

**As Reported by the Senate Criminal Justice Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 97**

**Senators Hughes, LaRose  
Cosponsors: Senators Eklund, Patton**

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**A BILL**

To amend sections 2152.17, 2901.08, 2923.14, 1  
2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2  
2941.144, 2941.145, 2941.146, and 2941.1412 and 3  
to enact sections 2923.132 and 2941.1424 of the 4  
Revised Code to increase by 50% the mandatory 5  
prison term for an offender who is convicted of 6  
a firearm specification and previously has been 7  
convicted of a firearm specification; to 8  
prohibit violent career criminals from knowingly 9  
acquiring, having, carrying, or using any 10  
firearm or dangerous ordnance; to require a 11  
mandatory prison term for a violent career 12  
criminal convicted of committing a violent 13  
felony offense while armed with a firearm; to 14  
correct a provision regarding delinquent child 15  
dispositions for specifications; to provide 16  
certain prisoners credit for time spent in jail 17  
in determining eligibility to apply for judicial 18  
release; and to specify that no presentence 19  
investigation report is required for shock 20  
probation to be granted to an offender convicted 21  
of an offense before July 1, 1996. 22

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

**Section 1.** That sections 2152.17, 2901.08, 2923.14, 23  
2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2941.144, 24  
2941.145, 2941.146, and 2941.1412 be amended and sections 25  
2923.132 and 2941.1424 of the Revised Code be enacted to read as 26  
follows: 27

**Sec. 2152.17.** (A) Subject to division (D) of this section, 28  
if a child is adjudicated a delinquent child for committing an 29  
act, other than a violation of section 2923.12 of the Revised 30  
Code, that would be a felony if committed by an adult and if the 31  
court determines that, if the child was an adult, the child 32  
would be guilty of a specification of the type set forth in 33  
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 34  
2941.1414, or 2941.1415 of the Revised Code, in addition to any 35  
commitment or other disposition the court imposes for the 36  
underlying delinquent act, all of the following apply: 37

(1) If the court determines that the child would be guilty 38  
of a specification of the type set forth in section 2941.141 of 39  
the Revised Code, the court may commit the child to the 40  
department of youth services for the specification for a 41  
definite period of up to one year. 42

(2) If the court determines that the child would be guilty 43  
of a specification of the type set forth in section 2941.145 of 44  
the Revised Code or if the delinquent act is a violation of 45  
division (A)(1) or (2) of section 2903.06 of the Revised Code 46  
and the court determines that the child would be guilty of a 47  
specification of the type set forth in section 2941.1415 of the 48  
Revised Code, the court shall commit the child to the department 49

of youth services for the specification for a definite period of 50  
not less than one and not more than three years, and the court 51  
also shall commit the child to the department for the underlying 52  
delinquent act under sections 2152.11 to 2152.16 of the Revised 53  
Code. 54

(3) If the court determines that the child would be guilty 55  
of a specification of the type set forth in section 2941.144, 56  
2941.146, or 2941.1412 of the Revised Code or if the delinquent 57  
act is a violation of division (A) (1) or (2) of section 2903.06 58  
of the Revised Code and the court determines that the child 59  
would be guilty of a specification of the type set forth in 60  
section 2941.1414 of the Revised Code, the court shall commit 61  
the child to the department of youth services for the 62  
specification for a definite period of not less than one and not 63  
more than five years, and the court also shall commit the child 64  
to the department for the underlying delinquent act under 65  
sections 2152.11 to 2152.16 of the Revised Code. 66

(B) (1) If a child is adjudicated a delinquent child for 67  
committing an act, other than a violation of section 2923.12 of 68  
the Revised Code, that would be a felony if committed by an 69  
adult, if the court determines that the child is complicit in 70  
another person's conduct that is of such a nature that the other 71  
person would be guilty of a specification of the type set forth 72  
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 73  
Revised Code if the other person was an adult, if the other 74  
person's conduct relates to the child's underlying delinquent 75  
act, and if the child did not furnish, use, or dispose of any 76  
firearm that was involved with the underlying delinquent act or 77  
with the other person's specification-related conduct, in 78  
addition to any other disposition the court imposes for the 79  
underlying delinquent act, the court may commit the child to the 80

department of youth services for the specification for a 81  
definite period of not more than one year, subject to division 82  
(D) (2) of this section. 83

(2) Except as provided in division (B) (1) of this section, 84  
division (A) of this section also applies to a child who is an 85  
accomplice regarding a ~~firearm~~-specification of the type set 86  
forth in section 2941.1412, 2941.1414, or 2941.1415 of the 87  
Revised Code to the same extent the ~~firearm~~-specifications would 88  
apply to an adult accomplice in a criminal proceeding. 89

(C) If a child is adjudicated a delinquent child for 90  
committing an act that would be aggravated murder, murder, or a 91  
first, second, or third degree felony offense of violence if 92  
committed by an adult and if the court determines that, if the 93  
child was an adult, the child would be guilty of a specification 94  
of the type set forth in section 2941.142 of the Revised Code in 95  
relation to the act for which the child was adjudicated a 96  
delinquent child, the court shall commit the child for the 97  
specification to the legal custody of the department of youth 98  
services for institutionalization in a secure facility for a 99  
definite period of not less than one and not more than three 100  
years, subject to division (D) (2) of this section, and the court 101  
also shall commit the child to the department for the underlying 102  
delinquent act. 103

(D) (1) If the child is adjudicated a delinquent child for 104  
committing an act that would be an offense of violence that is a 105  
felony if committed by an adult and is committed to the legal 106  
custody of the department of youth services pursuant to division 107  
(A) (1) of section 2152.16 of the Revised Code and if the court 108  
determines that the child, if the child was an adult, would be 109  
guilty of a specification of the type set forth in section 110

2941.1411 of the Revised Code in relation to the act for which 111  
the child was adjudicated a delinquent child, the court may 112  
commit the child to the custody of the department of youth 113  
services for institutionalization in a secure facility for up to 114  
two years, subject to division (D)(2) of this section. 115

(2) A court that imposes a period of commitment under 116  
division (A) of this section is not precluded from imposing an 117  
additional period of commitment under division (C) or (D)(1) of 118  
this section, a court that imposes a period of commitment under 119  
division (C) of this section is not precluded from imposing an 120  
additional period of commitment under division (A) or (D)(1) of 121  
this section, and a court that imposes a period of commitment 122  
under division (D)(1) of this section is not precluded from 123  
imposing an additional period of commitment under division (A) 124  
or (C) of this section. 125

(E) The court shall not commit a child to the legal 126  
custody of the department of youth services for a specification 127  
pursuant to this section for a period that exceeds five years 128  
for any one delinquent act. Any commitment imposed pursuant to 129  
division (A), (B), (C), or (D)(1) of this section shall be in 130  
addition to, and shall be served consecutively with and prior 131  
to, a period of commitment ordered under this chapter for the 132  
underlying delinquent act, and each commitment imposed pursuant 133  
to division (A), (B), (C), or (D)(1) of this section shall be in 134  
addition to, and shall be served consecutively with, any other 135  
period of commitment imposed under those divisions. If a 136  
commitment is imposed under division (A) or (B) of this section 137  
and a commitment also is imposed under division (C) of this 138  
section, the period imposed under division (A) or (B) of this 139  
section shall be served prior to the period imposed under 140  
division (C) of this section. 141

In each case in which a court makes a disposition under 142  
this section, the court retains control over the commitment for 143  
the entire period of the commitment. 144

The total of all the periods of commitment imposed for any 145  
specification under this section and for the underlying offense 146  
shall not exceed the child's attainment of twenty-one years of 147  
age. 148

(F) If a child is adjudicated a delinquent child for 149  
committing two or more acts that would be felonies if committed 150  
by an adult and if the court entering the delinquent child 151  
adjudication orders the commitment of the child for two or more 152  
of those acts to the legal custody of the department of youth 153  
services for institutionalization in a secure facility pursuant 154  
to section 2152.13 or 2152.16 of the Revised Code, the court may 155  
order that all of the periods of commitment imposed under those 156  
sections for those acts be served consecutively in the legal 157  
custody of the department of youth services, provided that those 158  
periods of commitment shall be in addition to and commence 159  
immediately following the expiration of a period of commitment 160  
that the court imposes pursuant to division (A), (B), (C), or 161  
(D) (1) of this section. A court shall not commit a delinquent 162  
child to the legal custody of the department of youth services 163  
under this division for a period that exceeds the child's 164  
attainment of twenty-one years of age. 165

**Sec. 2901.08.** (A) If a person is alleged to have committed 166  
an offense and if the person previously has been adjudicated a 167  
delinquent child or juvenile traffic offender for a violation of 168  
a law or ordinance, except as provided in division (B) of this 169  
section, the adjudication as a delinquent child or as a juvenile 170  
traffic offender is a conviction for a violation of the law or 171

ordinance for purposes of determining the offense with which the person should be charged and, if the person is convicted of or pleads guilty to an offense, the sentence to be imposed upon the person relative to the conviction or guilty plea.

(B) A previous adjudication of a person as a delinquent child or juvenile traffic offender for a violation of a law or ordinance is not a conviction for a violation of the law or ordinance for purposes of determining ~~whether any of the~~ following:

(1) Whether the person is a repeat violent offender, as defined in section 2929.01 of the Revised Code, or whether the person should be sentenced as a repeat violent offender under division (B) (2) of section 2929.14 and section 2941.149 of the Revised Code;

(2) Whether the person is a violent career criminal as defined in section 2923.132 of the Revised Code, whether the person has committed unlawful possession or use of a weapon by a violent career criminal in violation of section 2923.132 of the Revised Code or should be sentenced for that offense under that section, or whether the person should be sentenced under division (K) of section 2929.14 of the Revised Code as a violent career criminal who had a firearm on or about the person's person or under the person's control while committing a violent felony offense.

**Sec. 2923.132.** (A) As used in this section:

(1) (a) "Violent career criminal" means a person who within the preceding eight years, subject to extension as provided in division (A) (1) (b) of this section, has been convicted of or pleaded guilty to two or more violent felony offenses that are

separated by intervening sentences and are not so closely 201  
related to each other and connected in time and place that they 202  
constitute a course of criminal conduct. 203

(b) Except as provided in division (A)(1)(c) of this 204  
section, the eight-year period described in division (A)(1)(a) 205  
of this section shall be extended by a period of time equal to 206  
any period of time during which the person, within that eight- 207  
year period, was confined as a result of having been accused of 208  
an offense, having been convicted of or pleaded guilty to an 209  
offense, or having been accused of violating or found to have 210  
violated any community control sanction, post-release control 211  
sanction, or term or condition of supervised release. 212

(c) Division (A)(1)(b) of this section shall not apply to 213  
extend the eight-year period described in division (A)(1)(a) of 214  
this section by any period of time during which a person is 215  
confined if the person is acquitted of the charges or the 216  
charges are dismissed in final disposition of the case or during 217  
which a person is confined as a result of having been accused of 218  
violating any sanction, term, or condition described in division 219  
(A)(1)(b) of this section if the person subsequently is not 220  
found to have violated that sanction, term, or condition. 221

(2) "Violent felony offense" means any of the following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223  
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 224  
2911.01, 2911.02, or 2911.11 of the Revised Code; 225

(b) A violation of division (A)(1) or (2) of section 226  
2911.12 of the Revised Code; 227

(c) A felony violation of section 2907.02, 2907.03, 228  
2907.04, or 2907.05 of the Revised Code; 229



(d) A felony violation of section 2909.24 of the Revised Code or a violation of section 2919.25 of the Revised Code that is a felony of the third degree; 230  
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(e) A felony violation of any existing or former ordinance or law of this state, another state, or the United States that is or was substantially equivalent to any offense listed or described in divisions (A) (2) (a) to (e) of this section; 233  
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(f) A conspiracy or attempt to commit, or complicity in committing, any of the offenses listed or described in divisions (A) (2) (a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree. 237  
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(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 241  
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 243  
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(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 245  
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(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code. 247  
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(B) No violent career criminal shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance. 249  
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(C) Whoever violates this section is guilty of unlawful possession or use of a weapon by a violent career criminal, a felony of the first degree, and, notwithstanding division (A) (1) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. 251  
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**Sec. 2923.14.** (A) ~~Any~~ (1) Except as otherwise provided in 257

division (A) (2) of this section, any person who is prohibited 258  
from acquiring, having, carrying, or using firearms may apply to 259  
the court of common pleas in the county in which the person 260  
resides for relief from such prohibition. 261

(2) Division (A) (1) of this section does not apply to a 262  
person who has been convicted of or pleaded guilty to a 263  
violation of section 2923.132 of the Revised Code or to a person 264  
who, two or more times, has been convicted of or pleaded guilty 265  
to a felony and a specification of the type described in section 266  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 267  
of the Revised Code. 268

(B) The application shall recite the following: 269

(1) All indictments, convictions, or adjudications upon 270  
which the applicant's disability is based, the sentence imposed 271  
and served, and any release granted under a community control 272  
sanction, post-release control sanction, or parole, any partial 273  
or conditional pardon granted, or other disposition of each 274  
case, or, if the disability is based upon a factor other than an 275  
indictment, a conviction, or an adjudication, the factor upon 276  
which the disability is based and all details related to that 277  
factor; 278

(2) Facts showing the applicant to be a fit subject for 279  
relief under this section. 280

(C) A copy of the application shall be served on the 281  
county prosecutor. The county prosecutor shall cause the matter 282  
to be investigated and shall raise before the court any 283  
objections to granting relief that the investigation reveals. 284

(D) Upon hearing, the court may grant the applicant relief 285  
pursuant to this section, if all of the following apply: 286

(1) One of the following applies:	287
(a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.	288 289 290 291 292
(b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.	293 294 295
(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.	296 297
(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.	298 299
(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.	300 301
(F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:	302 303 304 305
(1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability;	306 307 308
(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;	309 310
(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant;	311 312
(4) Is automatically void upon commission by the applicant	313

of any offense set forth in division (A) (2) or (3) of section 314  
2923.13 of the Revised Code, or upon the applicant's becoming 315  
one of the class of persons named in division (A) (1), (4), or 316  
(5) of that section. 317

(G) As used in this section: 318

(1) "Community control sanction" has the same meaning as 319  
in section 2929.01 of the Revised Code. 320

(2) "Post-release control" and "post-release control 321  
sanction" have the same meanings as in section 2967.01 of the 322  
Revised Code. 323

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 324  
or (G) of this section and unless a specific sanction is 325  
required to be imposed or is precluded from being imposed 326  
pursuant to law, a court that imposes a sentence upon an 327  
offender for a felony may impose any sanction or combination of 328  
sanctions on the offender that are provided in sections 2929.14 329  
to 2929.18 of the Revised Code. 330

If the offender is eligible to be sentenced to community 331  
control sanctions, the court shall consider the appropriateness 332  
of imposing a financial sanction pursuant to section 2929.18 of 333  
the Revised Code or a sanction of community service pursuant to 334  
section 2929.17 of the Revised Code as the sole sanction for the 335  
offense. Except as otherwise provided in this division, if the 336  
court is required to impose a mandatory prison term for the 337  
offense for which sentence is being imposed, the court also 338  
shall impose any financial sanction pursuant to section 2929.18 339  
of the Revised Code that is required for the offense and may 340  
impose any other financial sanction pursuant to that section but 341  
may not impose any additional sanction or combination of 342

sanctions under section 2929.16 or 2929.17 of the Revised Code. 343

If the offender is being sentenced for a fourth degree 344  
felony OVI offense or for a third degree felony OVI offense, in 345  
addition to the mandatory term of local incarceration or the 346  
mandatory prison term required for the offense by division (G) 347  
(1) or (2) of this section, the court shall impose upon the 348  
offender a mandatory fine in accordance with division (B) (3) of 349  
section 2929.18 of the Revised Code and may impose whichever of 350  
the following is applicable: 351

(1) For a fourth degree felony OVI offense for which 352  
sentence is imposed under division (G) (1) of this section, an 353  
additional community control sanction or combination of 354  
community control sanctions under section 2929.16 or 2929.17 of 355  
the Revised Code. If the court imposes upon the offender a 356  
community control sanction and the offender violates any 357  
condition of the community control sanction, the court may take 358  
any action prescribed in division (B) of section 2929.15 of the 359  
Revised Code relative to the offender, including imposing a 360  
prison term on the offender pursuant to that division. 361

(2) For a third or fourth degree felony OVI offense for 362  
which sentence is imposed under division (G) (2) of this section, 363  
an additional prison term as described in division (B) (4) of 364  
section 2929.14 of the Revised Code or a community control 365  
sanction as described in division (G) (2) of this section. 366

(B) (1) (a) Except as provided in division (B) (1) (b) of this 367  
section, if an offender is convicted of or pleads guilty to a 368  
felony of the fourth or fifth degree that is not an offense of 369  
violence or that is a qualifying assault offense, the court 370  
shall sentence the offender to a community control sanction of 371  
at least one year's duration if all of the following apply: 372

- (i) The offender previously has not been convicted of or  
pleaded guilty to a felony offense. 373  
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- (ii) The most serious charge against the offender at the  
time of sentencing is a felony of the fourth or fifth degree. 375  
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- (iii) If the court made a request of the department of  
rehabilitation and correction pursuant to division (B)(1)(c) of 377  
this section, the department, within the forty-five-day period 378  
specified in that division, provided the court with the names 379  
of, contact information for, and program details of one or more 380  
community control sanctions of at least one year's duration that 381  
are available for persons sentenced by the court. 382  
383
- (iv) The offender previously has not been convicted of or  
pleaded guilty to a misdemeanor offense of violence that the 384  
offender committed within two years prior to the offense for 385  
which sentence is being imposed. 386  
387
- (b) The court has discretion to impose a prison term upon 388  
an offender who is convicted of or pleads guilty to a felony of 389  
the fourth or fifth degree that is not an offense of violence or 390  
that is a qualifying assault offense if any of the following 391  
apply: 392
- (i) The offender committed the offense while having a 393  
firearm on or about the offender's person or under the 394  
offender's control. 395
- (ii) If the offense is a qualifying assault offense, the 396  
offender caused serious physical harm to another person while 397  
committing the offense, and, if the offense is not a qualifying 398  
assault offense, the offender caused physical harm to another 399  
person while committing the offense. 400
- (iii) The offender violated a term of the conditions of 401

bond as set by the court. 402

(iv) The court made a request of the department of 403  
rehabilitation and correction pursuant to division (B)(1)(c) of 404  
this section, and the department, within the forty-five-day 405  
period specified in that division, did not provide the court 406  
with the name of, contact information for, and program details 407  
of any community control sanction of at least one year's 408  
duration that is available for persons sentenced by the court. 409

(v) The offense is a sex offense that is a fourth or fifth 410  
degree felony violation of any provision of Chapter 2907. of the 411  
Revised Code. 412

(vi) In committing the offense, the offender attempted to 413  
cause or made an actual threat of physical harm to a person with 414  
a deadly weapon. 415

(vii) In committing the offense, the offender attempted to 416  
cause or made an actual threat of physical harm to a person, and 417  
the offender previously was convicted of an offense that caused 418  
physical harm to a person. 419

(viii) The offender held a public office or position of 420  
trust, and the offense related to that office or position; the 421  
offender's position obliged the offender to prevent the offense 422  
or to bring those committing it to justice; or the offender's 423  
professional reputation or position facilitated the offense or 424  
was likely to influence the future conduct of others. 425

(ix) The offender committed the offense for hire or as 426  
part of an organized criminal activity. 427

(x) The offender at the time of the offense was serving, 428  
or the offender previously had served, a prison term. 429

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

(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court. Not later than forty-five days after receipt of a request from a court under this division, the department shall provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court, if any. Upon making a request under this division that relates to a particular offender, a court shall defer sentencing of that offender until it receives from the department the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court or for forty-five days, whichever is the earlier.

If the department provides the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court within the



forty-five-day period specified in this division, the court 461  
shall impose upon the offender a community control sanction 462  
under division (B) (1) (a) of this section, except that the court 463  
may impose a prison term under division (B) (1) (b) of this 464  
section if a factor described in division (B) (1) (b) (i) or (ii) 465  
of this section applies. If the department does not provide the 466  
court with the names of, contact information for, and program 467  
details of one or more community control sanctions of at least 468  
one year's duration that are available for persons sentenced by 469  
the court within the forty-five-day period specified in this 470  
division, the court may impose upon the offender a prison term 471  
under division (B) (1) (b) (iv) of this section. 472

(d) A sentencing court may impose an additional penalty 473  
under division (B) of section 2929.15 of the Revised Code upon 474  
an offender sentenced to a community control sanction under 475  
division (B) (1) (a) of this section if the offender violates the 476  
conditions of the community control sanction, violates a law, or 477  
leaves the state without the permission of the court or the 478  
offender's probation officer. 479

(2) If division (B) (1) of this section does not apply, 480  
except as provided in division (E), (F), or (G) of this section, 481  
in determining whether to impose a prison term as a sanction for 482  
a felony of the fourth or fifth degree, the sentencing court 483  
shall comply with the purposes and principles of sentencing 484  
under section 2929.11 of the Revised Code and with section 485  
2929.12 of the Revised Code. 486

(C) Except as provided in division (D), (E), (F), or (G) 487  
of this section, in determining whether to impose a prison term 488  
as a sanction for a felony of the third degree or a felony drug 489  
offense that is a violation of a provision of Chapter 2925. of 490

the Revised Code and that is specified as being subject to this 491  
division for purposes of sentencing, the sentencing court shall 492  
comply with the purposes and principles of sentencing under 493  
section 2929.11 of the Revised Code and with section 2929.12 of 494  
the Revised Code. 495

(D) (1) Except as provided in division (E) or (F) of this 496  
section, for a felony of the first or second degree, for a 497  
felony drug offense that is a violation of any provision of 498  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 499  
presumption in favor of a prison term is specified as being 500  
applicable, and for a violation of division (A) (4) or (B) of 501  
section 2907.05 of the Revised Code for which a presumption in 502  
favor of a prison term is specified as being applicable, it is 503  
presumed that a prison term is necessary in order to comply with 504  
the purposes and principles of sentencing under section 2929.11 505  
of the Revised Code. Division (D) (2) of this section does not 506  
apply to a presumption established under this division for a 507  
violation of division (A) (4) of section 2907.05 of the Revised 508  
Code. 509

(2) Notwithstanding the presumption established under 510  
division (D) (1) of this section for the offenses listed in that 511  
division other than a violation of division (A) (4) or (B) of 512  
section 2907.05 of the Revised Code, the sentencing court may 513  
impose a community control sanction or a combination of 514  
community control sanctions instead of a prison term on an 515  
offender for a felony of the first or second degree or for a 516  
felony drug offense that is a violation of any provision of 517  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 518  
presumption in favor of a prison term is specified as being 519  
applicable if it makes both of the following findings: 520

(a) A community control sanction or a combination of 521  
community control sanctions would adequately punish the offender 522  
and protect the public from future crime, because the applicable 523  
factors under section 2929.12 of the Revised Code indicating a 524  
lesser likelihood of recidivism outweigh the applicable factors 525  
under that section indicating a greater likelihood of 526  
recidivism. 527

(b) A community control sanction or a combination of 528  
community control sanctions would not demean the seriousness of 529  
the offense, because one or more factors under section 2929.12 530  
of the Revised Code that indicate that the offender's conduct 531  
was less serious than conduct normally constituting the offense 532  
are applicable, and they outweigh the applicable factors under 533  
that section that indicate that the offender's conduct was more 534  
serious than conduct normally constituting the offense. 535

(E) (1) Except as provided in division (F) of this section, 536  
for any drug offense that is a violation of any provision of 537  
Chapter 2925. of the Revised Code and that is a felony of the 538  
third, fourth, or fifth degree, the applicability of a 539  
presumption under division (D) of this section in favor of a 540  
prison term or of division (B) or (C) of this section in 541  
determining whether to impose a prison term for the offense 542  
shall be determined as specified in section 2925.02, 2925.03, 543  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 544  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 545  
regarding the violation. 546

(2) If an offender who was convicted of or pleaded guilty 547  
to a felony violates the conditions of a community control 548  
sanction imposed for the offense solely by reason of producing 549  
positive results on a drug test, the court, as punishment for 550

the violation of the sanction, shall not order that the offender 551  
be imprisoned unless the court determines on the record either 552  
of the following: 553

(a) The offender had been ordered as a sanction for the 554  
felony to participate in a drug treatment program, in a drug 555  
education program, or in narcotics anonymous or a similar 556  
program, and the offender continued to use illegal drugs after a 557  
reasonable period of participation in the program. 558

(b) The imprisonment of the offender for the violation is 559  
consistent with the purposes and principles of sentencing set 560  
forth in section 2929.11 of the Revised Code. 561

(3) A court that sentences an offender for a drug abuse 562  
offense that is a felony of the third, fourth, or fifth degree 563  
may require that the offender be assessed by a properly 564  
credentialed professional within a specified period of time. The 565  
court shall require the professional to file a written 566  
assessment of the offender with the court. If the offender is 567  
eligible for a community control sanction and after considering 568  
the written assessment, the court may impose a community control 569  
sanction that includes treatment and recovery support services 570  
authorized by section 3793.02 of the Revised Code. If the court 571  
imposes treatment and recovery support services as a community 572  
control sanction, the court shall direct the level and type of 573  
treatment and recovery support services after considering the 574  
assessment and recommendation of treatment and recovery support 575  
services providers. 576

(F) Notwithstanding divisions (A) to (E) of this section, 577  
the court shall impose a prison term or terms under sections 578  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 579  
section 2971.03 of the Revised Code and except as specifically 580

provided in section 2929.20, divisions (C) to (I) of section 581  
2967.19, or section 2967.191 of the Revised Code or when parole 582  
is authorized for the offense under section 2967.13 of the 583  
Revised Code shall not reduce the term or terms pursuant to 584  
section 2929.20, section 2967.19, section 2967.193, or any other 585  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 586  
for any of the following offenses: 587

(1) Aggravated murder when death is not imposed or murder; 588

(2) Any rape, regardless of whether force was involved and 589  
regardless of the age of the victim, or an attempt to commit 590  
rape if, had the offender completed the rape that was attempted, 591  
the offender would have been guilty of a violation of division 592  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 593  
sentenced under section 2971.03 of the Revised Code; 594

(3) Gross sexual imposition or sexual battery, if the 595  
victim is less than thirteen years of age and if any of the 596  
following applies: 597

(a) Regarding gross sexual imposition, the offender 598  
previously was convicted of or pleaded guilty to rape, the 599  
former offense of felonious sexual penetration, gross sexual 600  
imposition, or sexual battery, and the victim of the previous 601  
offense was less than thirteen years of age; 602

(b) Regarding gross sexual imposition, the offense was 603  
committed on or after August 3, 2006, and evidence other than 604  
the testimony of the victim was admitted in the case 605  
corroborating the violation. 606

(c) Regarding sexual battery, either of the following 607  
applies: 608

(i) The offense was committed prior to August 3, 2006, the 609

offender previously was convicted of or pleaded guilty to rape, 610  
the former offense of felonious sexual penetration, or sexual 611  
battery, and the victim of the previous offense was less than 612  
thirteen years of age. 613

(ii) The offense was committed on or after August 3, 2006. 614

(4) A felony violation of section 2903.04, 2903.06, 615  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, ~~or~~ 2907.07, or 616  
2923.132 of the Revised Code if the section requires the 617  
imposition of a prison term; 618

(5) A first, second, or third degree felony drug offense 619  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 620  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 621  
or 4729.99 of the Revised Code, whichever is applicable 622  
regarding the violation, requires the imposition of a mandatory 623  
prison term; 624

(6) Any offense that is a first or second degree felony 625  
and that is not set forth in division (F) (1), (2), (3), or (4) 626  
of this section, if the offender previously was convicted of or 627  
pleaded guilty to aggravated murder, murder, any first or second 628  
degree felony, or an offense under an existing or former law of 629  
this state, another state, or the United States that is or was 630  
substantially equivalent to one of those offenses; 631

(7) Any offense that is a third degree felony and either 632  
is a violation of section 2903.04 of the Revised Code or an 633  
attempt to commit a felony of the second degree that is an 634  
offense of violence and involved an attempt to cause serious 635  
physical harm to a person or that resulted in serious physical 636  
harm to a person if the offender previously was convicted of or 637  
pleaded guilty to any of the following offenses: 638

(a) Aggravated murder, murder, involuntary manslaughter, 639  
rape, felonious sexual penetration as it existed under section 640  
2907.12 of the Revised Code prior to September 3, 1996, a felony 641  
of the first or second degree that resulted in the death of a 642  
person or in physical harm to a person, or complicity in or an 643  
attempt to commit any of those offenses; 644

(b) An offense under an existing or former law of this 645  
state, another state, or the United States that is or was 646  
substantially equivalent to an offense listed in division (F) (7) 647  
(a) of this section that resulted in the death of a person or in 648  
physical harm to a person. 649

(8) Any offense, other than a violation of section 2923.12 650  
of the Revised Code, that is a felony, if the offender had a 651  
firearm on or about the offender's person or under the 652  
offender's control while committing the felony, with respect to 653  
a portion of the sentence imposed pursuant to division (B) (1) (a) 654  
of section 2929.14 of the Revised Code for having the firearm; 655

(9) Any offense of violence that is a felony, if the 656  
offender wore or carried body armor while committing the felony 657  
offense of violence, with respect to the portion of the sentence 658  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 659  
Revised Code for wearing or carrying the body armor; 660

(10) Corrupt activity in violation of section 2923.32 of 661  
the Revised Code when the most serious offense in the pattern of 662  
corrupt activity that is the basis of the offense is a felony of 663  
the first degree; 664

(11) Any violent sex offense or designated homicide, 665  
assault, or kidnapping offense if, in relation to that offense, 666  
the offender is adjudicated a sexually violent predator; 667

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

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

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

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

(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, illegal use of a minor in a nudity-oriented material or performance in violation of division (A) (1) or (2) of section 2907.323 of the Revised Code, or endangering children in



violation of division (B) (1), (2), (3), (4), or (5) of section 698  
2919.22 of the Revised Code, if the offender is convicted of or 699  
pleads guilty to a specification as described in section 700  
2941.1422 of the Revised Code that was included in the 701  
indictment, count in the indictment, or information charging the 702  
offense; 703

(17) A felony violation of division (A) or (B) of section 704  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 705  
that section, and division (D) (6) of that section, require the 706  
imposition of a prison term; 707

(18) A felony violation of section 2903.11, 2903.12, or 708  
2903.13 of the Revised Code, if the victim of the offense was a 709  
woman that the offender knew was pregnant at the time of the 710  
violation, with respect to a portion of the sentence imposed 711  
pursuant to division (B) (8) of section 2929.14 of the Revised 712  
Code; 713

(19) (a) Any violent felony offense if the offender is a 714  
violent career criminal and had a firearm on or about the 715  
offender's person or under the offender's control during the 716  
commission of the violent felony offense, with respect to the 717  
portion of the sentence imposed under division (K) of section 718  
2929.14 of the Revised Code. 719

(b) As used in division (F) (19) (a) of this section, 720  
"violent career criminal" and "violent felony offense" have the 721  
same meanings as in section 2923.132 of the Revised Code. 722

(G) Notwithstanding divisions (A) to (E) of this section, 723  
if an offender is being sentenced for a fourth degree felony OVI 724  
offense or for a third degree felony OVI offense, the court 725  
shall impose upon the offender a mandatory term of local 726

incarceration or a mandatory prison term in accordance with the 727  
following: 728

(1) If the offender is being sentenced for a fourth degree 729  
felony OVI offense and if the offender has not been convicted of 730  
and has not pleaded guilty to a specification of the type 731  
described in section 2941.1413 of the Revised Code, the court 732  
may impose upon the offender a mandatory term of local 733  
incarceration of sixty days or one hundred twenty days as 734  
specified in division (G)(1)(d) of section 4511.19 of the 735  
Revised Code. The court shall not reduce the term pursuant to 736  
section 2929.20, 2967.193, or any other provision of the Revised 737  
Code. The court that imposes a mandatory term of local 738  
incarceration under this division shall specify whether the term 739  
is to be served in a jail, a community-based correctional 740  
facility, a halfway house, or an alternative residential 741  
facility, and the offender shall serve the term in the type of 742  
facility specified by the court. A mandatory term of local 743  
incarceration imposed under division (G)(1) of this section is 744  
not subject to any other Revised Code provision that pertains to 745  
a prison term except as provided in division (A)(1) of this 746  
section. 747

(2) If the offender is being sentenced for a third degree 748  
felony OVI offense, or if the offender is being sentenced for a 749  
fourth degree felony OVI offense and the court does not impose a 750  
mandatory term of local incarceration under division (G)(1) of 751  
this section, the court shall impose upon the offender a 752  
mandatory prison term of one, two, three, four, or five years if 753  
the offender also is convicted of or also pleads guilty to a 754  
specification of the type described in section 2941.1413 of the 755  
Revised Code or shall impose upon the offender a mandatory 756  
prison term of sixty days or one hundred twenty days as 757

specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the offense. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OVI offense be sentenced to another mandatory term of local incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. In addition to the mandatory prison term described in division (G)(2) of this section, the court may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised

Code, both of the following apply: 790

(a) The department of rehabilitation and correction shall 791  
make a reasonable effort to ensure that a sufficient number of 792  
offenders sentenced to a mandatory prison term under this 793  
division are placed in the privately operated and managed prison 794  
so that the privately operated and managed prison has full 795  
occupancy. 796

(b) Unless the privately operated and managed prison has 797  
full occupancy, the department of rehabilitation and correction 798  
shall not place any offender sentenced to a mandatory prison 799  
term under this division in any intensive program prison 800  
established pursuant to section 5120.033 of the Revised Code 801  
other than the privately operated and managed prison. 802

(H) If an offender is being sentenced for a sexually 803  
oriented offense or child-victim oriented offense that is a 804  
felony committed on or after January 1, 1997, the judge shall 805  
require the offender to submit to a DNA specimen collection 806  
procedure pursuant to section 2901.07 of the Revised Code. 807

(I) If an offender is being sentenced for a sexually 808  
oriented offense or a child-victim oriented offense committed on 809  
or after January 1, 1997, the judge shall include in the 810  
sentence a summary of the offender's duties imposed under 811  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 812  
Code and the duration of the duties. The judge shall inform the 813  
offender, at the time of sentencing, of those duties and of 814  
their duration. If required under division (A) (2) of section 815  
2950.03 of the Revised Code, the judge shall perform the duties 816  
specified in that section, or, if required under division (A) (6) 817  
of section 2950.03 of the Revised Code, the judge shall perform 818  
the duties specified in that division. 819

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

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

(K) As used in this section:

(1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(2) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies.

(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 849  
may require that the offender be monitored by means of a global 850  
positioning device. If the court requires such monitoring, the 851  
cost of monitoring shall be borne by the offender. If the 852  
offender is indigent, the cost of compliance shall be paid by 853  
the crime victims reparations fund. 854

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 855  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 856  
(G), (H), ~~or~~ (J), or (K) of this section or in division (D) (6) 857  
of section 2919.25 of the Revised Code and except in relation to 858  
an offense for which a sentence of death or life imprisonment is 859  
to be imposed, if the court imposing a sentence upon an offender 860  
for a felony elects or is required to impose a prison term on 861  
the offender pursuant to this chapter, the court shall impose a 862  
definite prison term that shall be one of the following: 863

(1) For a felony of the first degree, the prison term 864  
shall be three, four, five, six, seven, eight, nine, ten, or 865  
eleven years. 866

(2) For a felony of the second degree, the prison term 867  
shall be two, three, four, five, six, seven, or eight years. 868

(3) (a) For a felony of the third degree that is a 869  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 870  
2907.05 of the Revised Code or that is a violation of section 871  
2911.02 or 2911.12 of the Revised Code if the offender 872  
previously has been convicted of or pleaded guilty in two or 873  
more separate proceedings to two or more violations of section 874  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 875  
prison term shall be twelve, eighteen, twenty-four, thirty, 876  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 877

(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 division (A) of 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~~ suppressor on or about the offender's person or under the offender's control while committing the felonyoffense;

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

(iii) A prison term of one year if the specification is of the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the ~~felony~~offense;

(iv) A prison term of nine years if the specification is of the type described in division (D) of 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 suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's



control while committing the offense and that the offender 937  
previously has been convicted of or pleaded guilty to a 938  
specification of the type described in section 2941.141, 939  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 940

(b) If a court imposes a prison term on an offender under 941  
division (B) (1) (a) of this section, the prison term shall not be 942  
reduced pursuant to section 2967.19, section 2929.20, section 943  
2967.193, or any other provision of Chapter 2967. or Chapter 944  
5120. of the Revised Code. Except as provided in division (B) (1) 945  
(g) of this section, a court shall not impose more than one 946  
prison term on an offender under division (B) (1) (a) of this 947  
section for felonies committed as part of the same act or 948  
transaction. 949

(c) (i) Except as provided in division (B) (1) (e) of this 950  
section, if an offender who is convicted of or pleads guilty to 951  
a violation of section 2923.161 of the Revised Code or to a 952  
felony that includes, as an essential element, purposely or 953  
knowingly causing or attempting to cause the death of or 954  
physical harm to another, also is convicted of or pleads guilty 955  
to a specification of the type described in division (A) of 956  
section 2941.146 of the Revised Code that charges the offender 957  
with committing the offense by discharging a firearm from a 958  
motor vehicle other than a manufactured home, the court, after 959  
imposing a prison term on the offender for the violation of 960  
section 2923.161 of the Revised Code or for the other felony 961  
offense under division (A), (B) (2), or (B) (3) of this section, 962  
shall impose an additional prison term of five years upon the 963  
offender that shall not be reduced pursuant to section 2929.20, 964  
section 2967.19, section 2967.193, or any other provision of 965  
Chapter 2967. or Chapter 5120. of the Revised Code. ~~A~~ 966

(ii) Except as provided in division (B) (1) (e) of this 967  
section, if an offender who is convicted of or pleads guilty to 968  
a violation of section 2923.161 of the Revised Code or to a 969  
felony that includes, as an essential element, purposely or 970  
knowingly causing or attempting to cause the death of or 971  
physical harm to another, also is convicted of or pleads guilty 972  
to a specification of the type described in division (C) of 973  
section 2941.146 of the Revised Code that charges the offender 974  
with committing the offense by discharging a firearm from a 975  
motor vehicle other than a manufactured home and that the 976  
offender previously has been convicted of or pleaded guilty to a 977  
specification of the type described in section 2941.141, 978  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 979  
the court, after imposing a prison term on the offender for the 980  
violation of section 2923.161 of the Revised Code or for the 981  
other felony offense under division (A), (B) (2), or (3) of this 982  
section, shall impose an additional prison term of ninety months 983  
upon the offender that shall not be reduced pursuant to section 984  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 985  
2967. or Chapter 5120. of the Revised Code. 986

(iii) A court shall not impose more than one additional 987  
prison term on an offender under division (B) (1) (c) of this 988  
section for felonies committed as part of the same act or 989  
transaction. If a court imposes an additional prison term on an 990  
offender under division (B) (1) (c) of this section relative to an 991  
offense, the court also shall impose a prison term under 992  
division (B) (1) (a) of this section relative to the same offense, 993  
provided the criteria specified in that division for imposing an 994  
additional prison term are satisfied relative to the offender 995  
and the offense. 996

(d) If an offender who is convicted of or pleads guilty to 997

an offense of violence that is a felony also is convicted of or 998  
pleads guilty to a specification of the type described in 999  
section 2941.1411 of the Revised Code that charges the offender 1000  
with wearing or carrying body armor while committing the felony 1001  
offense of violence, the court shall impose on the offender a 1002  
prison term of two years. The prison term so imposed, subject to 1003  
divisions (C) to (I) of section 2967.19 of the Revised Code, 1004  
shall not be reduced pursuant to section 2929.20, section 1005  
2967.19, section 2967.193, or any other provision of Chapter 1006  
2967. or Chapter 5120. of the Revised Code. A court shall not 1007  
impose more than one prison term on an offender under division 1008  
(B) (1) (d) of this section for felonies committed as part of the 1009  
same act or transaction. If a court imposes an additional prison 1010  
term under division (B) (1) (a) or (c) of this section, the court 1011  
is not precluded from imposing an additional prison term under 1012  
division (B) (1) (d) of this section. 1013

(e) The court shall not impose any of the prison terms 1014  
described in division (B) (1) (a) of this section or any of the 1015  
additional prison terms described in division (B) (1) (c) of this 1016  
section upon an offender for a violation of section 2923.12 or 1017  
2923.123 of the Revised Code. The court shall not impose any of 1018  
the prison terms described in division (B) (1) (a) or (b) of this 1019  
section upon an offender for a violation of section 2923.122 1020  
that involves a deadly weapon that is a firearm other than a 1021  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1022  
Revised Code. The court shall not impose any of the prison terms 1023  
described in division (B) (1) (a) of this section or any of the 1024  
additional prison terms described in division (B) (1) (c) of this 1025  
section upon an offender for a violation of section 2923.13 of 1026  
the Revised Code unless all of the following apply: 1027

(i) The offender previously has been convicted of 1028

aggravated murder, murder, or any felony of the first or second degree. 1029  
1030

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense. 1031  
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(f)(i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. ~~If~~ 1034  
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(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or 1049  
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pleaded guilty to a specification of the type described in 1059  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1060  
the Revised Code, the court, after imposing a prison term on the 1061  
offender for the felony offense under division (A), (B) (2), or 1062  
(3) of this section, shall impose an additional prison term of 1063  
one hundred twenty-six months upon the offender that shall not 1064  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1065  
any other provision of Chapter 2967. or 5120. of the Revised 1066  
Code. 1067

(iii) If an offender is convicted of or pleads guilty to 1068  
two or more felonies that include, as an essential element, 1069  
causing or attempting to cause the death or physical harm to 1070  
another and also is convicted of or pleads guilty to a 1071  
specification of the type described under division (B) (1) (f) of 1072  
this section in connection with two or more of the felonies of 1073  
which the offender is convicted or to which the offender pleads 1074  
guilty, the sentencing court shall impose on the offender the 1075  
prison term specified under division (B) (1) (f) of this section 1076  
for each of two of the specifications of which the offender is 1077  
convicted or to which the offender pleads guilty and, in its 1078  
discretion, also may impose on the offender the prison term 1079  
specified under that division for any or all of the remaining 1080  
specifications. If a court imposes an additional prison term on 1081  
an offender under division (B) (1) (f) of this section relative to 1082  
an offense, the court shall not impose a prison term under 1083  
division (B) (1) (a) or (c) of this section relative to the same 1084  
offense. 1085

(g) If an offender is convicted of or pleads guilty to two 1086  
or more felonies, if one or more of those felonies are 1087  
aggravated murder, murder, attempted aggravated murder, 1088  
attempted murder, aggravated robbery, felonious assault, or 1089

rape, and if the offender is convicted of or pleads guilty to a 1090  
specification of the type described under division (B)(1)(a) of 1091  
this section in connection with two or more of the felonies, the 1092  
sentencing court shall impose on the offender the prison term 1093  
specified under division (B)(1)(a) of this section for each of 1094  
the two most serious specifications of which the offender is 1095  
convicted or to which the offender pleads guilty and, in its 1096  
discretion, also may impose on the offender the prison term 1097  
specified under that division for any or all of the remaining 1098  
specifications. 1099

(2)(a) If division (B)(2)(b) of this section does not 1100  
apply, the court may impose on an offender, in addition to the 1101  
longest prison term authorized or required for the offense, an 1102  
additional definite prison term of one, two, three, four, five, 1103  
six, seven, eight, nine, or ten years if all of the following 1104  
criteria are met: 1105

(i) The offender is convicted of or pleads guilty to a 1106  
specification of the type described in section 2941.149 of the 1107  
Revised Code that the offender is a repeat violent offender. 1108

(ii) The offense of which the offender currently is 1109  
convicted or to which the offender currently pleads guilty is 1110  
aggravated murder and the court does not impose a sentence of 1111  
death or life imprisonment without parole, murder, terrorism and 1112  
the court does not impose a sentence of life imprisonment 1113  
without parole, any felony of the first degree that is an 1114  
offense of violence and the court does not impose a sentence of 1115  
life imprisonment without parole, or any felony of the second 1116  
degree that is an offense of violence and the trier of fact 1117  
finds that the offense involved an attempt to cause or a threat 1118  
to cause serious physical harm to a person or resulted in 1119

serious physical harm to a person. 1120

(iii) The court imposes the longest prison term for the 1121  
offense that is not life imprisonment without parole. 1122

(iv) The court finds that the prison terms imposed 1123  
pursuant to division (B) (2) (a) (iii) of this section and, if 1124  
applicable, division (B) (1) or (3) of this section are 1125  
inadequate to punish the offender and protect the public from 1126  
future crime, because the applicable factors under section 1127  
2929.12 of the Revised Code indicating a greater likelihood of 1128  
recidivism outweigh the applicable factors under that section 1129  
indicating a lesser likelihood of recidivism. 1130

(v) The court finds that the prison terms imposed pursuant 1131  
to division (B) (2) (a) (iii) of this section and, if applicable, 1132  
division (B) (1) or (3) of this section are demeaning to the 1133  
seriousness of the offense, because one or more of the factors 1134  
under section 2929.12 of the Revised Code indicating that the 1135  
offender's conduct is more serious than conduct normally 1136  
constituting the offense are present, and they outweigh the 1137  
applicable factors under that section indicating that the 1138  
offender's conduct is less serious than conduct normally 1139  
constituting the offense. 1140

(b) The court shall impose on an offender the longest 1141  
prison term authorized or required for the offense and shall 1142  
impose on the offender an additional definite prison term of 1143  
one, two, three, four, five, six, seven, eight, nine, or ten 1144  
years if all of the following criteria are met: 1145

(i) The offender is convicted of or pleads guilty to a 1146  
specification of the type described in section 2941.149 of the 1147  
Revised Code that the offender is a repeat violent offender. 1148

(ii) The offender within the preceding twenty years has 1149  
been convicted of or pleaded guilty to three or more offenses 1150  
described in division (CC) (1) of section 2929.01 of the Revised 1151  
Code, including all offenses described in that division of which 1152  
the offender is convicted or to which the offender pleads guilty 1153  
in the current prosecution and all offenses described in that 1154  
division of which the offender previously has been convicted or 1155  
to which the offender previously pleaded guilty, whether 1156  
prosecuted together or separately. 1157

(iii) The offense or offenses of which the offender 1158  
currently is convicted or to which the offender currently pleads 1159  
guilty is aggravated murder and the court does not impose a 1160  
sentence of death or life imprisonment without parole, murder, 1161  
terrorism and the court does not impose a sentence of life 1162  
imprisonment without parole, any felony of the first degree that 1163  
is an offense of violence and the court does not impose a 1164  
sentence of life imprisonment without parole, or any felony of 1165  
the second degree that is an offense of violence and the trier 1166  
of fact finds that the offense involved an attempt to cause or a 1167  
threat to cause serious physical harm to a person or resulted in 1168  
serious physical harm to a person. 1169

(c) For purposes of division (B) (2) (b) of this section, 1170  
two or more offenses committed at the same time or as part of 1171  
the same act or event shall be considered one offense, and that 1172  
one offense shall be the offense with the greatest penalty. 1173

(d) A sentence imposed under division (B) (2) (a) or (b) of 1174  
this section shall not be reduced pursuant to section 2929.20, 1175  
section 2967.19, or section 2967.193, or any other provision of 1176  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1177  
shall serve an additional prison term imposed under this section 1178



consecutively to and prior to the prison term imposed for the 1179  
underlying offense. 1180

(e) When imposing a sentence pursuant to division (B) (2) 1181  
(a) or (b) of this section, the court shall state its findings 1182  
explaining the imposed sentence. 1183

(3) Except when an offender commits a violation of section 1184  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1185  
for the violation is life imprisonment or commits a violation of 1186  
section 2903.02 of the Revised Code, if the offender commits a 1187  
violation of section 2925.03 or 2925.11 of the Revised Code and 1188  
that section classifies the offender as a major drug offender, 1189  
if the offender commits a felony violation of section 2925.02, 1190  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1191  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1192  
division (C) of section 4729.51, or division (J) of section 1193  
4729.54 of the Revised Code that includes the sale, offer to 1194  
sell, or possession of a schedule I or II controlled substance, 1195  
with the exception of marihuana, and the court imposing sentence 1196  
upon the offender finds that the offender is guilty of a 1197  
specification of the type described in section 2941.1410 of the 1198  
Revised Code charging that the offender is a major drug 1199  
offender, if the court imposing sentence upon an offender for a 1200  
felony finds that the offender is guilty of corrupt activity 1201  
with the most serious offense in the pattern of corrupt activity 1202  
being a felony of the first degree, or if the offender is guilty 1203  
of an attempted violation of section 2907.02 of the Revised Code 1204  
and, had the offender completed the violation of section 2907.02 1205  
of the Revised Code that was attempted, the offender would have 1206  
been subject to a sentence of life imprisonment or life 1207  
imprisonment without parole for the violation of section 2907.02 1208  
of the Revised Code, the court shall impose upon the offender 1209

for the felony violation a mandatory prison term of the maximum 1210  
prison term prescribed for a felony of the first degree that, 1211  
subject to divisions (C) to (I) of section 2967.19 of the 1212  
Revised Code, cannot be reduced pursuant to section 2929.20, 1213  
section 2967.19, or any other provision of Chapter 2967. or 1214  
5120. of the Revised Code. 1215

(4) If the offender is being sentenced for a third or 1216  
fourth degree felony OVI offense under division (G) (2) of 1217  
section 2929.13 of the Revised Code, the sentencing court shall 1218  
impose upon the offender a mandatory prison term in accordance 1219  
with that division. In addition to the mandatory prison term, if 1220  
the offender is being sentenced for a fourth degree felony OVI 1221  
offense, the court, notwithstanding division (A) (4) of this 1222  
section, may sentence the offender to a definite prison term of 1223  
not less than six months and not more than thirty months, and if 1224  
the offender is being sentenced for a third degree felony OVI 1225  
offense, the sentencing court may sentence the offender to an 1226  
additional prison term of any duration specified in division (A) 1227  
(3) of this section. In either case, the additional prison term 1228  
imposed shall be reduced by the sixty or one hundred twenty days 1229  
imposed upon the offender as the mandatory prison term. The 1230  
total of the additional prison term imposed under division (B) 1231  
(4) of this section plus the sixty or one hundred twenty days 1232  
imposed as the mandatory prison term shall equal a definite term 1233  
in the range of six months to thirty months for a fourth degree 1234  
felony OVI offense and shall equal one of the authorized prison 1235  
terms specified in division (A) (3) of this section for a third 1236  
degree felony OVI offense. If the court imposes an additional 1237  
prison term under division (B) (4) of this section, the offender 1238  
shall serve the additional prison term after the offender has 1239  
served the mandatory prison term required for the offense. In 1240

addition to the mandatory prison term or mandatory and 1241  
additional prison term imposed as described in division (B) (4) 1242  
of this section, the court also may sentence the offender to a 1243  
community control sanction under section 2929.16 or 2929.17 of 1244  
the Revised Code, but the offender shall serve all of the prison 1245  
terms so imposed prior to serving the community control 1246  
sanction. 1247

If the offender is being sentenced for a fourth degree 1248  
felony OVI offense under division (G) (1) of section 2929.13 of 1249  
the Revised Code and the court imposes a mandatory term of local 1250  
incarceration, the court may impose a prison term as described 1251  
in division (A) (1) of that section. 1252

(5) If an offender is convicted of or pleads guilty to a 1253  
violation of division (A) (1) or (2) of section 2903.06 of the 1254  
Revised Code and also is convicted of or pleads guilty to a 1255  
specification of the type described in section 2941.1414 of the 1256  
Revised Code that charges that the victim of the offense is a 1257  
peace officer, as defined in section 2935.01 of the Revised 1258  
Code, or an investigator of the bureau of criminal 1259  
identification and investigation, as defined in section 2903.11 1260  
of the Revised Code, the court shall impose on the offender a 1261  
prison term of five years. If a court imposes a prison term on 1262  
an offender under division (B) (5) of this section, the prison 1263  
term, subject to divisions (C) to (I) of section 2967.19 of the 1264  
Revised Code, shall not be reduced pursuant to section 2929.20, 1265  
section 2967.19, section 2967.193, or any other provision of 1266  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1267  
shall not impose more than one prison term on an offender under 1268  
division (B) (5) of this section for felonies committed as part 1269  
of the same act. 1270

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

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

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

than ten years; 1302

(ii) If the offense is a felony of the second or third 1303  
degree, a definite prison term of not less than three years and 1304  
not greater than the maximum prison term allowed for the offense 1305  
by division (A) of section 2929.14 of the Revised Code; 1306

(iii) If the offense is a felony of the fourth or fifth 1307  
degree, a definite prison term that is the maximum prison term 1308  
allowed for the offense by division (A) of section 2929.14 of 1309  
the Revised Code. 1310

(b) Subject to divisions (C) to (I) of section 2967.19 of 1311  
the Revised Code, the prison term imposed under division (B) (7) 1312  
(a) of this section shall not be reduced pursuant to section 1313  
2929.20, section 2967.19, section 2967.193, or any other 1314  
provision of Chapter 2967. of the Revised Code. A court shall 1315  
not impose more than one prison term on an offender under 1316  
division (B) (7) (a) of this section for felonies committed as 1317  
part of the same act, scheme, or plan. 1318

(8) If an offender is convicted of or pleads guilty to a 1319  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1320  
Revised Code and also is convicted of or pleads guilty to a 1321  
specification of the type described in section 2941.1423 of the 1322  
Revised Code that charges that the victim of the violation was a 1323  
woman whom the offender knew was pregnant at the time of the 1324  
violation, notwithstanding the range of prison terms prescribed 1325  
in division (A) of this section for felonies of the same degree 1326  
as the violation, the court shall impose on the offender a 1327  
mandatory prison term that is either a definite prison term of 1328  
six months or one of the prison terms prescribed in section 1329  
2929.14 of the Revised Code for felonies of the same degree as 1330  
the violation. 1331

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1332  
if a mandatory prison term is imposed upon an offender pursuant 1333  
to division (B) (1) (a) of this section for having a firearm on or 1334  
about the offender's person or under the offender's control 1335  
while committing a felony, if a mandatory prison term is imposed 1336  
upon an offender pursuant to division (B) (1) (c) of this section 1337  
for committing a felony specified in that division by 1338  
discharging a firearm from a motor vehicle, or if both types of 1339  
mandatory prison terms are imposed, the offender shall serve any 1340  
mandatory prison term imposed under either division 1341  
consecutively to any other mandatory prison term imposed under 1342  
either division or under division (B) (1) (d) of this section, 1343  
consecutively to and prior to any prison term imposed for the 1344  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1345  
this section or any other section of the Revised Code, and 1346  
consecutively to any other prison term or mandatory prison term 1347  
previously or subsequently imposed upon the offender. 1348

(b) If a mandatory prison term is imposed upon an offender 1349  
pursuant to division (B) (1) (d) of this section for wearing or 1350  
carrying body armor while committing an offense of violence that 1351  
is a felony, the offender shall serve the mandatory term so 1352  
imposed consecutively to any other mandatory prison term imposed 1353  
under that division or under division (B) (1) (a) or (c) of this 1354  
section, consecutively to and prior to any prison term imposed 1355  
for the underlying felony under division (A), (B) (2), or (B) (3) 1356  
of this section or any other section of the Revised Code, and 1357  
consecutively to any other prison term or mandatory prison term 1358  
previously or subsequently imposed upon the offender. 1359

(c) If a mandatory prison term is imposed upon an offender 1360  
pursuant to division (B) (1) (f) of this section, the offender 1361  
shall serve the mandatory prison term so imposed consecutively 1362

to and prior to any prison term imposed for the underlying 1363  
felony under division (A), (B) (2), or (B) (3) of this section or 1364  
any other section of the Revised Code, and consecutively to any 1365  
other prison term or mandatory prison term previously or 1366  
subsequently imposed upon the offender. 1367

(d) If a mandatory prison term is imposed upon an offender 1368  
pursuant to division (B) (7) or (8) of this section, the offender 1369  
shall serve the mandatory prison term so imposed consecutively 1370  
to any other mandatory prison term imposed under that division 1371  
or under any other provision of law and consecutively to any 1372  
other prison term or mandatory prison term previously or 1373  
subsequently imposed upon the offender. 1374

(2) If an offender who is an inmate in a jail, prison, or 1375  
other residential detention facility violates section 2917.02, 1376  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1377  
(2) of section 2921.34 of the Revised Code, if an offender who 1378  
is under detention at a detention facility commits a felony 1379  
violation of section 2923.131 of the Revised Code, or if an 1380  
offender who is an inmate in a jail, prison, or other 1381  
residential detention facility or is under detention at a 1382  
detention facility commits another felony while the offender is 1383  
an escapee in violation of division (A) (1) or (2) of section 1384  
2921.34 of the Revised Code, any prison term imposed upon the 1385  
offender for one of those violations shall be served by the 1386  
offender consecutively to the prison term or term of 1387  
imprisonment the offender was serving when the offender 1388  
committed that offense and to any other prison term previously 1389  
or subsequently imposed upon the offender. 1390

(3) If a prison term is imposed for a violation of 1391  
division (B) of section 2911.01 of the Revised Code, a violation 1392

of division (A) of section 2913.02 of the Revised Code in which 1393  
the stolen property is a firearm or dangerous ordnance, or a 1394  
felony violation of division (B) of section 2921.331 of the 1395  
Revised Code, the offender shall serve that prison term 1396  
consecutively to any other prison term or mandatory prison term 1397  
previously or subsequently imposed upon the offender. 1398

(4) If multiple prison terms are imposed on an offender 1399  
for convictions of multiple offenses, the court may require the 1400  
offender to serve the prison terms consecutively if the court 1401  
finds that the consecutive service is necessary to protect the 1402  
public from future crime or to punish the offender and that 1403  
consecutive sentences are not disproportionate to the 1404  
seriousness of the offender's conduct and to the danger the 1405  
offender poses to the public, and if the court also finds any of 1406  
the following: 1407

(a) The offender committed one or more of the multiple 1408  
offenses while the offender was awaiting trial or sentencing, 1409  
was under a sanction imposed pursuant to section 2929.16, 1410  
2929.17, or 2929.18 of the Revised Code, or was under post- 1411  
release control for a prior offense. 1412

(b) At least two of the multiple offenses were committed 1413  
as part of one or more courses of conduct, and the harm caused 1414  
by two or more of the multiple offenses so committed was so 1415  
great or unusual that no single prison term for any of the 1416  
offenses committed as part of any of the courses of conduct 1417  
adequately reflects the seriousness of the offender's conduct. 1418

(c) The offender's history of criminal conduct 1419  
demonstrates that consecutive sentences are necessary to protect 1420  
the public from future crime by the offender. 1421



(5) If a mandatory prison term is imposed upon an offender 1422  
pursuant to division (B) (5) or (6) of this section, the offender 1423  
shall serve the mandatory prison term consecutively to and prior 1424  
to any prison term imposed for the underlying violation of 1425  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1426  
pursuant to division (A) of this section or section 2929.142 of 1427  
the Revised Code. If a mandatory prison term is imposed upon an 1428  
offender pursuant to division (B) (5) of this section, and if a 1429  
mandatory prison term also is imposed upon the offender pursuant 1430  
to division (B) (6) of this section in relation to the same 1431  
violation, the offender shall serve the mandatory prison term 1432  
imposed pursuant to division (B) (5) of this section 1433  
consecutively to and prior to the mandatory prison term imposed 1434  
pursuant to division (B) (6) of this section and consecutively to 1435  
and prior to any prison term imposed for the underlying 1436  
violation of division (A) (1) or (2) of section 2903.06 of the 1437  
Revised Code pursuant to division (A) of this section or section 1438  
2929.142 of the Revised Code. 1439

(6) When consecutive prison terms are imposed pursuant to 1440  
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1441  
of this section, the term to be served is the aggregate of all 1442  
of the terms so imposed. 1443

(D) (1) If a court imposes a prison term for a felony of 1444  
the first degree, for a felony of the second degree, for a 1445  
felony sex offense, or for a felony of the third degree that is 1446  
not a felony sex offense and in the commission of which the 1447  
offender caused or threatened to cause physical harm to a 1448  
person, it shall include in the sentence a requirement that the 1449  
offender be subject to a period of post-release control after 1450  
the offender's release from imprisonment, in accordance with 1451  
that division. If a court imposes a sentence including a prison 1452

term of a type described in this division on or after July 11, 1453  
2006, the failure of a court to include a post-release control 1454  
requirement in the sentence pursuant to this division does not 1455  
negate, limit, or otherwise affect the mandatory period of post- 1456  
release control that is required for the offender under division 1457  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1458  
the Revised Code applies if, prior to July 11, 2006, a court 1459  
imposed a sentence including a prison term of a type described 1460  
in this division and failed to include in the sentence pursuant 1461  
to this division a statement regarding post-release control. 1462

(2) If a court imposes a prison term for a felony of the 1463  
third, fourth, or fifth degree that is not subject to division 1464  
(D)(1) of this section, it shall include in the sentence a 1465  
requirement that the offender be subject to a period of post- 1466  
release control after the offender's release from imprisonment, 1467  
in accordance with that division, if the parole board determines 1468  
that a period of post-release control is necessary. Section 1469  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1470  
a court imposed a sentence including a prison term of a type 1471  
described in this division and failed to include in the sentence 1472  
pursuant to this division a statement regarding post-release 1473  
control. 1474

(E) The court shall impose sentence upon the offender in 1475  
accordance with section 2971.03 of the Revised Code, and Chapter 1476  
2971. of the Revised Code applies regarding the prison term or 1477  
term of life imprisonment without parole imposed upon the 1478  
offender and the service of that term of imprisonment if any of 1479  
the following apply: 1480

(1) A person is convicted of or pleads guilty to a violent 1481  
sex offense or a designated homicide, assault, or kidnapping 1482

offense, and, in relation to that offense, the offender is 1483  
adjudicated a sexually violent predator. 1484

(2) A person is convicted of or pleads guilty to a 1485  
violation of division (A) (1) (b) of section 2907.02 of the 1486  
Revised Code committed on or after January 2, 2007, and either 1487  
the court does not impose a sentence of life without parole when 1488  
authorized pursuant to division (B) of section 2907.02 of the 1489  
Revised Code, or division (B) of section 2907.02 of the Revised 1490  
Code provides that the court shall not sentence the offender 1491  
pursuant to section 2971.03 of the Revised Code. 1492

(3) A person is convicted of or pleads guilty to attempted 1493  
rape committed on or after January 2, 2007, and a specification 1494  
of the type described in section 2941.1418, 2941.1419, or 1495  
2941.1420 of the Revised Code. 1496

(4) A person is convicted of or pleads guilty to a 1497  
violation of section 2905.01 of the Revised Code committed on or 1498  
after January 1, 2008, and that section requires the court to 1499  
sentence the offender pursuant to section 2971.03 of the Revised 1500  
Code. 1501

(5) A person is convicted of or pleads guilty to 1502  
aggravated murder committed on or after January 1, 2008, and 1503  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1504  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1505  
(d) of section 2929.03, or division (A) or (B) of section 1506  
2929.06 of the Revised Code requires the court to sentence the 1507  
offender pursuant to division (B) (3) of section 2971.03 of the 1508  
Revised Code. 1509

(6) A person is convicted of or pleads guilty to murder 1510  
committed on or after January 1, 2008, and division (B) (2) of 1511

section 2929.02 of the Revised Code requires the court to 1512  
sentence the offender pursuant to section 2971.03 of the Revised 1513  
Code. 1514

(F) If a person who has been convicted of or pleaded 1515  
guilty to a felony is sentenced to a prison term or term of 1516  
imprisonment under this section, sections 2929.02 to 2929.06 of 1517  
the Revised Code, section 2929.142 of the Revised Code, section 1518  
2971.03 of the Revised Code, or any other provision of law, 1519  
section 5120.163 of the Revised Code applies regarding the 1520  
person while the person is confined in a state correctional 1521  
institution. 1522

(G) If an offender who is convicted of or pleads guilty to 1523  
a felony that is an offense of violence also is convicted of or 1524  
pleads guilty to a specification of the type described in 1525  
section 2941.142 of the Revised Code that charges the offender 1526  
with having committed the felony while participating in a 1527  
criminal gang, the court shall impose upon the offender an 1528  
additional prison term of one, two, or three years. 1529

(H) (1) If an offender who is convicted of or pleads guilty 1530  
to aggravated murder, murder, or a felony of the first, second, 1531  
or third degree that is an offense of violence also is convicted 1532  
of or pleads guilty to a specification of the type described in 1533  
section 2941.143 of the Revised Code that charges the offender 1534  
with having committed the offense in a school safety zone or 1535  
towards a person in a school safety zone, the court shall impose 1536  
upon the offender an additional prison term of two years. The 1537  
offender shall serve the additional two years consecutively to 1538  
and prior to the prison term imposed for the underlying offense. 1539

(2) (a) If an offender is convicted of or pleads guilty to 1540  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1541

2907.25 of the Revised Code and to a specification of the type 1542  
described in section 2941.1421 of the Revised Code and if the 1543  
court imposes a prison term on the offender for the felony 1544  
violation, the court may impose upon the offender an additional 1545  
prison term as follows: 1546

(i) Subject to division (H) (2) (a) (ii) of this section, an 1547  
additional prison term of one, two, three, four, five, or six 1548  
months; 1549

(ii) If the offender previously has been convicted of or 1550  
pleaded guilty to one or more felony or misdemeanor violations 1551  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1552  
the Revised Code and also was convicted of or pleaded guilty to 1553  
a specification of the type described in section 2941.1421 of 1554  
the Revised Code regarding one or more of those violations, an 1555  
additional prison term of one, two, three, four, five, six, 1556  
seven, eight, nine, ten, eleven, or twelve months. 1557

(b) In lieu of imposing an additional prison term under 1558  
division (H) (2) (a) of this section, the court may directly 1559  
impose on the offender a sanction that requires the offender to 1560  
wear a real-time processing, continual tracking electronic 1561  
monitoring device during the period of time specified by the 1562  
court. The period of time specified by the court shall equal the 1563  
duration of an additional prison term that the court could have 1564  
imposed upon the offender under division (H) (2) (a) of this 1565  
section. A sanction imposed under this division shall commence 1566  
on the date specified by the court, provided that the sanction 1567  
shall not commence until after the offender has served the 1568  
prison term imposed for the felony violation of section 2907.22, 1569  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1570  
residential sanction imposed for the violation under section 1571

2929.16 of the Revised Code. A sanction imposed under this 1572  
division shall be considered to be a community control sanction 1573  
for purposes of section 2929.15 of the Revised Code, and all 1574  
provisions of the Revised Code that pertain to community control 1575  
sanctions shall apply to a sanction imposed under this division, 1576  
except to the extent that they would by their nature be clearly 1577  
inapplicable. The offender shall pay all costs associated with a 1578  
sanction imposed under this division, including the cost of the 1579  
use of the monitoring device. 1580

(I) At the time of sentencing, the court may recommend the 1581  
offender for placement in a program of shock incarceration under 1582  
section 5120.031 of the Revised Code or for placement in an 1583  
intensive program prison under section 5120.032 of the Revised 1584  
Code, disapprove placement of the offender in a program of shock 1585  
incarceration or an intensive program prison of that nature, or 1586  
make no recommendation on placement of the offender. In no case 1587  
shall the department of rehabilitation and correction place the 1588  
offender in a program or prison of that nature unless the 1589  
department determines as specified in section 5120.031 or 1590  
5120.032 of the Revised Code, whichever is applicable, that the 1591  
offender is eligible for the placement. 1592

If the court disapproves placement of the offender in a 1593  
program or prison of that nature, the department of 1594  
rehabilitation and correction shall not place the offender in 1595  
any program of shock incarceration or intensive program prison. 1596

If the court recommends placement of the offender in a 1597  
program of shock incarceration or in an intensive program 1598  
prison, and if the offender is subsequently placed in the 1599  
recommended program or prison, the department shall notify the 1600  
court of the placement and shall include with the notice a brief 1601

description of the placement. 1602

If the court recommends placement of the offender in a 1603  
program of shock incarceration or in an intensive program prison 1604  
and the department does not subsequently place the offender in 1605  
the recommended program or prison, the department shall send a 1606  
notice to the court indicating why the offender was not placed 1607  
in the recommended program or prison. 1608

If the court does not make a recommendation under this 1609  
division with respect to an offender and if the department 1610  
determines as specified in section 5120.031 or 5120.032 of the 1611  
Revised Code, whichever is applicable, that the offender is 1612  
eligible for placement in a program or prison of that nature, 1613  
the department shall screen the offender and determine if there 1614  
is an available program of shock incarceration or an intensive 1615  
program prison for which the offender is suited. If there is an 1616  
available program of shock incarceration or an intensive program 1617  
prison for which the offender is suited, the department shall 1618  
notify the court of the proposed placement of the offender as 1619  
specified in section 5120.031 or 5120.032 of the Revised Code 1620  
and shall include with the notice a brief description of the 1621  
placement. The court shall have ten days from receipt of the 1622  
notice to disapprove the placement. 1623

(J) If a person is convicted of or pleads guilty to 1624  
aggravated vehicular homicide in violation of division (A) (1) of 1625  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1626  
that section applies, the person shall be sentenced pursuant to 1627  
section 2929.142 of the Revised Code. 1628

(K) (1) The court shall impose an additional mandatory 1629  
prison term of two, three, four, five, six, seven, eight, nine, 1630  
ten, or eleven years on an offender who is convicted of or 1631

pleads guilty to a violent felony offense if the offender also 1632  
is convicted of or pleads guilty to a specification of the type 1633  
described in section 2941.1424 of the Revised Code that charges 1634  
that the offender is a violent career criminal and had a firearm 1635  
on or about the offender's person or under the offender's 1636  
control while committing the presently charged violent felony 1637  
offense. The offender shall serve the prison term imposed under 1638  
this division consecutively to and prior to the prison term 1639  
imposed for the underlying offense. The prison term shall not be 1640  
reduced pursuant to section 2929.20 or 2967.19 or any other 1641  
provision of Chapter 2967. or 5120. of the Revised Code. A court 1642  
may not impose more than one sentence under division (B) (2) (a) 1643  
of this section and this division for acts committed as part of 1644  
the same act or transaction. 1645

(2) As used in division (K) (1) of this section, "violent 1646  
career criminal" and "violent felony offense" have the same 1647  
meanings as in section 2923.132 of the Revised Code. 1648

**Sec. 2929.20.** (A) As used in this section: 1649

(1) (a) Except as provided in division (A) (1) (b) of this 1650  
section, "eligible offender" means any person who, on or after 1651  
April 7, 2009, is serving a stated prison term that includes one 1652  
or more nonmandatory prison terms. 1653

(b) "Eligible offender" does not include any person who, 1654  
on or after April 7, 2009, is serving a stated prison term for 1655  
any of the following criminal offenses that was a felony and was 1656  
committed while the person held a public office in this state: 1657

(i) A violation of section 2921.02, 2921.03, 2921.05, 1658  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1659  
Code; 1660



(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(ii) or described in division (A)(1)(b)(iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.

(2) "Nonmandatory prison term" means a prison term that is

not a mandatory prison term. 1690

(3) "Public office" means any elected federal, state, or 1691  
local government office in this state. 1692

(4) "Victim's representative" has the same meaning as in 1693  
section 2930.01 of the Revised Code. 1694

(B) On the motion of an eligible offender or upon its own 1695  
motion, the sentencing court may reduce the eligible offender's 1696  
aggregated nonmandatory prison term or terms through a judicial 1697  
release under this section. 1698

(C) An eligible offender may file a motion for judicial 1699  
release with the sentencing court within the following 1700  
applicable periods: 1701

(1) If the aggregated nonmandatory prison term or terms is 1702  
less than two years, the eligible offender may file the motion 1703  
not earlier than thirty days after the offender is delivered to 1704  
a state correctional institution or, if the prison term includes 1705  
a mandatory prison term or terms, not earlier than thirty days 1706  
after the expiration of all mandatory prison terms. 1707

(2) If the aggregated nonmandatory prison term or terms is 1708  
at least two years but less than five years, the eligible 1709  
offender may file the motion not earlier than one hundred eighty 1710  
days after the offender is delivered to a state correctional 1711  
institution or, if the prison term includes a mandatory prison 1712  
term or terms, not earlier than one hundred eighty days after 1713  
the expiration of all mandatory prison terms. 1714

(3) If the aggregated nonmandatory prison term or terms is 1715  
five years, the eligible offender may file the motion not 1716  
earlier than the date on which the eligible offender has served 1717  
~~four years after the eligible offender is delivered to a state~~ 1718

~~correctional institution of the offender's stated prison term~~ 1719  
or, if the prison term includes a mandatory prison term or 1720  
terms, not earlier than four years after the expiration of all 1721  
mandatory prison terms. 1722

(4) If the aggregated nonmandatory prison term or terms is 1723  
more than five years but not more than ten years, the eligible 1724  
offender may file the motion not earlier than the date on which 1725  
the eligible offender has served five years ~~after the eligible-~~ 1726  
~~offender is delivered to a state correctional institution of the~~ 1727  
offender's stated prison term or, if the prison term includes a 1728  
mandatory prison term or terms, not earlier than five years 1729  
after the expiration of all mandatory prison terms. 1730

(5) If the aggregated nonmandatory prison term or terms is 1731  
more than ten years, the eligible offender may file the motion 1732  
not earlier than the later of the date on which the offender has 1733  
served one-half of the offender's stated prison term or the date 1734  
specified in division (C) (4) of this section. 1735

(D) Upon receipt of a timely motion for judicial release 1736  
filed by an eligible offender under division (C) of this section 1737  
or upon the sentencing court's own motion made within the 1738  
appropriate time specified in that division, the court may deny 1739  
the motion without a hearing or schedule a hearing on the 1740  
motion. The court shall not grant the motion without a hearing. 1741  
If a court denies a motion without a hearing, the court later 1742  
may consider judicial release for that eligible offender on a 1743  
subsequent motion filed by that eligible offender unless the 1744  
court denies the motion with prejudice. If a court denies a 1745  
motion with prejudice, the court may later consider judicial 1746  
release on its own motion. If a court denies a motion after a 1747  
hearing, the court shall not consider a subsequent motion for 1748

that eligible offender. The court shall hold only one hearing 1749  
for any eligible offender. 1750

A hearing under this section shall be conducted in open 1751  
court not less than thirty or more than sixty days after the 1752  
motion is filed, provided that the court may delay the hearing 1753  
for one hundred eighty additional days. If the court holds a 1754  
hearing, the court shall enter a ruling on the motion within ten 1755  
days after the hearing. If the court denies the motion without a 1756  
hearing, the court shall enter its ruling on the motion within 1757  
sixty days after the motion is filed. 1758

(E) If a court schedules a hearing under division (D) of 1759  
this section, the court shall notify the eligible offender and 1760  
the head of the state correctional institution in which the 1761  
eligible offender is confined prior to the hearing. The head of 1762  
the state correctional institution immediately shall notify the 1763  
appropriate person at the department of rehabilitation and 1764  
correction of the hearing, and the department within twenty-four 1765  
hours after receipt of the notice, shall post on the database it 1766  
maintains pursuant to section 5120.66 of the Revised Code the 1767  
offender's name and all of the information specified in division 1768  
(A) (1) (c) (i) of that section. If the court schedules a hearing 1769  
for judicial release, the court promptly shall give notice of 1770  
the hearing to the prosecuting attorney of the county in which 1771  
the eligible offender was indicted. Upon receipt of the notice 1772  
from the court, the prosecuting attorney shall do whichever of 1773  
the following is applicable: 1774

(1) Subject to division (E) (2) of this section, notify the 1775  
victim of the offense or the victim's representative pursuant to 1776  
division (B) of section 2930.16 of the Revised Code; 1777

(2) If the offense was an offense of violence that is a 1778

felony of the first, second, or third degree, except as 1779  
otherwise provided in this division, notify the victim or the 1780  
victim's representative of the hearing regardless of whether the 1781  
victim or victim's representative has requested the 1782  
notification. The notice of the hearing shall not be given under 1783  
this division to a victim or victim's representative if the 1784  
victim or victim's representative has requested pursuant to 1785  
division (B) (2) of section 2930.03 of the Revised Code that the 1786  
victim or the victim's representative not be provided the 1787  
notice. If notice is to be provided to a victim or victim's 1788  
representative under this division, the prosecuting attorney may 1789  
give the notice by any reasonable means, including regular mail, 1790  
telephone, and electronic mail, in accordance with division (D) 1791  
(1) of section 2930.16 of the Revised Code. If the notice is 1792  
based on an offense committed prior to March 22, 2013, the 1793  
notice also shall include the opt-out information described in 1794  
division (D) (1) of section 2930.16 of the Revised Code. The 1795  
prosecuting attorney, in accordance with division (D) (2) of 1796  
section 2930.16 of the Revised Code, shall keep a record of all 1797  
attempts to provide the notice, and of all notices provided, 1798  
under this division. Division (E) (2) of this section, and the 1799  
notice-related provisions of division (K) of this section, 1800  
division (D) (1) of section 2930.16, division (H) of section 1801  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 1802  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 1803  
division (A) (2) of section 5149.101 of the Revised Code enacted 1804  
in the act in which division (E) (2) of this section was enacted, 1805  
shall be known as "Roberta's Law." 1806

(F) Upon an offender's successful completion of 1807  
rehabilitative activities, the head of the state correctional 1808  
institution may notify the sentencing court of the successful 1809

completion of the activities. 1810

(G) Prior to the date of the hearing on a motion for 1811  
judicial release under this section, the head of the state 1812  
correctional institution in which the eligible offender is 1813  
confined shall send to the court an institutional summary report 1814  
on the eligible offender's conduct in the institution and in any 1815  
institution from which the eligible offender may have been 1816  
transferred. Upon the request of the prosecuting attorney of the 1817  
county in which the eligible offender was indicted or of any law 1818  
enforcement agency, the head of the state correctional 1819  
institution, at the same time the person sends the institutional 1820  
summary report to the court, also shall send a copy of the 1821  
report to the requesting prosecuting attorney and law 1822  
enforcement agencies. The institutional summary report shall 1823  
cover the eligible offender's participation in school, 1824  
vocational training, work, treatment, and other rehabilitative 1825  
activities and any disciplinary action taken against the 1826  
eligible offender. The report shall be made part of the record 1827  
of the hearing. A presentence investigation report is not 1828  
required for judicial release. 1829

(H) If the court grants a hearing on a motion for judicial 1830  
release under this section, the eligible offender shall attend 1831  
the hearing if ordered to do so by the court. Upon receipt of a 1832  
copy of the journal entry containing the order, the head of the 1833  
state correctional institution in which the eligible offender is 1834  
incarcerated shall deliver the eligible offender to the sheriff 1835  
of the county in which the hearing is to be held. The sheriff 1836  
shall convey the eligible offender to and from the hearing. 1837

(I) At the hearing on a motion for judicial release under 1838  
this section, the court shall afford the eligible offender and 1839

the eligible offender's attorney an opportunity to present 1840  
written and, if present, oral information relevant to the 1841  
motion. The court shall afford a similar opportunity to the 1842  
prosecuting attorney, the victim or the victim's representative, 1843  
and any other person the court determines is likely to present 1844  
additional relevant information. The court shall consider any 1845  
statement of a victim made pursuant to section 2930.14 or 1846  
2930.17 of the Revised Code, any victim impact statement 1847  
prepared pursuant to section 2947.051 of the Revised Code, and 1848  
any report made under division (G) of this section. The court 1849  
may consider any written statement of any person submitted to 1850  
the court pursuant to division (L) of this section. After ruling 1851  
on the motion, the court shall notify the victim of the ruling 1852  
in accordance with sections 2930.03 and 2930.16 of the Revised 1853  
Code. 1854

(J) (1) A court shall not grant a judicial release under 1855  
this section to an eligible offender who is imprisoned for a 1856  
felony of the first or second degree, or to an eligible offender 1857  
who committed an offense under Chapter 2925. or 3719. of the 1858  
Revised Code and for whom there was a presumption under section 1859  
2929.13 of the Revised Code in favor of a prison term, unless 1860  
the court, with reference to factors under section 2929.12 of 1861  
the Revised Code, finds both of the following: 1862

(a) That a sanction other than a prison term would 1863  
adequately punish the offender and protect the public from 1864  
future criminal violations by the eligible offender because the 1865  
applicable factors indicating a lesser likelihood of recidivism 1866  
outweigh the applicable factors indicating a greater likelihood 1867  
of recidivism; 1868

(b) That a sanction other than a prison term would not 1869

demean the seriousness of the offense because factors indicating 1870  
that the eligible offender's conduct in committing the offense 1871  
was less serious than conduct normally constituting the offense 1872  
outweigh factors indicating that the eligible offender's conduct 1873  
was more serious than conduct normally constituting the offense. 1874

(2) A court that grants a judicial release to an eligible 1875  
offender under division (J) (1) of this section shall specify on 1876  
the record both findings required in that division and also 1877  
shall list all the factors described in that division that were 1878  
presented at the hearing. 1879

(K) If the court grants a motion for judicial release 1880  
under this section, the court shall order the release of the 1881  
eligible offender, shall place the eligible offender under an 1882  
appropriate community control sanction, under appropriate 1883  
conditions, and under the supervision of the department of 1884  
probation serving the court and shall reserve the right to 1885  
reimpose the sentence that it reduced if the offender violates 1886  
the sanction. If the court reimposes the reduced sentence, it 1887  
may do so either concurrently with, or consecutive to, any new 1888  
sentence imposed upon the eligible offender as a result of the 1889  
violation that is a new offense. The period of community control 1890  
shall be no longer than five years. The court, in its 1891  
discretion, may reduce the period of community control by the 1892  
amount of time the eligible offender spent in jail or prison for 1893  
the offense and in prison. If the court made any findings 1894  
pursuant to division (J) (1) of this section, the court shall 1895  
serve a copy of the findings upon counsel for the parties within 1896  
fifteen days after the date on which the court grants the motion 1897  
for judicial release. 1898

If the court grants a motion for judicial release, the 1899



court shall notify the appropriate person at the department of 1900  
rehabilitation and correction, and the department shall post 1901  
notice of the release on the database it maintains pursuant to 1902  
section 5120.66 of the Revised Code. The court also shall notify 1903  
the prosecuting attorney of the county in which the eligible 1904  
offender was indicted that the motion has been granted. Unless 1905  
the victim or the victim's representative has requested pursuant 1906  
to division (B) (2) of section 2930.03 of the Revised Code that 1907  
the victim or victim's representative not be provided the 1908  
notice, the prosecuting attorney shall notify the victim or the 1909  
victim's representative of the judicial release in any manner, 1910  
and in accordance with the same procedures, pursuant to which 1911  
the prosecuting attorney is authorized to provide notice of the 1912  
hearing pursuant to division (E) (2) of this section. If the 1913  
notice is based on an offense committed prior to March 22, 2013, 1914  
the notice to the victim or victim's representative also shall 1915  
include the opt-out information described in division (D) (1) of 1916  
section 2930.16 of the Revised Code. 1917

(L) In addition to and independent of the right of a 1918  
victim to make a statement pursuant to section 2930.14, 2930.17, 1919  
or 2946.051 of the Revised Code and any right of a person to 1920  
present written information or make a statement pursuant to 1921  
division (I) of this section, any person may submit to the 1922  
court, at any time prior to the hearing on the offender's motion 1923  
for judicial release, a written statement concerning the effects 1924  
of the offender's crime or crimes, the circumstances surrounding 1925  
the crime or crimes, the manner in which the crime or crimes 1926  
were perpetrated, and the person's opinion as to whether the 1927  
offender should be released. 1928

(M) The changes to this section that are made on September 1929  
30, 2011, apply to any judicial release decision made on or 1930

after September 30, 2011, for any eligible offender. 1931

**Sec. 2929.201.** Notwithstanding the time limitation for 1932  
filing a motion under former section 2947.061 of the Revised 1933  
Code, an offender whose offense was committed before July 1, 1934  
1996, and who otherwise satisfies the eligibility criteria for 1935  
shock probation under that section as it existed immediately 1936  
prior to July 1, 1996, may apply to the offender's sentencing 1937  
court for shock probation under that section on or after ~~the~~ 1938  
~~effective date of this section~~ September 15, 2014. Not more than 1939  
one motion may be filed by an offender under this section. 1940  
Division (C) of former section 2947.061 of the Revised Code does 1941  
not apply to a motion filed under this section. A presentence 1942  
investigation report is not required for shock probation to be 1943  
granted by reason of this section. 1944

**Sec. 2941.144.** (A) Imposition of a six-year mandatory 1945  
prison term upon an offender under division (B) (1) (a) (i) of 1946  
section 2929.14 of the Revised Code is precluded unless the 1947  
indictment, count in the indictment, or information charging the 1948  
offense specifies that the offender had a firearm that is an 1949  
automatic firearm or that was equipped with a firearm muffler or 1950  
~~silencer-suppressor~~ on or about the offender's person or under 1951  
the offender's control while committing the offense. The 1952  
specification shall be stated at the end of the body of the 1953  
indictment, count, or information and shall be stated in 1954  
substantially the following form: 1955

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1956  
Grand Jurors (or insert the person's or the prosecuting 1957  
attorney's name when appropriate) further find and specify that 1958  
(set forth that the offender had a firearm that is an automatic 1959  
firearm or that was equipped with a firearm muffler or ~~silencer~~ 1960

suppressor on or about the offender's person or under the 1961  
offender's control while committing the offense)." 1962

(B) Imposition of a six-year mandatory prison term upon an 1963  
offender under division (B) (1) (a) (i) of section 2929.14 of the 1964  
Revised Code is precluded if a court imposes a ~~three-year or~~ 1965  
one-year, eighteen-month, three-year, fifty-four-month, or nine- 1966  
year mandatory prison term on the offender under ~~that~~ division 1967  
(B) (1) (a) (ii), (iii), (iv), (v), or (vi) of that section 1968  
relative to the same felony. 1969

(C) The specification described in division (A) of this 1970  
section may be used in a delinquent child proceeding in the 1971  
manner and for the purpose described in section 2152.17 of the 1972  
Revised Code. 1973

(D) Imposition of a nine-year mandatory prison term upon 1974  
an offender under division (B) (1) (a) (iv) of section 2929.14 of 1975  
the Revised Code is precluded unless the indictment, count in 1976  
the indictment, or information charging the offense specifies 1977  
that the offender had a firearm that is an automatic firearm or 1978  
that was equipped with a firearm muffler or suppressor on or 1979  
about the offender's person or under the offender's control 1980  
while committing the offense and that the offender previously 1981  
has been convicted of or pleaded guilty to a firearm 1982  
specification of the type described in section 2941.141, 1983  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1984  
The specification shall be stated at the end of the body of the 1985  
indictment, count, or information, and shall be in substantially 1986  
the following form: 1987

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1988  
Grand Jurors (or insert the person's or the prosecuting 1989  
attorney's name when appropriate) further find and specify that 1990

(set forth that the offender had a firearm that is an automatic  
firearm or that was equipped with a firearm muffler or  
suppressor on or about the offender's person or under the  
offender's control while committing the offense and that the  
offender previously has been convicted of or pleaded guilty to a  
firearm specification of the type described in section 2941.141,  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised  
Code.)"

(E) Imposition of a nine-year mandatory prison term upon  
an offender under division (B) (1) (a) (iv) of section 2929.14 of  
the Revised Code is precluded if the court imposes a one-year,  
eighteen-month, three-year, fifty-four-month, or six-year  
mandatory prison term on the offender under division (B) (1) (a)  
(i), (ii), (iii), (v), or (vi) of that section relative to the  
same felony.

(F) As used in this section, "firearm" and "automatic  
firearm" have the same meanings as in section 2923.11 of the  
Revised Code.

**Sec. 2941.141.** (A) Imposition of a one-year mandatory  
prison term upon an offender under division (B) (1) (a) (iii) of  
section 2929.14 of the Revised Code is precluded unless the  
indictment, count in the indictment, or information charging the  
offense specifies that the offender had a firearm on or about  
the offender's person or under the offender's control while  
committing the offense. The specification shall be stated at the  
end of the body of the indictment, count, or information, and  
shall be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The  
Grand Jurors (or insert the person's or the prosecuting  
attorney's name when appropriate) further find and specify that

(set forth that the offender had a firearm on or about the  
offender's person or under the offender's control while  
committing the offense.)"

(B) Imposition of a one-year mandatory prison term upon an  
offender under division (B) (1) (a) (iii) of section 2929.14 of the  
Revised Code is precluded if a court imposes ~~an eighteen-month,~~  
~~three-year-or-,~~ fifty-four-month, six-year, or nine-year  
mandatory prison term on the offender under ~~that~~ division (B) (1)  
(a) (i), (ii), (iv), (v), or (vi) of that section relative to the  
same felony.

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

(D) Imposition of an eighteen-month mandatory prison term  
upon an offender under division (B) (1) (a) (vi) of section 2929.14  
of the Revised Code is precluded unless the indictment, count in  
the indictment, or information charging the offense specifies  
that the offender had a firearm on or about the offender's  
person or under the offender's control while committing the  
offense and that the offender previously had been convicted of  
or pleaded guilty to a firearm specification of the type  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or  
2941.1412 of the Revised Code. The specification shall be stated  
at the end of the body of the indictment, count, or information,  
and shall be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The  
Grand Jurors (or insert the person's or prosecuting attorney's  
name when appropriate) further find and specify that (set forth  
that the offender had a firearm on or about the offender's

person or under the offender's control while committing the 2051  
offense and that the offender previously has been convicted of 2052  
or pleaded guilty to a firearm specification of the type 2053  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2054  
2941.1412 of the Revised Code.)" 2055

(E) Imposition of an eighteen-month mandatory prison term 2056  
upon an offender under division (B) (1) (a) (vi) of section 2929.14 2057  
of the Revised Code is precluded if the court imposes a one- 2058  
year, three-year, fifty-four-month, six-year, or nine-year 2059  
mandatory prison term on the offender under division (B) (1) (a) 2060  
(i), (ii), (iii), (iv), or (v) of that section relative to the 2061  
same felony. 2062

(F) As used in this section, "firearm" has the same 2063  
meaning as in section 2923.11 of the Revised Code. 2064

**Sec. 2941.145.** (A) Imposition of a three-year mandatory 2065  
prison term upon an offender under division (B) (1) (a) (ii) of 2066  
section 2929.14 of the Revised Code is precluded unless the 2067  
indictment, count in the indictment, or information charging the 2068  
offense specifies that the offender had a firearm on or about 2069  
the offender's person or under the offender's control while 2070  
committing the offense and displayed the firearm, brandished the 2071  
firearm, indicated that the offender possessed the firearm, or 2072  
used it to facilitate the offense. The specification shall be 2073  
stated at the end of the body of the indictment, count, or 2074  
information, and shall be stated in substantially the following 2075  
form: 2076

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2077  
Grand Jurors (or insert the person's or the prosecuting 2078  
attorney's name when appropriate) further find and specify that 2079  
(set forth that the offender had a firearm on or about the 2080

offender's person or under the offender's control while 2081  
committing the offense and displayed the firearm, brandished the 2082  
firearm, indicated that the offender possessed the firearm, or 2083  
used it to facilitate the offense)." 2084

(B) Imposition of a three-year mandatory prison term upon 2085  
an offender under division (B) (1) (a) (ii) of section 2929.14 of 2086  
the Revised Code is precluded if a court imposes a one-year ~~or,~~ 2087  
eighteen-month, six-year, fifty-four-month, or nine-year 2088  
mandatory prison term on the offender under ~~that~~ division (B) (1) 2089  
(a) (i), (iii), (iv), (v), or (vi) of that section relative to 2090  
the same felony. 2091

(C) The specification described in division (A) of this 2092  
section may be used in a delinquent child proceeding in the 2093  
manner and for the purpose described in section 2152.17 of the 2094  
Revised Code. 2095

(D) Imposition of a mandatory prison term of fifty-four 2096  
months upon an offender under division (B) (1) (a) (v) of section 2097  
2929.14 of the Revised Code is precluded unless the indictment, 2098  
count in the indictment, or information charging the offense 2099  
specifies that the offender had a firearm on or about the 2100  
offender's person or under the offender's control while 2101  
committing the offense and displayed the firearm, brandished the 2102  
firearm, indicated that the offender possessed a firearm, or 2103  
used the firearm to facilitate the offense and that the offender 2104  
previously has been convicted of or pleaded guilty to a firearm 2105  
specification of the type described in section 2941.141, 2106  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2107  
The specification shall be stated at the end of the body of the 2108  
indictment, count, or information, and shall be in substantially 2109  
the following form: 2110

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2111  
Grand Jurors (or insert the person's or the prosecuting 2112  
attorney's name when appropriate) further find and specify that 2113  
(set forth that the offender had a firearm on or about the 2114  
offender's person or under the offender's control while 2115  
committing the offense and displayed the firearm, brandished the 2116  
firearm, indicated that the offender possessed a firearm, or 2117  
used the firearm to facilitate the offense and that the offender 2118  
previously has been convicted of or pleaded guilty to a firearm 2119  
specification of the type described in section 2941.141, 2120  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 2121  
Code.)" 2122

(E) Imposition of a mandatory prison term of fifty-four 2123  
months upon an offender under division (B) (1) (a) (v) of section 2124  
2929.14 of the Revised Code is precluded if the court imposes a 2125  
one-year, eighteen-month, three-year, or nine-year mandatory 2126  
prison term on the offender under division (B) (1) (a) (i), (ii), 2127  
(iii), (iv), or (vi) of that section relative to the same 2128  
felony. 2129

(F) As used in this section, "firearm" has the same 2130  
meaning as in section 2923.11 of the Revised Code. 2131

**Sec. 2941.146.** (A) Imposition of a mandatory five-year 2132  
prison term upon an offender under division (B) (1) (c) (i) of 2133  
section 2929.14 of the Revised Code for committing a violation 2134  
of section 2923.161 of the Revised Code or for committing a 2135  
felony that includes, as an essential element, purposely or 2136  
knowingly causing or attempting to cause the death of or 2137  
physical harm to another and that was committed by discharging a 2138  
firearm from a motor vehicle other than a manufactured home is 2139  
precluded unless the indictment, count in the indictment, or 2140



information charging the offender specifies that the offender 2141  
committed the offense by discharging a firearm from a motor 2142  
vehicle other than a manufactured home. The specification shall 2143  
be stated at the end of the body of the indictment, count, or 2144  
information, and shall be stated in substantially the following 2145  
form: 2146

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2147  
Grand Jurors (or insert the person's or prosecuting attorney's 2148  
name when appropriate) further find and specify that (set forth 2149  
that the offender committed the violation of section 2923.161 of 2150  
the Revised Code or the felony that includes, as an essential 2151  
element, purposely or knowingly causing or attempting to cause 2152  
the death of or physical harm to another and that was committed 2153  
by discharging a firearm from a motor vehicle other than a 2154  
manufactured home)." 2155

(B) The specification described in division (A) of this 2156  
section may be used in a delinquent child proceeding in the 2157  
manner and for the purpose described in section 2152.17 of the 2158  
Revised Code. 2159

(C) Imposition of a ninety-month mandatory prison term 2160  
under division (B)(1)(c)(ii) of section 2929.14 of the Revised 2161  
Code for committing a violation of section 2923.161 of the 2162  
Revised Code or for committing a felony that includes, as an 2163  
essential element, purposely or knowingly causing or attempting 2164  
to cause the death of or physical harm to another and that was 2165  
committed by discharging a firearm from a motor vehicle other 2166  
than a manufactured home is precluded unless the indictment, 2167  
count in the indictment, or information charging the offender 2168  
specifies that the offender committed the offense by discharging 2169  
a firearm from a motor vehicle other than a manufactured home 2170

and that the offender previously has been convicted of or 2171  
pleaded guilty to a firearm specification of the type described 2172  
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 2173  
of the Revised Code. The specification shall be stated at the 2174  
end of the body of the indictment, count, or information, and 2175  
shall be stated in substantially the following form: 2176

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2177  
Grand Jurors (or insert the person's or prosecuting attorney's 2178  
name where appropriate) further find and specify that (set forth 2179  
that the offender committed the violation of section 2923.161 of 2180  
the Revised Code or the felony that includes, as an essential 2181  
element, purposely or knowingly causing or attempting to cause 2182  
the death of or physical harm to another and that was committed 2183  
by discharging a firearm from a motor vehicle other than a 2184  
manufactured home and that the offender previously has been 2185  
convicted of or pleaded guilty to a firearm specification of the 2186  
type described in section 2941.141, 2941.144, 2941.145, 2187  
2941.146, or 2941.1412 of the Revised Code)." 2188

(D) As used in this section: 2189

(1) "Firearm" has the same meaning as in section 2923.11 2190  
of the Revised Code; 2191

(2) "Motor vehicle" and "manufactured home" have the same 2192  
meanings as in section 4501.01 of the Revised Code. 2193

**Sec. 2941.1412.** (A) Imposition of a seven-year mandatory 2194  
prison term upon an offender under division (B) (1) (f) (i) of 2195  
section 2929.14 of the Revised Code is precluded unless the 2196  
indictment, count in the indictment, or information charging the 2197  
offense specifies that the offender discharged a firearm at a 2198  
peace officer or a corrections officer while committing the 2199

offense. The specification shall be stated at the end of the 2200  
body of the indictment, count, or information and shall be in 2201  
substantially the following form: 2202

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2203

The Grand Jurors (or insert the person's or the 2204  
prosecuting attorney's name when appropriate) further find and 2205  
specify that (set forth that the offender discharged a firearm 2206  
at a peace officer or a corrections officer while committing the 2207  
offense)." 2208

(B) Imposition of a mandatory prison term of one hundred 2209  
twenty-six months upon an offender under division (B) (1) (f) (ii) 2210  
of section 2929.14 of the Revised Code is precluded unless the 2211  
indictment, count in the indictment, or information charging the 2212  
offense specifies that the offender discharged a firearm at a 2213  
peace officer or a corrections officer while committing the 2214  
offense and that the offender previously has been convicted of 2215  
or pleaded guilty to a firearm specification of the type 2216  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2217  
2941.1412 of the Revised Code. The specification shall be stated 2218  
at the end of the body of the indictment, count, or information, 2219  
and shall be substantially in the following form: 2220

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2221

The Grand Jurors (or insert the person's or the 2222  
prosecuting attorney's name when appropriate) further find and 2223  
specify that (set forth that the offender discharged a firearm 2224  
at a peace officer or corrections officer while committing the 2225  
offense and that the offender previously has been convicted of 2226  
or pleaded guilty to a firearm specification of the type 2227  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2228

<u>2941.1412 of the Revised Code).</u> "	2229
<u>(C) As used in this section:</u>	2230
(1) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	2231 2232
(2) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2233 2234
(3) "Corrections officer" means a person employed by a detention facility as a corrections officer.	2235 2236
(4) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	2237 2238
<u>Sec. 2941.1424. (A) The imposition of a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years upon an offender under division (K) of section 2929.14 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to committing a violent felony offense and unless the indictment, count in the indictment, or information charging the offense specifies that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:</u>	2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251
<u>"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT).</u>	2252
<u>The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender is a violent career criminal and did have a firearm on or about the offender's</u>	2253 2254 2255 2256

person or under the offender's control while committing the 2257  
presently charged violent felony offense.)" 2258

(B) A court may not impose more than one sentence under 2259  
division (C) of section 2923.132 of the Revised Code and 2260  
division (K) of section 2929.14 of the Revised Code for acts 2261  
committed as part of the same act or transaction. 2262

(C) As used in this section: 2263

(1) "Firearm" has the same meaning as in section 2923.11 2264  
of the Revised Code. 2265

(2) "Violent career criminal" and "violent felony offense" 2266  
have the same meanings as in section 2923.132 of the Revised 2267  
Code. 2268

**Section 2.** That existing sections 2152.17, 2901.08, 2269  
2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2270  
2941.144, 2941.145, 2941.146, and 2941.1412 of the Revised Code 2271  
are hereby repealed. 2272