require the 1284
imposition of a prison term; 1285

(18) A felony violation of section 2903.11, 2903.12, or 1286
2903.13 of the Revised Code, if the victim of the offense was a 1287
woman that the offender knew was pregnant at the time of the 1288
violation, with respect to a portion of the sentence imposed 1289
pursuant to division (B)(8) of section 2929.14 of the Revised 1290
Code. 1291

(G) Notwithstanding divisions (A) to (E) of this section, if 1292
an offender is being sentenced for a fourth degree felony OVI 1293
offense or for a third degree felony OVI offense, the court shall 1294
impose upon the offender a mandatory term of local incarceration 1295
or a mandatory prison term in accordance with the following: 1296

(1) If the offender is being sentenced for a fourth degree 1297
felony OVI offense and if the offender has not been convicted of 1298
and has not pleaded guilty to a specification of the type 1299
described in section 2941.1413 of the Revised Code, the court may 1300
impose upon the offender a mandatory term of local incarceration 1301
of sixty days or one hundred twenty days as specified in division 1302
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1303
not reduce the term pursuant to section 2929.20, 2967.193, or any 1304
other provision of the Revised Code. The court that imposes a 1305
mandatory term of local incarceration under this division shall 1306

specify whether the term is to be served in a jail, a 1307
community-based correctional facility, a halfway house, or an 1308
alternative residential facility, and the offender shall serve the 1309
term in the type of facility specified by the court. A mandatory 1310
term of local incarceration imposed under division (G)(1) of this 1311
section is not subject to any other Revised Code provision that 1312
pertains to a prison term except as provided in division (A)(1) of 1313
this section. 1314

(2) If the offender is being sentenced for a third degree 1315
felony OVI offense, or if the offender is being sentenced for a 1316
fourth degree felony OVI offense and the court does not impose a 1317
mandatory term of local incarceration under division (G)(1) of 1318
this section, the court shall impose upon the offender a mandatory 1319
prison term of one, two, three, four, or five years if the 1320
offender also is convicted of or also pleads guilty to a 1321
specification of the type described in section 2941.1413 of the 1322
Revised Code or shall impose upon the offender a mandatory prison 1323
term of sixty days or one hundred twenty days as specified in 1324
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1325
if the offender has not been convicted of and has not pleaded 1326
guilty to a specification of that type. Subject to divisions (C) 1327
to (I) of section 2967.19 of the Revised Code, the court shall not 1328
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 1329
any other provision of the Revised Code. The offender shall serve 1330
the one-, two-, three-, four-, or five-year mandatory prison term 1331
consecutively to and prior to the prison term imposed for the 1332
underlying offense and consecutively to any other mandatory prison 1333
term imposed in relation to the offense. In no case shall an 1334
offender who once has been sentenced to a mandatory term of local 1335
incarceration pursuant to division (G)(1) of this section for a 1336
fourth degree felony OVI offense be sentenced to another mandatory 1337
term of local incarceration under that division for any violation 1338
of division (A) of section 4511.19 of the Revised Code. In 1339

addition to the mandatory prison term described in division (G)(2) 1340
of this section, the court may sentence the offender to a 1341
community control sanction under section 2929.16 or 2929.17 of the 1342
Revised Code, but the offender shall serve the prison term prior 1343
to serving the community control sanction. The department of 1344
rehabilitation and correction may place an offender sentenced to a 1345
mandatory prison term under this division in an intensive program 1346
prison established pursuant to section 5120.033 of the Revised 1347
Code if the department gave the sentencing judge prior notice of 1348
its intent to place the offender in an intensive program prison 1349
established under that section and if the judge did not notify the 1350
department that the judge disapproved the placement. Upon the 1351
establishment of the initial intensive program prison pursuant to 1352
section 5120.033 of the Revised Code that is privately operated 1353
and managed by a contractor pursuant to a contract entered into 1354
under section 9.06 of the Revised Code, both of the following 1355
apply: 1356

(a) The department of rehabilitation and correction shall 1357
make a reasonable effort to ensure that a sufficient number of 1358
offenders sentenced to a mandatory prison term under this division 1359
are placed in the privately operated and managed prison so that 1360
the privately operated and managed prison has full occupancy. 1361

(b) Unless the privately operated and managed prison has full 1362
occupancy, the department of rehabilitation and correction shall 1363
not place any offender sentenced to a mandatory prison term under 1364
this division in any intensive program prison established pursuant 1365
to section 5120.033 of the Revised Code other than the privately 1366
operated and managed prison. 1367

(H) If an offender is being sentenced for a sexually oriented 1368
offense or child-victim oriented offense that is a felony 1369
committed on or after January 1, 1997, the judge shall require the 1370
offender to submit to a DNA specimen collection procedure pursuant 1371

to section 2901.07 of the Revised Code. 1372

(I) If an offender is being sentenced for a sexually oriented 1373
offense or a child-victim oriented offense committed on or after 1374
January 1, 1997, the judge shall include in the sentence a summary 1375
of the offender's duties imposed under sections 2950.04, 2950.041, 1376
2950.05, and 2950.06 of the Revised Code and the duration of the 1377
duties. The judge shall inform the offender, at the time of 1378
sentencing, of those duties and of their duration. If required 1379
under division (A)(2) of section 2950.03 of the Revised Code, the 1380
judge shall perform the duties specified in that section, or, if 1381
required under division (A)(6) of section 2950.03 of the Revised 1382
Code, the judge shall perform the duties specified in that 1383
division. 1384

(J)(1) Except as provided in division (J)(2) of this section, 1385
when considering sentencing factors under this section in relation 1386
to an offender who is convicted of or pleads guilty to an attempt 1387
to commit an offense in violation of section 2923.02 of the 1388
Revised Code, the sentencing court shall consider the factors 1389
applicable to the felony category of the violation of section 1390
2923.02 of the Revised Code instead of the factors applicable to 1391
the felony category of the offense attempted. 1392

(2) When considering sentencing factors under this section in 1393
relation to an offender who is convicted of or pleads guilty to an 1394
attempt to commit a drug abuse offense for which the penalty is 1395
determined by the amount or number of unit doses of the controlled 1396
substance involved in the drug abuse offense, the sentencing court 1397
shall consider the factors applicable to the felony category that 1398
the drug abuse offense attempted would be if that drug abuse 1399
offense had been committed and had involved an amount or number of 1400
unit doses of the controlled substance that is within the next 1401
lower range of controlled substance amounts than was involved in 1402
the attempt. 1403

(K) As used in this section:	1404
(1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.	1405 1406
(2) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (7) (8)(b) or (C) (8) (9)(b) of that section applies.	1407 1408 1409
(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.	1410 1411 1412 1413 1414 1415 1416 1417 1418
Sec. 2929.14. (A) Except as provided in division (B)(1), (B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), (G), (H), or (J) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:	1419 1420 1421 1422 1423 1424 1425 1426 1427
(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, ten, or eleven years.	1428 1429 1430
(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.	1431 1432
(3)(a) For a felony of the third degree that is a violation	1433

of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the Revised Code or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the prison term shall be twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months.

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

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

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

(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:

(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;

(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 1465
offender's person or under the offender's control while committing 1466
the offense and displaying the firearm, brandishing the firearm, 1467
indicating that the offender possessed the firearm, or using it to 1468
facilitate the offense; 1469

(iii) A prison term of one year if the specification is of 1470
the type described in section 2941.141 of the Revised Code that 1471
charges the offender with having a firearm on or about the 1472
offender's person or under the offender's control while committing 1473
the felony. 1474

(b) If a court imposes a prison term on an offender under 1475
division (B)(1)(a) of this section, the prison term shall not be 1476
reduced pursuant to section 2967.19, section 2929.20, section 1477
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1478
of the Revised Code. Except as provided in division (B)(1)(g) of 1479
this section, a court shall not impose more than one prison term 1480
on an offender under division (B)(1)(a) of this section for 1481
felonies committed as part of the same act or transaction. 1482

(c) Except as provided in division (B)(1)(e) of this section, 1483
if an offender who is convicted of or pleads guilty to a violation 1484
of section 2923.161 of the Revised Code or to a felony that 1485
includes, as an essential element, purposely or knowingly causing 1486
or attempting to cause the death of or physical harm to another, 1487
also is convicted of or pleads guilty to a specification of the 1488
type described in section 2941.146 of the Revised Code that 1489
charges the offender with committing the offense by discharging a 1490
firearm from a motor vehicle other than a manufactured home, the 1491
court, after imposing a prison term on the offender for the 1492
violation of section 2923.161 of the Revised Code or for the other 1493
felony offense under division (A), (B)(2), or (B)(3) of this 1494
section, shall impose an additional prison term of five years upon 1495
the offender that shall not be reduced pursuant to section 1496

2929.20, section 2967.19, section 2967.193, or any other provision 1497
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 1498
shall not impose more than one additional prison term on an 1499
offender under division (B)(1)(c) of this section for felonies 1500
committed as part of the same act or transaction. If a court 1501
imposes an additional prison term on an offender under division 1502
(B)(1)(c) of this section relative to an offense, the court also 1503
shall impose a prison term under division (B)(1)(a) of this 1504
section relative to the same offense, provided the criteria 1505
specified in that division for imposing an additional prison term 1506
are satisfied relative to the offender and the offense. 1507

(d) If an offender who is convicted of or pleads guilty to an 1508
offense of violence that is a felony also is convicted of or 1509
pleads guilty to a specification of the type described in section 1510
2941.1411 of the Revised Code that charges the offender with 1511
wearing or carrying body armor while committing the felony offense 1512
of violence, the court shall impose on the offender a prison term 1513
of two years. The prison term so imposed, subject to divisions (C) 1514
to (I) of section 2967.19 of the Revised Code, shall not be 1515
reduced pursuant to section 2929.20, section 2967.19, section 1516
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1517
of the Revised Code. A court shall not impose more than one prison 1518
term on an offender under division (B)(1)(d) of this section for 1519
felonies committed as part of the same act or transaction. If a 1520
court imposes an additional prison term under division (B)(1)(a) 1521
or (c) of this section, the court is not precluded from imposing 1522
an additional prison term under division (B)(1)(d) of this 1523
section. 1524

(e) The court shall not impose any of the prison terms 1525
described in division (B)(1)(a) of this section or any of the 1526
additional prison terms described in division (B)(1)(c) of this 1527
section upon an offender for a violation of section 2923.12 or 1528

2923.123 of the Revised Code. The court shall not impose any of 1529
the prison terms described in division (B)(1)(a) or (b) of this 1530
section upon an offender for a violation of section 2923.122 that 1531
involves a deadly weapon that is a firearm other than a dangerous 1532
ordnance, section 2923.16, or section 2923.121 of the Revised 1533
Code. The court shall not impose any of the prison terms described 1534
in division (B)(1)(a) of this section or any of the additional 1535
prison terms described in division (B)(1)(c) of this section upon 1536
an offender for a violation of section 2923.13 of the Revised Code 1537
unless all of the following apply: 1538

(i) The offender previously has been convicted of aggravated 1539
murder, murder, or any felony of the first or second degree. 1540

(ii) Less than five years have passed since the offender was 1541
released from prison or post-release control, whichever is later, 1542
for the prior offense. 1543

(f) If an offender is convicted of or pleads guilty to a 1544
felony that includes, as an essential element, causing or 1545
attempting to cause the death of or physical harm to another and 1546
also is convicted of or pleads guilty to a specification of the 1547
type described in section 2941.1412 of the Revised Code that 1548
charges the offender with committing the offense by discharging a 1549
firearm at a peace officer as defined in section 2935.01 of the 1550
Revised Code or a corrections officer, as defined in section 1551
2941.1412 of the Revised Code, the court, after imposing a prison 1552
term on the offender for the felony offense under division (A), 1553
(B)(2), or (B)(3) of this section, shall impose an additional 1554
prison term of seven years upon the offender that shall not be 1555
reduced pursuant to section 2929.20, section 2967.19, section 1556
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1557
of the Revised Code. If an offender is convicted of or pleads 1558
guilty to two or more felonies that include, as an essential 1559
element, causing or attempting to cause the death or physical harm 1560

to another and also is convicted of or pleads guilty to a 1561
specification of the type described under division (B)(1)(f) of 1562
this section in connection with two or more of the felonies of 1563
which the offender is convicted or to which the offender pleads 1564
guilty, the sentencing court shall impose on the offender the 1565
prison term specified under division (B)(1)(f) of this section for 1566
each of two of the specifications of which the offender is 1567
convicted or to which the offender pleads guilty and, in its 1568
discretion, also may impose on the offender the prison term 1569
specified under that division for any or all of the remaining 1570
specifications. If a court imposes an additional prison term on an 1571
offender under division (B)(1)(f) of this section relative to an 1572
offense, the court shall not impose a prison term under division 1573
(B)(1)(a) or (c) of this section relative to the same offense. 1574

(g) If an offender is convicted of or pleads guilty to two or 1575
more felonies, if one or more of those felonies are aggravated 1576
murder, murder, attempted aggravated murder, attempted murder, 1577
aggravated robbery, felonious assault, or rape, and if the 1578
offender is convicted of or pleads guilty to a specification of 1579
the type described under division (B)(1)(a) of this section in 1580
connection with two or more of the felonies, the sentencing court 1581
shall impose on the offender the prison term specified under 1582
division (B)(1)(a) of this section for each of the two most 1583
serious specifications of which the offender is convicted or to 1584
which the offender pleads guilty and, in its discretion, also may 1585
impose on the offender the prison term specified under that 1586
division for any or all of the remaining specifications. 1587

(2)(a) If division (B)(2)(b) of this section does not apply, 1588
the court may impose on an offender, in addition to the longest 1589
prison term authorized or required for the offense, an additional 1590
definite prison term of one, two, three, four, five, six, seven, 1591
eight, nine, or ten years if all of the following criteria are 1592

met: 1593

(i) The offender is convicted of or pleads guilty to a 1594
specification of the type described in section 2941.149 of the 1595
Revised Code that the offender is a repeat violent offender. 1596

(ii) The offense of which the offender currently is convicted 1597
or to which the offender currently pleads guilty is aggravated 1598
murder and the court does not impose a sentence of death or life 1599
imprisonment without parole, murder, terrorism and the court does 1600
not impose a sentence of life imprisonment without parole, any 1601
felony of the first degree that is an offense of violence and the 1602
court does not impose a sentence of life imprisonment without 1603
parole, or any felony of the second degree that is an offense of 1604
violence and the trier of fact finds that the offense involved an 1605
attempt to cause or a threat to cause serious physical harm to a 1606
person or resulted in serious physical harm to a person. 1607

(iii) The court imposes the longest prison term for the 1608
offense that is not life imprisonment without parole. 1609

(iv) The court finds that the prison terms imposed pursuant 1610
to division (B)(2)(a)(iii) of this section and, if applicable, 1611
division (B)(1) or (3) of this section are inadequate to punish 1612
the offender and protect the public from future crime, because the 1613
applicable factors under section 2929.12 of the Revised Code 1614
indicating a greater likelihood of recidivism outweigh the 1615
applicable factors under that section indicating a lesser 1616
likelihood of recidivism. 1617

(v) The court finds that the prison terms imposed pursuant to 1618
division (B)(2)(a)(iii) of this section and, if applicable, 1619
division (B)(1) or (3) of this section are demeaning to the 1620
seriousness of the offense, because one or more of the factors 1621
under section 2929.12 of the Revised Code indicating that the 1622
offender's conduct is more serious than conduct normally 1623

constituting the offense are present, and they outweigh the 1624
applicable factors under that section indicating that the 1625
offender's conduct is less serious than conduct normally 1626
constituting the offense. 1627

(b) The court shall impose on an offender the longest prison 1628
term authorized or required for the offense and shall impose on 1629
the offender an additional definite prison term of one, two, 1630
three, four, five, six, seven, eight, nine, or ten years if all of 1631
the following criteria are met: 1632

(i) The offender is convicted of or pleads guilty to a 1633
specification of the type described in section 2941.149 of the 1634
Revised Code that the offender is a repeat violent offender. 1635

(ii) The offender within the preceding twenty years has been 1636
convicted of or pleaded guilty to three or more offenses described 1637
in division (CC)(1) of section 2929.01 of the Revised Code, 1638
including all offenses described in that division of which the 1639
offender is convicted or to which the offender pleads guilty in 1640
the current prosecution and all offenses described in that 1641
division of which the offender previously has been convicted or to 1642
which the offender previously pleaded guilty, whether prosecuted 1643
together or separately. 1644

(iii) The offense or offenses of which the offender currently 1645
is convicted or to which the offender currently pleads guilty is 1646
aggravated murder and the court does not impose a sentence of 1647
death or life imprisonment without parole, murder, terrorism and 1648
the court does not impose a sentence of life imprisonment without 1649
parole, any felony of the first degree that is an offense of 1650
violence and the court does not impose a sentence of life 1651
imprisonment without parole, or any felony of the second degree 1652
that is an offense of violence and the trier of fact finds that 1653
the offense involved an attempt to cause or a threat to cause 1654
serious physical harm to a person or resulted in serious physical 1655

harm to a person. 1656

(c) For purposes of division (B)(2)(b) of this section, two 1657
or more offenses committed at the same time or as part of the same 1658
act or event shall be considered one offense, and that one offense 1659
shall be the offense with the greatest penalty. 1660

(d) A sentence imposed under division (B)(2)(a) or (b) of 1661
this section shall not be reduced pursuant to section 2929.20, 1662
section 2967.19, or section 2967.193, or any other provision of 1663
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1664
shall serve an additional prison term imposed under this section 1665
consecutively to and prior to the prison term imposed for the 1666
underlying offense. 1667

(e) When imposing a sentence pursuant to division (B)(2)(a) 1668
or (b) of this section, the court shall state its findings 1669
explaining the imposed sentence. 1670

(3) Except when an offender commits a violation of section 1671
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1672
the violation is life imprisonment or commits a violation of 1673
section 2903.02 of the Revised Code, if the offender commits a 1674
violation of section 2925.03 or 2925.11 of the Revised Code and 1675
that section classifies the offender as a major drug offender, if 1676
the offender commits a felony violation of section 2925.02, 1677
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1678
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1679
division (C) of section 4729.51, or division (J) of section 1680
4729.54 of the Revised Code that includes the sale, offer to sell, 1681
or possession of a schedule I or II controlled substance, with the 1682
exception of marihuana, and the court imposing sentence upon the 1683
offender finds that the offender is guilty of a specification of 1684
the type described in section 2941.1410 of the Revised Code 1685
charging that the offender is a major drug offender, if the court 1686
imposing sentence upon an offender for a felony finds that the 1687

offender is guilty of corrupt activity with the most serious 1688
offense in the pattern of corrupt activity being a felony of the 1689
first degree, or if the offender is guilty of an attempted 1690
violation of section 2907.02 of the Revised Code and, had the 1691
offender completed the violation of section 2907.02 of the Revised 1692
Code that was attempted, the offender would have been subject to a 1693
sentence of life imprisonment or life imprisonment without parole 1694
for the violation of section 2907.02 of the Revised Code, the 1695
court shall impose upon the offender for the felony violation a 1696
mandatory prison term of the maximum prison term prescribed for a 1697
felony of the first degree that, subject to divisions (C) to (I) 1698
of section 2967.19 of the Revised Code, cannot be reduced pursuant 1699
to section 2929.20, section 2967.19, or any other provision of 1700
Chapter 2967. or 5120. of the Revised Code. 1701

(4) If the offender is being sentenced for a third or fourth 1702
degree felony OVI offense under division (G)(2) of section 2929.13 1703
of the Revised Code, the sentencing court shall impose upon the 1704
offender a mandatory prison term in accordance with that division. 1705
In addition to the mandatory prison term, if the offender is being 1706
sentenced for a fourth degree felony OVI offense, the court, 1707
notwithstanding division (A)(4) of this section, may sentence the 1708
offender to a definite prison term of not less than six months and 1709
not more than thirty months, and if the offender is being 1710
sentenced for a third degree felony OVI offense, the sentencing 1711
court may sentence the offender to an additional prison term of 1712
any duration specified in division (A)(3) of this section. In 1713
either case, the additional prison term imposed shall be reduced 1714
by the sixty or one hundred twenty days imposed upon the offender 1715
as the mandatory prison term. The total of the additional prison 1716
term imposed under division (B)(4) of this section plus the sixty 1717
or one hundred twenty days imposed as the mandatory prison term 1718
shall equal a definite term in the range of six months to thirty 1719
months for a fourth degree felony OVI offense and shall equal one 1720

of the authorized prison terms specified in division (A)(3) of 1721
this section for a third degree felony OVI offense. If the court 1722
imposes an additional prison term under division (B)(4) of this 1723
section, the offender shall serve the additional prison term after 1724
the offender has served the mandatory prison term required for the 1725
offense. In addition to the mandatory prison term or mandatory and 1726
additional prison term imposed as described in division (B)(4) of 1727
this section, the court also may sentence the offender to a 1728
community control sanction under section 2929.16 or 2929.17 of the 1729
Revised Code, but the offender shall serve all of the prison terms 1730
so imposed prior to serving the community control sanction. 1731

If the offender is being sentenced for a fourth degree felony 1732
OVI offense under division (G)(1) of section 2929.13 of the 1733
Revised Code and the court imposes a mandatory term of local 1734
incarceration, the court may impose a prison term as described in 1735
division (A)(1) of that section. 1736

(5) If an offender is convicted of or pleads guilty to a 1737
violation of division (A)(1) or (2) of section 2903.06 of the 1738
Revised Code and also is convicted of or pleads guilty to a 1739
specification of the type described in section 2941.1414 of the 1740
Revised Code that charges that the victim of the offense is a 1741
peace officer, as defined in section 2935.01 of the Revised Code, 1742
or an investigator of the bureau of criminal identification and 1743
investigation, as defined in section 2903.11 of the Revised Code, 1744
the court shall impose on the offender a prison term of five 1745
years. If a court imposes a prison term on an offender under 1746
division (B)(5) of this section, the prison term, subject to 1747
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 1748
not be reduced pursuant to section 2929.20, section 2967.19, 1749
section 2967.193, or any other provision of Chapter 2967. or 1750
Chapter 5120. of the Revised Code. A court shall not impose more 1751
than one prison term on an offender under division (B)(5) of this 1752

section for felonies committed as part of the same act. 1753

(6) If an offender is convicted of or pleads guilty to a 1754
violation of division (A)(1) or (2) of section 2903.06 of the 1755
Revised Code and also is convicted of or pleads guilty to a 1756
specification of the type described in section 2941.1415 of the 1757
Revised Code that charges that the offender previously has been 1758
convicted of or pleaded guilty to three or more violations of 1759
division (A) or (B) of section 4511.19 of the Revised Code or an 1760
equivalent offense, as defined in section 2941.1415 of the Revised 1761
Code, or three or more violations of any combination of those 1762
divisions and offenses, the court shall impose on the offender a 1763
prison term of three years. If a court imposes a prison term on an 1764
offender under division (B)(6) of this section, the prison term, 1765
subject to divisions (C) to (I) of section 2967.19 of the Revised 1766
Code, shall not be reduced pursuant to section 2929.20, section 1767
2967.19, section 2967.193, or any other provision of Chapter 2967. 1768
or Chapter 5120. of the Revised Code. A court shall not impose 1769
more than one prison term on an offender under division (B)(6) of 1770
this section for felonies committed as part of the same act. 1771

(7)(a) If an offender is convicted of or pleads guilty to a 1772
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1773
2923.32, division (A)(1) or (2) of section 2907.323, or division 1774
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 1775
Code and also is convicted of or pleads guilty to a specification 1776
of the type described in section 2941.1422 of the Revised Code 1777
that charges that the offender knowingly committed the offense in 1778
furtherance of human trafficking, the court shall impose on the 1779
offender a mandatory prison term that is one of the following: 1780

(i) If the offense is a felony of the first degree, a 1781
definite prison term of not less than five years and not greater 1782
than ten years; 1783

(ii) If the offense is a felony of the second or third 1784

degree, a definite prison term of not less than three years and 1785
not greater than the maximum prison term allowed for the offense 1786
by division (A) of section 2929.14 of the Revised Code; 1787

(iii) If the offense is a felony of the fourth or fifth 1788
degree, a definite prison term that is the maximum prison term 1789
allowed for the offense by division (A) of section 2929.14 of the 1790
Revised Code. 1791

(b) Subject to divisions (C) to (I) of section 2967.19 of the 1792
Revised Code, the prison term imposed under division (B)(7)(a) of 1793
this section shall not be reduced pursuant to section 2929.20, 1794
section 2967.19, section 2967.193, or any other provision of 1795
Chapter 2967. of the Revised Code. A court shall not impose more 1796
than one prison term on an offender under division (B)(7)(a) of 1797
this section for felonies committed as part of the same act, 1798
scheme, or plan. 1799

(8) If an offender is convicted of or pleads guilty to a 1800
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1801
Revised Code and also is convicted of or pleads guilty to a 1802
specification of the type described in section 2941.1423 of the 1803
Revised Code that charges that the victim of the violation was a 1804
woman whom the offender knew was pregnant at the time of the 1805
violation, notwithstanding the range of prison terms prescribed in 1806
division (A) of this section for felonies of the same degree as 1807
the violation, the court shall impose on the offender a mandatory 1808
prison term that is either a definite prison term of six months or 1809
one of the prison terms prescribed in section 2929.14 of the 1810
Revised Code for felonies of the same degree as the violation. 1811

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 1812
mandatory prison term is imposed upon an offender pursuant to 1813
division (B)(1)(a) of this section for having a firearm on or 1814
about the offender's person or under the offender's control while 1815
committing a felony, if a mandatory prison term is imposed upon an 1816

offender pursuant to division (B)(1)(c) of this section for 1817
committing a felony specified in that division by discharging a 1818
firearm from a motor vehicle, or if both types of mandatory prison 1819
terms are imposed, the offender shall serve any mandatory prison 1820
term imposed under either division consecutively to any other 1821
mandatory prison term imposed under either division or under 1822
division (B)(1)(d) of this section, consecutively to and prior to 1823
any prison term imposed for the underlying felony pursuant to 1824
division (A), (B)(2), or (B)(3) of this section or any other 1825
section of the Revised Code, and consecutively to any other prison 1826
term or mandatory prison term previously or subsequently imposed 1827
upon the offender. 1828

(b) If a mandatory prison term is imposed upon an offender 1829
pursuant to division (B)(1)(d) of this section for wearing or 1830
carrying body armor while committing an offense of violence that 1831
is a felony, the offender shall serve the mandatory term so 1832
imposed consecutively to any other mandatory prison term imposed 1833
under that division or under division (B)(1)(a) or (c) of this 1834
section, consecutively to and prior to any prison term imposed for 1835
the underlying felony under division (A), (B)(2), or (B)(3) of 1836
this section or any other section of the Revised Code, and 1837
consecutively to any other prison term or mandatory prison term 1838
previously or subsequently imposed upon the offender. 1839

(c) If a mandatory prison term is imposed upon an offender 1840
pursuant to division (B)(1)(f) of this section, the offender shall 1841
serve the mandatory prison term so imposed consecutively to and 1842
prior to any prison term imposed for the underlying felony under 1843
division (A), (B)(2), or (B)(3) of this section or any other 1844
section of the Revised Code, and consecutively to any other prison 1845
term or mandatory prison term previously or subsequently imposed 1846
upon the offender. 1847

(d) If a mandatory prison term is imposed upon an offender 1848

pursuant to division (B)(7) or (8) of this section, the offender 1849
shall serve the mandatory prison term so imposed consecutively to 1850
any other mandatory prison term imposed under that division or 1851
under any other provision of law and consecutively to any other 1852
prison term or mandatory prison term previously or subsequently 1853
imposed upon the offender. 1854

(2) If an offender who is an inmate in a jail, prison, or 1855
other residential detention facility violates section 2917.02, 1856
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 1857
of section 2921.34 of the Revised Code, if an offender who is 1858
under detention at a detention facility commits a felony violation 1859
of section 2923.131 of the Revised Code, or if an offender who is 1860
an inmate in a jail, prison, or other residential detention 1861
facility or is under detention at a detention facility commits 1862
another felony while the offender is an escapee in violation of 1863
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 1864
prison term imposed upon the offender for one of those violations 1865
shall be served by the offender consecutively to the prison term 1866
or term of imprisonment the offender was serving when the offender 1867
committed that offense and to any other prison term previously or 1868
subsequently imposed upon the offender. 1869

(3) If a prison term is imposed for a violation of division 1870
(C)(3) of section 2903.13 of the Revised Code, a violation of 1871
division (B) of section 2911.01 of the Revised Code, a violation 1872
of division (A) of section 2913.02 of the Revised Code in which 1873
the stolen property is a firearm or dangerous ordnance, or a 1874
felony violation of division (B) of section 2921.331 of the 1875
Revised Code, the offender shall serve that prison term 1876
consecutively to any other prison term or mandatory prison term 1877
previously or subsequently imposed upon the offender. 1878

(4) If multiple prison terms are imposed on an offender for 1879
convictions of multiple offenses, the court may require the 1880

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
imposed pursuant to division (B)(5) of this section consecutively

to and prior to the mandatory prison term imposed pursuant to 1913
division (B)(6) of this section and consecutively to and prior to 1914
any prison term imposed for the underlying violation of division 1915
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 1916
division (A) of this section or section 2929.142 of the Revised 1917
Code. 1918

(6) When consecutive prison terms are imposed pursuant to 1919
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) 1920
of this section, the term to be served is the aggregate of all of 1921
the terms so imposed. 1922

(D)(1) If a court imposes a prison term for a felony of the 1923
first degree, for a felony of the second degree, for a felony sex 1924
offense, or for a felony of the third degree that is not a felony 1925
sex offense and in the commission of which the offender caused or 1926
threatened to cause physical harm to a person, it shall include in 1927
the sentence a requirement that the offender be subject to a 1928
period of post-release control after the offender's release from 1929
imprisonment, in accordance with that division. If a court imposes 1930
a sentence including a prison term of a type described in this 1931
division on or after July 11, 2006, the failure of a court to 1932
include a post-release control requirement in the sentence 1933
pursuant to this division does not negate, limit, or otherwise 1934
affect the mandatory period of post-release control that is 1935
required for the offender under division (B) of section 2967.28 of 1936
the Revised Code. Section 2929.191 of the Revised Code applies if, 1937
prior to July 11, 2006, a court imposed a sentence including a 1938
prison term of a type described in this division and failed to 1939
include in the sentence pursuant to this division a statement 1940
regarding post-release control. 1941

(2) If a court imposes a prison term for a felony of the 1942
third, fourth, or fifth degree that is not subject to division 1943
(D)(1) of this section, it shall include in the sentence a 1944

requirement that the offender be subject to a period of 1945
post-release control after the offender's release from 1946
imprisonment, in accordance with that division, if the parole 1947
board determines that a period of post-release control is 1948
necessary. Section 2929.191 of the Revised Code applies if, prior 1949
to July 11, 2006, a court imposed a sentence including a prison 1950
term of a type described in this division and failed to include in 1951
the sentence pursuant to this division a statement regarding 1952
post-release control. 1953

(E) The court shall impose sentence upon the offender in 1954
accordance with section 2971.03 of the Revised Code, and Chapter 1955
2971. of the Revised Code applies regarding the prison term or 1956
term of life imprisonment without parole imposed upon the offender 1957
and the service of that term of imprisonment if any of the 1958
following apply: 1959

(1) A person is convicted of or pleads guilty to a violent 1960
sex offense or a designated homicide, assault, or kidnapping 1961
offense, and, in relation to that offense, the offender is 1962
adjudicated a sexually violent predator. 1963

(2) A person is convicted of or pleads guilty to a violation 1964
of division (A)(1)(b) of section 2907.02 of the Revised Code 1965
committed on or after January 2, 2007, and either the court does 1966
not impose a sentence of life without parole when authorized 1967
pursuant to division (B) of section 2907.02 of the Revised Code, 1968
or division (B) of section 2907.02 of the Revised Code provides 1969
that the court shall not sentence the offender pursuant to section 1970
2971.03 of the Revised Code. 1971

(3) A person is convicted of or pleads guilty to attempted 1972
rape committed on or after January 2, 2007, and a specification of 1973
the type described in section 2941.1418, 2941.1419, or 2941.1420 1974
of the Revised Code. 1975

(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.

(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), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) 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.

(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.

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

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

(H)(1) If an offender who is convicted of or pleads guilty to

aggravated murder, murder, or a felony of the first, second, or 2007
third degree that is an offense of violence also is convicted of 2008
or pleads guilty to a specification of the type described in 2009
section 2941.143 of the Revised Code that charges the offender 2010
with having committed the offense in a school safety zone or 2011
towards a person in a school safety zone, the court shall impose 2012
upon the offender an additional prison term of two years. The 2013
offender shall serve the additional two years consecutively to and 2014
prior to the prison term imposed for the underlying offense. 2015

(2)(a) If an offender is convicted of or pleads guilty to a 2016
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 2017
of the Revised Code and to a specification of the type described 2018
in section 2941.1421 of the Revised Code and if the court imposes 2019
a prison term on the offender for the felony violation, the court 2020
may impose upon the offender an additional prison term as follows: 2021

(i) Subject to division (H)(2)(a)(ii) of this section, an 2022
additional prison term of one, two, three, four, five, or six 2023
months; 2024

(ii) If the offender previously has been convicted of or 2025
pleaded guilty to one or more felony or misdemeanor violations of 2026
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 2027
Revised Code and also was convicted of or pleaded guilty to a 2028
specification of the type described in section 2941.1421 of the 2029
Revised Code regarding one or more of those violations, an 2030
additional prison term of one, two, three, four, five, six, seven, 2031
eight, nine, ten, eleven, or twelve months. 2032

(b) In lieu of imposing an additional prison term under 2033
division (H)(2)(a) of this section, the court may directly impose 2034
on the offender a sanction that requires the offender to wear a 2035
real-time processing, continual tracking electronic monitoring 2036
device during the period of time specified by the court. The 2037
period of time specified by the court shall equal the duration of 2038

an additional prison term that the court could have imposed upon 2039
the offender under division (H)(2)(a) of this section. A sanction 2040
imposed under this division shall commence on the date specified 2041
by the court, provided that the sanction shall not commence until 2042
after the offender has served the prison term imposed for the 2043
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 2044
of the Revised Code and any residential sanction imposed for the 2045
violation under section 2929.16 of the Revised Code. A sanction 2046
imposed under this division shall be considered to be a community 2047
control sanction for purposes of section 2929.15 of the Revised 2048
Code, and all provisions of the Revised Code that pertain to 2049
community control sanctions shall apply to a sanction imposed 2050
under this division, except to the extent that they would by their 2051
nature be clearly inapplicable. The offender shall pay all costs 2052
associated with a sanction imposed under this division, including 2053
the cost of the use of the monitoring device. 2054

(I) At the time of sentencing, the court may recommend the 2055
offender for placement in a program of shock incarceration under 2056
section 5120.031 of the Revised Code or for placement in an 2057
intensive program prison under section 5120.032 of the Revised 2058
Code, disapprove placement of the offender in a program of shock 2059
incarceration or an intensive program prison of that nature, or 2060
make no recommendation on placement of the offender. In no case 2061
shall the department of rehabilitation and correction place the 2062
offender in a program or prison of that nature unless the 2063
department determines as specified in section 5120.031 or 5120.032 2064
of the Revised Code, whichever is applicable, that the offender is 2065
eligible for the placement. 2066

If the court disapproves placement of the offender in a 2067
program or prison of that nature, the department of rehabilitation 2068
and correction shall not place the offender in any program of 2069
shock incarceration or intensive program prison. 2070

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.

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.

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

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

Section 2. That existing sections 2152.17, 2903.13, 2923.125, 2103
2929.13, and 2929.14 of the Revised Code are hereby repealed. 2104

2105

Section 3. Section 2903.13 of the Revised Code is presented 2106
in this act as a composite of the section as amended by both Am. 2107
Sub. H.B. 62 and Sub. H.B. 525 of the 129th General Assembly. 2108

Section 2929.13 of the Revised Code is presented in this act as a 2109
composite of the section as amended by Am. Sub. H.B. 62, Am. Sub. 2110

H.B. 262, and Am. Sub. S.B. 160 of the 129th General Assembly. The 2111
General Assembly, applying the principle stated in division (B) of 2112

section 1.52 of the Revised Code that amendments are to be 2113

harmonized if reasonably capable of simultaneous operation, finds 2114

that the composites are the resulting versions of the sections in 2115

effect prior to the effective date of the sections as presented in 2116

this act. 2117