

As Reported by the House Judiciary Committee

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Am. Sub. S. B. No. 97

Senators Hughes, LaRose

**Cosponsors: Senators Eklund, Patton, Bacon, Balderson, Burke, Coley, Faber,
Gardner, Gentile, Hite, Hottinger, Obhof, Peterson, Thomas, Uecker**

A BILL

To amend sections 2152.17, 2901.08, 2903.01, 1
2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2
2941.141, 2941.144, 2941.145, 2941.146, and 3
2941.1412 and to enact sections 2923.132 and 4
2941.1424 of the Revised Code to provide that a 5
person who purposely causes the death of another 6
as part of a course of conduct involving the 7
purposeful killing of or attempt to kill two or 8
more persons is guilty of aggravated murder, to 9
increase by 50% the mandatory prison term for an 10
offender who is convicted of a firearm 11
specification and previously has been convicted 12
of a firearm specification; to prohibit violent 13
career criminals from knowingly acquiring, 14
having, carrying, or using any firearm or 15
dangerous ordnance; to require a mandatory 16
prison term for a violent career criminal 17
convicted of committing a violent felony offense 18
while armed with a firearm; to correct a 19
provision regarding delinquent child 20
dispositions for specifications; to provide 21
certain prisoners credit for time spent in jail 22
in determining eligibility to apply for judicial 23

release; and to specify that no presentence 24
investigation report is required for shock 25
probation to be granted to an offender convicted 26
of an offense before July 1, 1996. 27

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

Section 1. That sections 2152.17, 2901.08, 2903.01, 28
2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 29
2941.144, 2941.145, 2941.146, and 2941.1412 be amended and 30
sections 2923.132 and 2941.1424 of the Revised Code be enacted 31
to read as follows: 32

Sec. 2152.17. (A) Subject to division (D) of this section, 33
if a child is adjudicated a delinquent child for committing an 34
act, other than a violation of section 2923.12 of the Revised 35
Code, that would be a felony if committed by an adult and if the 36
court determines that, if the child was an adult, the child 37
would be guilty of a specification of the type set forth in 38
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 39
2941.1414, or 2941.1415 of the Revised Code, in addition to any 40
commitment or other disposition the court imposes for the 41
underlying delinquent act, all of the following apply: 42

(1) If the court determines that the child would be guilty 43
of a specification of the type set forth in section 2941.141 of 44
the Revised Code, the court may commit the child to the 45
department of youth services for the specification for a 46
definite period of up to one year. 47

(2) If the court determines that the child would be guilty 48
of a specification of the type set forth in section 2941.145 of 49

the Revised Code or if the delinquent act is a violation of 50
division (A) (1) or (2) of section 2903.06 of the Revised Code 51
and the court determines that the child would be guilty of a 52
specification of the type set forth in section 2941.1415 of the 53
Revised Code, the court shall commit the child to the department 54
of youth services for the specification for a definite period of 55
not less than one and not more than three years, and the court 56
also shall commit the child to the department for the underlying 57
delinquent act under sections 2152.11 to 2152.16 of the Revised 58
Code. 59

(3) If the court determines that the child would be guilty 60
of a specification of the type set forth in section 2941.144, 61
2941.146, or 2941.1412 of the Revised Code or if the delinquent 62
act is a violation of division (A) (1) or (2) of section 2903.06 63
of the Revised Code and the court determines that the child 64
would be guilty of a specification of the type set forth in 65
section 2941.1414 of the Revised Code, the court shall commit 66
the child to the department of youth services for the 67
specification for a definite period of not less than one and not 68
more than five years, and the court also shall commit the child 69
to the department for the underlying delinquent act under 70
sections 2152.11 to 2152.16 of the Revised Code. 71

(B) (1) If a child is adjudicated a delinquent child for 72
committing an act, other than a violation of section 2923.12 of 73
the Revised Code, that would be a felony if committed by an 74
adult, if the court determines that the child is complicit in 75
another person's conduct that is of such a nature that the other 76
person would be guilty of a specification of the type set forth 77
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 78
Revised Code if the other person was an adult, if the other 79
person's conduct relates to the child's underlying delinquent 80

act, and if the child did not furnish, use, or dispose of any 81
firearm that was involved with the underlying delinquent act or 82
with the other person's specification-related conduct, in 83
addition to any other disposition the court imposes for the 84
underlying delinquent act, the court may commit the child to the 85
department of youth services for the specification for a 86
definite period of not more than one year, subject to division 87
(D) (2) of this section. 88

(2) Except as provided in division (B) (1) of this section, 89
division (A) of this section also applies to a child who is an 90
accomplice regarding a ~~firearm~~-specification of the type set 91
forth in section 2941.1412, 2941.1414, or 2941.1415 of the 92
Revised Code to the same extent the ~~firearm~~-specifications would 93
apply to an adult accomplice in a criminal proceeding. 94

(C) If a child is adjudicated a delinquent child for 95
committing an act that would be aggravated murder, murder, or a 96
first, second, or third degree felony offense of violence if 97
committed by an adult and if the court determines that, if the 98
child was an adult, the child would be guilty of a specification 99
of the type set forth in section 2941.142 of the Revised Code in 100
relation to the act for which the child was adjudicated a 101
delinquent child, the court shall commit the child for the 102
specification to the legal custody of the department of youth 103
services for institutionalization in a secure facility for a 104
definite period of not less than one and not more than three 105
years, subject to division (D) (2) of this section, and the court 106
also shall commit the child to the department for the underlying 107
delinquent act. 108

(D) (1) If the child is adjudicated a delinquent child for 109
committing an act that would be an offense of violence that is a 110

felony if committed by an adult and is committed to the legal 111
custody of the department of youth services pursuant to division 112
(A) (1) of section 2152.16 of the Revised Code and if the court 113
determines that the child, if the child was an adult, would be 114
guilty of a specification of the type set forth in section 115
2941.1411 of the Revised Code in relation to the act for which 116
the child was adjudicated a delinquent child, the court may 117
commit the child to the custody of the department of youth 118
services for institutionalization in a secure facility for up to 119
two years, subject to division (D) (2) of this section. 120

(2) A court that imposes a period of commitment under 121
division (A) of this section is not precluded from imposing an 122
additional period of commitment under division (C) or (D) (1) of 123
this section, a court that imposes a period of commitment under 124
division (C) of this section is not precluded from imposing an 125
additional period of commitment under division (A) or (D) (1) of 126
this section, and a court that imposes a period of commitment 127
under division (D) (1) of this section is not precluded from 128
imposing an additional period of commitment under division (A) 129
or (C) of this section. 130

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

commitment is imposed under division (A) or (B) of this section 142
and a commitment also is imposed under division (C) of this 143
section, the period imposed under division (A) or (B) of this 144
section shall be served prior to the period imposed under 145
division (C) of this section. 146

In each case in which a court makes a disposition under 147
this section, the court retains control over the commitment for 148
the entire period of the commitment. 149

The total of all the periods of commitment imposed for any 150
specification under this section and for the underlying offense 151
shall not exceed the child's attainment of twenty-one years of 152
age. 153

(F) If a child is adjudicated a delinquent child for 154
committing two or more acts that would be felonies if committed 155
by an adult and if the court entering the delinquent child 156
adjudication orders the commitment of the child for two or more 157
of those acts to the legal custody of the department of youth 158
services for institutionalization in a secure facility pursuant 159
to section 2152.13 or 2152.16 of the Revised Code, the court may 160
order that all of the periods of commitment imposed under those 161
sections for those acts be served consecutively in the legal 162
custody of the department of youth services, provided that those 163
periods of commitment shall be in addition to and commence 164
immediately following the expiration of a period of commitment 165
that the court imposes pursuant to division (A), (B), (C), or 166
(D) (1) of this section. A court shall not commit a delinquent 167
child to the legal custody of the department of youth services 168
under this division for a period that exceeds the child's 169
attainment of twenty-one years of age. 170

Sec. 2901.08. (A) If a person is alleged to have committed 171

an offense and if the person previously has been adjudicated a delinquent child or juvenile traffic offender for a violation of a law or ordinance, except as provided in division (B) of this section, the adjudication as a delinquent child or as a juvenile traffic offender is a conviction for a violation of the law or 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 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 and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the

offense. 202

Sec. 2903.01. (A) No person shall purposely, and with 203
prior calculation and design, cause the death of another or the 204
unlawful termination of another's pregnancy. 205

(B) No person shall purposely cause the death of another 206
or the unlawful termination of another's pregnancy while 207
committing or attempting to commit, or while fleeing immediately 208
after committing or attempting to commit, kidnapping, rape, 209
aggravated arson, arson, aggravated robbery, robbery, aggravated 210
burglary, burglary, trespass in a habitation when a person is 211
present or likely to be present, terrorism, or escape. 212

(C) No person shall purposely cause the death of another 213
who is under thirteen years of age at the time of the commission 214
of the offense. 215

(D) No person who is under detention as a result of having 216
been found guilty of or having pleaded guilty to a felony or who 217
breaks that detention shall purposely cause the death of 218
another. 219

(E) No person shall purposely cause the death of a law 220
enforcement officer whom the offender knows or has reasonable 221
cause to know is a law enforcement officer when either of the 222
following applies: 223

(1) The victim, at the time of the commission of the 224
offense, is engaged in the victim's duties. 225

(2) It is the offender's specific purpose to kill a law 226
enforcement officer. 227

(F) No person shall purposely cause the death of another 228
when the death was caused as part of a course of conduct 229

involving the purposeful killing of or attempt to kill two or 230
more persons by the offender. 231

(G) Whoever violates this section is guilty of aggravated 232
murder, and shall be punished as provided in section 2929.02 of 233
the Revised Code. 234

~~(G)~~ (H) As used in this section: 235

(1) "Detention" has the same meaning as in section 2921.01 236
of the Revised Code. 237

(2) "Law enforcement officer" has the same meaning as in 238
section 2911.01 of the Revised Code. 239

Sec. 2923.132. (A) As used in this section: 240

(1) (a) "Violent career criminal" means a person who within 241
the preceding eight years, subject to extension as provided in 242
division (A) (1) (b) of this section, has been convicted of or 243
pleaded guilty to two or more violent felony offenses that are 244
separated by intervening sentences and are not so closely 245
related to each other and connected in time and place that they 246
constitute a course of criminal conduct. 247

(b) Except as provided in division (A) (1) (c) of this 248
section, the eight-year period described in division (A) (1) (a) 249
of this section shall be extended by a period of time equal to 250
any period of time during which the person, within that eight- 251
year period, was confined as a result of having been accused of 252
an offense, having been convicted of or pleaded guilty to an 253
offense, or having been accused of violating or found to have 254
violated any community control sanction, post-release control 255
sanction, or term or condition of supervised release. 256

(c) Division (A) (1) (b) of this section shall not apply to 257

extend the eight-year period described in division (A)(1)(a) of 258
this section by any period of time during which a person is 259
confined if the person is acquitted of the charges or the 260
charges are dismissed in final disposition of the case or during 261
which a person is confined as a result of having been accused of 262
violating any sanction, term, or condition described in division 263
(A)(1)(b) of this section if the person subsequently is not 264
found to have violated that sanction, term, or condition. 265

(2) "Violent felony offense" means any of the following: 266

(a) A violation of section 2903.01, 2903.02, 2903.03, 267
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 268
2911.01, 2911.02, or 2911.11 of the Revised Code; 269

(b) A violation of division (A)(1) or (2) of section 270
2911.12 of the Revised Code; 271

(c) A felony violation of section 2907.02, 2907.03, 272
2907.04, or 2907.05 of the Revised Code; 273

(d) A felony violation of section 2909.24 of the Revised 274
Code or a violation of section 2919.25 of the Revised Code that 275
is a felony of the third degree; 276

(e) A felony violation of any existing or former ordinance 277
or law of this state, another state, or the United States that 278
is or was substantially equivalent to any offense listed or 279
described in divisions (A)(2)(a) to (e) of this section; 280

(f) A conspiracy or attempt to commit, or complicity in 281
committing, any of the offenses listed or described in divisions 282
(A)(2)(a) to (e) of this section, if the conspiracy, attempt, or 283
complicity is a felony of the first or second degree. 284

(3) "Dangerous ordnance" and "firearm" have the same 285

meanings as in section 2923.11 of the Revised Code. 286

(4) "Community control sanction" has the same meaning as 287
in section 2929.01 of the Revised Code. 288

(5) "Post-release control sanction" has the same meaning 289
as in section 2967.01 of the Revised Code. 290

(6) "Supervised release" has the same meaning as in 291
section 2950.01 of the Revised Code. 292

(B) No violent career criminal shall knowingly use any 293
firearm or dangerous ordnance. 294

(C) Whoever violates this section is guilty of unlawful 295
use of a weapon by a violent career criminal, a felony of the 296
first degree, and, notwithstanding division (A) (1) of section 297
2929.14 of the Revised Code, the court shall impose upon the 298
offender a mandatory prison term of two, three, four, five, six, 299
seven, eight, nine, ten, or eleven years. 300

Sec. 2923.14. (A) ~~Any~~ (1) Except as otherwise provided in 301
division (A) (2) of this section, any person who is prohibited 302
from acquiring, having, carrying, or using firearms may apply to 303
the court of common pleas in the county in which the person 304
resides for relief from such prohibition. 305

(2) Division (A) (1) of this section does not apply to a 306
person who has been convicted of or pleaded guilty to a 307
violation of section 2923.132 of the Revised Code or to a person 308
who, two or more times, has been convicted of or pleaded guilty 309
to a felony and a specification of the type described in section 310
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 311
of the Revised Code. 312

(B) The application shall recite the following: 313

(1) All indictments, convictions, or adjudications upon 314
which the applicant's disability is based, the sentence imposed 315
and served, and any release granted under a community control 316
sanction, post-release control sanction, or parole, any partial 317
or conditional pardon granted, or other disposition of each 318
case, or, if the disability is based upon a factor other than an 319
indictment, a conviction, or an adjudication, the factor upon 320
which the disability is based and all details related to that 321
factor; 322

(2) Facts showing the applicant to be a fit subject for 323
relief under this section. 324

(C) A copy of the application shall be served on the 325
county prosecutor. The county prosecutor shall cause the matter 326
to be investigated and shall raise before the court any 327
objections to granting relief that the investigation reveals. 328

(D) Upon hearing, the court may grant the applicant relief 329
pursuant to this section, if all of the following apply: 330

(1) One of the following applies: 331

(a) If the disability is based upon an indictment, a 332
conviction, or an adjudication, the applicant has been fully 333
discharged from imprisonment, community control, post-release 334
control, and parole, or, if the applicant is under indictment, 335
has been released on bail or recognizance. 336

(b) If the disability is based upon a factor other than an 337
indictment, a conviction, or an adjudication, that factor no 338
longer is applicable to the applicant. 339

(2) The applicant has led a law-abiding life since 340
discharge or release, and appears likely to continue to do so. 341

(3) The applicant is not otherwise prohibited by law from 342
acquiring, having, or using firearms. 343

(E) Costs of the proceeding shall be charged as in other 344
civil cases, and taxed to the applicant. 345

(F) Relief from disability granted pursuant to this 346
section restores the applicant to all civil firearm rights to 347
the full extent enjoyed by any citizen, and is subject to the 348
following conditions: 349

(1) Applies only with respect to indictments, convictions, 350
or adjudications, or to the other factor, recited in the 351
application as the basis for the applicant's disability; 352

(2) Applies only with respect to firearms lawfully 353
acquired, possessed, carried, or used by the applicant; 354

(3) May be revoked by the court at any time for good cause 355
shown and upon notice to the applicant; 356

(4) Is automatically void upon commission by the applicant 357
of any offense set forth in division (A) (2) or (3) of section 358
2923.13 of the Revised Code, or upon the applicant's becoming 359
one of the class of persons named in division (A) (1), (4), or 360
(5) of that section. 361

(G) As used in this section: 362

(1) "Community control sanction" has the same meaning as 363
in section 2929.01 of the Revised Code. 364

(2) "Post-release control" and "post-release control 365
sanction" have the same meanings as in section 2967.01 of the 366
Revised Code. 367

Sec. 2929.13. (A) Except as provided in division (E), (F), 368

or (G) of this section and unless a specific sanction is 369
required to be imposed or is precluded from being imposed 370
pursuant to law, a court that imposes a sentence upon an 371
offender for a felony may impose any sanction or combination of 372
sanctions on the offender that are provided in sections 2929.14 373
to 2929.18 of the Revised Code. 374

If the offender is eligible to be sentenced to community 375
control sanctions, the court shall consider the appropriateness 376
of imposing a financial sanction pursuant to section 2929.18 of 377
the Revised Code or a sanction of community service pursuant to 378
section 2929.17 of the Revised Code as the sole sanction for the 379
offense. Except as otherwise provided in this division, if the 380
court is required to impose a mandatory prison term for the 381
offense for which sentence is being imposed, the court also 382
shall impose any financial sanction pursuant to section 2929.18 383
of the Revised Code that is required for the offense and may 384
impose any other financial sanction pursuant to that section but 385
may not impose any additional sanction or combination of 386
sanctions under section 2929.16 or 2929.17 of the Revised Code. 387

If the offender is being sentenced for a fourth degree 388
felony OVI offense or for a third degree felony OVI offense, in 389
addition to the mandatory term of local incarceration or the 390
mandatory prison term required for the offense by division (G) 391
(1) or (2) of this section, the court shall impose upon the 392
offender a mandatory fine in accordance with division (B) (3) of 393
section 2929.18 of the Revised Code and may impose whichever of 394
the following is applicable: 395

(1) For a fourth degree felony OVI offense for which 396
sentence is imposed under division (G) (1) of this section, an 397
additional community control sanction or combination of 398

community control sanctions under section 2929.16 or 2929.17 of 399
the Revised Code. If the court imposes upon the offender a 400
community control sanction and the offender violates any 401
condition of the community control sanction, the court may take 402
any action prescribed in division (B) of section 2929.15 of the 403
Revised Code relative to the offender, including imposing a 404
prison term on the offender pursuant to that division. 405

(2) For a third or fourth degree felony OVI offense for 406
which sentence is imposed under division (G) (2) of this section, 407
an additional prison term as described in division (B) (4) of 408
section 2929.14 of the Revised Code or a community control 409
sanction as described in division (G) (2) of this section. 410

(B) (1) (a) Except as provided in division (B) (1) (b) of this 411
section, if an offender is convicted of or pleads guilty to a 412
felony of the fourth or fifth degree that is not an offense of 413
violence or that is a qualifying assault offense, the court 414
shall sentence the offender to a community control sanction of 415
at least one year's duration if all of the following apply: 416

(i) The offender previously has not been convicted of or 417
pleaded guilty to a felony offense. 418

(ii) The most serious charge against the offender at the 419
time of sentencing is a felony of the fourth or fifth degree. 420

(iii) If the court made a request of the department of 421
rehabilitation and correction pursuant to division (B) (1) (c) of 422
this section, the department, within the forty-five-day period 423
specified in that division, provided the court with the names 424
of, contact information for, and program details of one or more 425
community control sanctions of at least one year's duration that 426
are available for persons sentenced by the court. 427

(iv) The offender previously has not been convicted of or 428
pleaded guilty to a misdemeanor offense of violence that the 429
offender committed within two years prior to the offense for 430
which sentence is being imposed. 431

(b) The court has discretion to impose a prison term upon 432
an offender who is convicted of or pleads guilty to a felony of 433
the fourth or fifth degree that is not an offense of violence or 434
that is a qualifying assault offense if any of the following 435
apply: 436

(i) The offender committed the offense while having a 437
firearm on or about the offender's person or under the 438
offender's control. 439

(ii) If the offense is a qualifying assault offense, the 440
offender caused serious physical harm to another person while 441
committing the offense, and, if the offense is not a qualifying 442
assault offense, the offender caused physical harm to another 443
person while committing the offense. 444

(iii) The offender violated a term of the conditions of 445
bond as set by the court. 446

(iv) The court made a request of the department of 447
rehabilitation and correction pursuant to division (B)(1)(c) of 448
this section, and the department, within the forty-five-day 449
period specified in that division, did not provide the court 450
with the name of, contact information for, and program details 451
of any community control sanction of at least one year's 452
duration that is available for persons sentenced by the court. 453

(v) The offense is a sex offense that is a fourth or fifth 454
degree felony violation of any provision of Chapter 2907. of the 455
Revised Code. 456

(vi) In committing the offense, the offender attempted to 457
cause or made an actual threat of physical harm to a person with 458
a deadly weapon. 459

(vii) In committing the offense, the offender attempted to 460
cause or made an actual threat of physical harm to a person, and 461
the offender previously was convicted of an offense that caused 462
physical harm to a person. 463

(viii) The offender held a public office or position of 464
trust, and the offense related to that office or position; the 465
offender's position obliged the offender to prevent the offense 466
or to bring those committing it to justice; or the offender's 467
professional reputation or position facilitated the offense or 468
was likely to influence the future conduct of others. 469

(ix) The offender committed the offense for hire or as 470
part of an organized criminal activity. 471

(x) The offender at the time of the offense was serving, 472
or the offender previously had served, a prison term. 473

(xi) The offender committed the offense while under a 474
community control sanction, while on probation, or while 475
released from custody on a bond or personal recognizance. 476

(c) If a court that is sentencing an offender who is 477
convicted of or pleads guilty to a felony of the fourth or fifth 478
degree that is not an offense of violence or that is a 479
qualifying assault offense believes that no community control 480
sanctions are available for its use that, if imposed on the 481
offender, will adequately fulfill the overriding principles and 482
purposes of sentencing, the court shall contact the department 483
of rehabilitation and correction and ask the department to 484
provide the court with the names of, contact information for, 485

and program details of one or more community control sanctions 486
of at least one year's duration that are available for persons 487
sentenced by the court. Not later than forty-five days after 488
receipt of a request from a court under this division, the 489
department shall provide the court with the names of, contact 490
information for, and program details of one or more community 491
control sanctions of at least one year's duration that are 492
available for persons sentenced by the court, if any. Upon 493
making a request under this division that relates to a 494
particular offender, a court shall defer sentencing of that 495
offender until it receives from the department the names of, 496
contact information for, and program details of one or more 497
community control sanctions of at least one year's duration that 498
are available for persons sentenced by the court or for forty- 499
five days, whichever is the earlier. 500

If the department provides the court with the names of, 501
contact information for, and program details of one or more 502
community control sanctions of at least one year's duration that 503
are available for persons sentenced by the court within the 504
forty-five-day period specified in this division, the court 505
shall impose upon the offender a community control sanction 506
under division (B) (1) (a) of this section, except that the court 507
may impose a prison term under division (B) (1) (b) of this 508
section if a factor described in division (B) (1) (b) (i) or (ii) 509
of this section applies. If the department does not provide the 510
court with the names of, contact information for, and program 511
details of one or more community control sanctions of at least 512
one year's duration that are available for persons sentenced by 513
the court within the forty-five-day period specified in this 514
division, the court may impose upon the offender a prison term 515
under division (B) (1) (b) (iv) of this section. 516

(d) A sentencing court may impose an additional penalty 517
under division (B) of section 2929.15 of the Revised Code upon 518
an offender sentenced to a community control sanction under 519
division (B) (1) (a) of this section if the offender violates the 520
conditions of the community control sanction, violates a law, or 521
leaves the state without the permission of the court or the 522
offender's probation officer. 523

(2) If division (B) (1) of this section does not apply, 524
except as provided in division (E), (F), or (G) of this section, 525
in determining whether to impose a prison term as a sanction for 526
a felony of the fourth or fifth degree, the sentencing court 527
shall comply with the purposes and principles of sentencing 528
under section 2929.11 of the Revised Code and with section 529
2929.12 of the Revised Code. 530

(C) Except as provided in division (D), (E), (F), or (G) 531
of this section, in determining whether to impose a prison term 532
as a sanction for a felony of the third degree or a felony drug 533
offense that is a violation of a provision of Chapter 2925. of 534
the Revised Code and that is specified as being subject to this 535
division for purposes of sentencing, the sentencing court shall 536
comply with the purposes and principles of sentencing under 537
section 2929.11 of the Revised Code and with section 2929.12 of 538
the Revised Code. 539

(D) (1) Except as provided in division (E) or (F) of this 540
section, for a felony of the first or second degree, for a 541
felony drug offense that is a violation of any provision of 542
Chapter 2925., 3719., or 4729. of the Revised Code for which a 543
presumption in favor of a prison term is specified as being 544
applicable, and for a violation of division (A) (4) or (B) of 545
section 2907.05 of the Revised Code for which a presumption in 546

favor of a prison term is specified as being applicable, it is 547
presumed that a prison term is necessary in order to comply with 548
the purposes and principles of sentencing under section 2929.11 549
of the Revised Code. Division (D) (2) of this section does not 550
apply to a presumption established under this division for a 551
violation of division (A) (4) of section 2907.05 of the Revised 552
Code. 553

(2) Notwithstanding the presumption established under 554
division (D) (1) of this section for the offenses listed in that 555
division other than a violation of division (A) (4) or (B) of 556
section 2907.05 of the Revised Code, the sentencing court may 557
impose a community control sanction or a combination of 558
community control sanctions instead of a prison term on an 559
offender for a felony of the first or second degree or for a 560
felony drug offense that is a violation of any provision of 561
Chapter 2925., 3719., or 4729. of the Revised Code for which a 562
presumption in favor of a prison term is specified as being 563
applicable if it makes both of the following findings: 564

(a) A community control sanction or a combination of 565
community control sanctions would adequately punish the offender 566
and protect the public from future crime, because the applicable 567
factors under section 2929.12 of the Revised Code indicating a 568
lesser likelihood of recidivism outweigh the applicable factors 569
under that section indicating a greater likelihood of 570
recidivism. 571

(b) A community control sanction or a combination of 572
community control sanctions would not demean the seriousness of 573
the offense, because one or more factors under section 2929.12 574
of the Revised Code that indicate that the offender's conduct 575
was less serious than conduct normally constituting the offense 576

are applicable, and they outweigh the applicable factors under 577
that section that indicate that the offender's conduct was more 578
serious than conduct normally constituting the offense. 579

(E) (1) Except as provided in division (F) of this section, 580
for any drug offense that is a violation of any provision of 581
Chapter 2925. of the Revised Code and that is a felony of the 582
third, fourth, or fifth degree, the applicability of a 583
presumption under division (D) of this section in favor of a 584
prison term or of division (B) or (C) of this section in 585
determining whether to impose a prison term for the offense 586
shall be determined as specified in section 2925.02, 2925.03, 587
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 588
2925.36, or 2925.37 of the Revised Code, whichever is applicable 589
regarding the violation. 590

(2) If an offender who was convicted of or pleaded guilty 591
to a felony violates the conditions of a community control 592
sanction imposed for the offense solely by reason of producing 593
positive results on a drug test, the court, as punishment for 594
the violation of the sanction, shall not order that the offender 595
be imprisoned unless the court determines on the record either 596
of the following: 597

(a) The offender had been ordered as a sanction for the 598
felony to participate in a drug treatment program, in a drug 599
education program, or in narcotics anonymous or a similar 600
program, and the offender continued to use illegal drugs after a 601
reasonable period of participation in the program. 602

(b) The imprisonment of the offender for the violation is 603
consistent with the purposes and principles of sentencing set 604
forth in section 2929.11 of the Revised Code. 605

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

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms 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 for any of the following offenses:

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted,

the offender would have been guilty of a violation of division 636
(A) (1) (b) of section 2907.02 of the Revised Code and would be 637
sentenced under section 2971.03 of the Revised Code; 638

(3) Gross sexual imposition or sexual battery, if the 639
victim is less than thirteen years of age and if any of the 640
following applies: 641

(a) Regarding gross sexual imposition, the offender 642
previously was convicted of or pleaded guilty to rape, the 643
former offense of felonious sexual penetration, gross sexual 644
imposition, or sexual battery, and the victim of the previous 645
offense was less than thirteen years of age; 646

(b) Regarding gross sexual imposition, the offense was 647
committed on or after August 3, 2006, and evidence other than 648
the testimony of the victim was admitted in the case 649
corroborating the violation. 650

(c) Regarding sexual battery, either of the following 651
applies: 652

(i) The offense was committed prior to August 3, 2006, the 653
offender previously was convicted of or pleaded guilty to rape, 654
the former offense of felonious sexual penetration, or sexual 655
battery, and the victim of the previous offense was less than 656
thirteen years of age. 657

(ii) The offense was committed on or after August 3, 2006. 658

(4) A felony violation of section 2903.04, 2903.06, 659
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, ~~or~~ 2907.07, or 660
2923.132 of the Revised Code if the section requires the 661
imposition of a prison term; 662

(5) A first, second, or third degree felony drug offense 663

for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 664
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 665
or 4729.99 of the Revised Code, whichever is applicable 666
regarding the violation, requires the imposition of a mandatory 667
prison term; 668

(6) Any offense that is a first or second degree felony 669
and that is not set forth in division (F) (1), (2), (3), or (4) 670
of this section, if the offender previously was convicted of or 671
pleaded guilty to aggravated murder, murder, any first or second 672
degree felony, or an offense under an existing or former law of 673
this state, another state, or the United States that is or was 674
substantially equivalent to one of those offenses; 675

(7) Any offense that is a third degree felony and either 676
is a violation of section 2903.04 of the Revised Code or an 677
attempt to commit a felony of the second degree that is an 678
offense of violence and involved an attempt to cause serious 679
physical harm to a person or that resulted in serious physical 680
harm to a person if the offender previously was convicted of or 681
pleaded guilty to any of the following offenses: 682

(a) Aggravated murder, murder, involuntary manslaughter, 683
rape, felonious sexual penetration as it existed under section 684
2907.12 of the Revised Code prior to September 3, 1996, a felony 685
of the first or second degree that resulted in the death of a 686
person or in physical harm to a person, or complicity in or an 687
attempt to commit any of those offenses; 688

(b) An offense under an existing or former law of this 689
state, another state, or the United States that is or was 690
substantially equivalent to an offense listed in division (F) (7) 691
(a) of this section that resulted in the death of a person or in 692
physical harm to a person. 693

(8) Any offense, other than a violation of section 2923.12 694
of the Revised Code, that is a felony, if the offender had a 695
firearm on or about the offender's person or under the 696
offender's control while committing the felony, with respect to 697
a portion of the sentence imposed pursuant to division (B) (1) (a) 698
of section 2929.14 of the Revised Code for having the firearm; 699

(9) Any offense of violence that is a felony, if the 700
offender wore or carried body armor while committing the felony 701
offense of violence, with respect to the portion of the sentence 702
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 703
Revised Code for wearing or carrying the body armor; 704

(10) Corrupt activity in violation of section 2923.32 of 705
the Revised Code when the most serious offense in the pattern of 706
corrupt activity that is the basis of the offense is a felony of 707
the first degree; 708

(11) Any violent sex offense or designated homicide, 709
assault, or kidnapping offense if, in relation to that offense, 710
the offender is adjudicated a sexually violent predator; 711

(12) A violation of division (A) (1) or (2) of section 712
2921.36 of the Revised Code, or a violation of division (C) of 713
that section involving an item listed in division (A) (1) or (2) 714
of that section, if the offender is an officer or employee of 715
the department of rehabilitation and correction; 716

(13) A violation of division (A) (1) or (2) of section 717
2903.06 of the Revised Code if the victim of the offense is a 718
peace officer, as defined in section 2935.01 of the Revised 719
Code, or an investigator of the bureau of criminal 720
identification and investigation, as defined in section 2903.11 721
of the Revised Code, with respect to the portion of the sentence 722

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code; 723
724

(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; 725
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(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; 734
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(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 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense; 737
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(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term; 748
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(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code;

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

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

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

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the

Revised Code. The court shall not reduce the term pursuant to 782
section 2929.20, 2967.193, or any other provision of the Revised 783
Code. The court that imposes a mandatory term of local 784
incarceration under this division shall specify whether the term 785
is to be served in a jail, a community-based correctional 786
facility, a halfway house, or an alternative residential 787
facility, and the offender shall serve the term in the type of 788
facility specified by the court. A mandatory term of local 789
incarceration imposed under division (G) (1) of this section is 790
not subject to any other Revised Code provision that pertains to 791
a prison term except as provided in division (A) (1) of this 792
section. 793

(2) If the offender is being sentenced for a third degree 794
felony OVI offense, or if the offender is being sentenced for a 795
fourth degree felony OVI offense and the court does not impose a 796
mandatory term of local incarceration under division (G) (1) of 797
this section, the court shall impose upon the offender a 798
mandatory prison term of one, two, three, four, or five years if 799
the offender also is convicted of or also pleads guilty to a 800
specification of the type described in section 2941.1413 of the 801
Revised Code or shall impose upon the offender a mandatory 802
prison term of sixty days or one hundred twenty days as 803
specified in division (G) (1) (d) or (e) of section 4511.19 of the 804
Revised Code if the offender has not been convicted of and has 805
not pleaded guilty to a specification of that type. Subject to 806
divisions (C) to (I) of section 2967.19 of the Revised Code, the 807
court shall not reduce the term pursuant to section 2929.20, 808
2967.19, 2967.193, or any other provision of the Revised Code. 809
The offender shall serve the one-, two-, three-, four-, or five- 810
year mandatory prison term consecutively to and prior to the 811
prison term imposed for the underlying offense and consecutively 812

to any other mandatory prison term imposed in relation to the 813
offense. In no case shall an offender who once has been 814
sentenced to a mandatory term of local incarceration pursuant to 815
division (G) (1) of this section for a fourth degree felony OVI 816
offense be sentenced to another mandatory term of local 817
incarceration under that division for any violation of division 818
(A) of section 4511.19 of the Revised Code. In addition to the 819
mandatory prison term described in division (G) (2) of this 820
section, the court may sentence the offender to a community 821
control sanction under section 2929.16 or 2929.17 of the Revised 822
Code, but the offender shall serve the prison term prior to 823
serving the community control sanction. The department of 824
rehabilitation and correction may place an offender sentenced to 825
a mandatory prison term under this division in an intensive 826
program prison established pursuant to section 5120.033 of the 827
Revised Code if the department gave the sentencing judge prior 828
notice of its intent to place the offender in an intensive 829
program prison established under that section and if the judge 830
did not notify the department that the judge disapproved the 831
placement. Upon the establishment of the initial intensive 832
program prison pursuant to section 5120.033 of the Revised Code 833
that is privately operated and managed by a contractor pursuant 834
to a contract entered into under section 9.06 of the Revised 835
Code, both of the following apply: 836

(a) The department of rehabilitation and correction shall 837
make a reasonable effort to ensure that a sufficient number of 838
offenders sentenced to a mandatory prison term under this 839
division are placed in the privately operated and managed prison 840
so that the privately operated and managed prison has full 841
occupancy. 842

(b) Unless the privately operated and managed prison has 843

full occupancy, the department of rehabilitation and correction 844
shall not place any offender sentenced to a mandatory prison 845
term under this division in any intensive program prison 846
established pursuant to section 5120.033 of the Revised Code 847
other than the privately operated and managed prison. 848

(H) If an offender is being sentenced for a sexually 849
oriented offense or child-victim oriented offense that is a 850
felony committed on or after January 1, 1997, the judge shall 851
require the offender to submit to a DNA specimen collection 852
procedure pursuant to section 2901.07 of the Revised Code. 853

(I) If an offender is being sentenced for a sexually 854
oriented offense or a child-victim oriented offense committed on 855
or after January 1, 1997, the judge shall include in the 856
sentence a summary of the offender's duties imposed under 857
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 858
Code and the duration of the duties. The judge shall inform the 859
offender, at the time of sentencing, of those duties and of 860
their duration. If required under division (A)(2) of section 861
2950.03 of the Revised Code, the judge shall perform the duties 862
specified in that section, or, if required under division (A)(6) 863
of section 2950.03 of the Revised Code, the judge shall perform 864
the duties specified in that division. 865

(J)(1) Except as provided in division (J)(2) of this 866
section, when considering sentencing factors under this section 867
in relation to an offender who is convicted of or pleads guilty 868
to an attempt to commit an offense in violation of section 869
2923.02 of the Revised Code, the sentencing court shall consider 870
the factors applicable to the felony category of the violation 871
of section 2923.02 of the Revised Code instead of the factors 872
applicable to the felony category of the offense attempted. 873

(2) When considering sentencing factors under this section 874
in relation to an offender who is convicted of or pleads guilty 875
to an attempt to commit a drug abuse offense for which the 876
penalty is determined by the amount or number of unit doses of 877
the controlled substance involved in the drug abuse offense, the 878
sentencing court shall consider the factors applicable to the 879
felony category that the drug abuse offense attempted would be 880
if that drug abuse offense had been committed and had involved 881
an amount or number of unit doses of the controlled substance 882
that is within the next lower range of controlled substance 883
amounts than was involved in the attempt. 884

(K) As used in this section: 885

(1) "Drug abuse offense" has the same meaning as in 886
section 2925.01 of the Revised Code. 887

(2) "Qualifying assault offense" means a violation of 888
section 2903.13 of the Revised Code for which the penalty 889
provision in division (C) (8) (b) or (C) (9) (b) of that section 890
applies. 891

(L) At the time of sentencing an offender for any sexually 892
oriented offense, if the offender is a tier III sex 893
offender/child-victim offender relative to that offense and the 894
offender does not serve a prison term or jail term, the court 895
may require that the offender be monitored by means of a global 896
positioning device. If the court requires such monitoring, the 897
cost of monitoring shall be borne by the offender. If the 898
offender is indigent, the cost of compliance shall be paid by 899
the crime victims reparations fund. 900

Sec. 2929.14. (A) Except as provided in division (B) (1), 901
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 902

(G), (H), ~~or (J)~~, or (K) of this section or in division (D) (6) 903
of section 2919.25 of the Revised Code and except in relation to 904
an offense for which a sentence of death or life imprisonment is 905
to be imposed, if the court imposing a sentence upon an offender 906
for a felony elects or is required to impose a prison term on 907
the offender pursuant to this chapter, the court shall impose a 908
definite prison term that shall be one of the following: 909

(1) For a felony of the first degree, the prison term 910
shall be three, four, five, six, seven, eight, nine, ten, or 911
eleven years. 912

(2) For a felony of the second degree, the prison term 913
shall be two, three, four, five, six, seven, or eight years. 914

(3) (a) For a felony of the third degree that is a 915
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 916
2907.05 of the Revised Code or that is a violation of section 917
2911.02 or 2911.12 of the Revised Code if the offender 918
previously has been convicted of or pleaded guilty in two or 919
more separate proceedings to two or more violations of section 920
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 921
prison term shall be twelve, eighteen, twenty-four, thirty, 922
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 923

(b) For a felony of the third degree that is not an 924
offense for which division (A) (3) (a) of this section applies, 925
the prison term shall be nine, twelve, eighteen, twenty-four, 926
thirty, or thirty-six months. 927

(4) For a felony of the fourth degree, the prison term 928
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 929
fourteen, fifteen, sixteen, seventeen, or eighteen months. 930

(5) For a felony of the fifth degree, the prison term 931

shall be six, seven, eight, nine, ten, eleven, or twelve months. 932

(B) (1) (a) Except as provided in division (B) (1) (e) of this 933
section, if an offender who is convicted of or pleads guilty to 934
a felony also is convicted of or pleads guilty to a 935
specification of the type described in section 2941.141, 936
2941.144, or 2941.145 of the Revised Code, the court shall 937
impose on the offender one of the following prison terms: 938

(i) A prison term of six years if the specification is of 939
the type described in division (A) of section 2941.144 of the 940
Revised Code that charges the offender with having a firearm 941
that is an automatic firearm or that was equipped with a firearm 942
muffler or ~~silencer-suppressor~~ on or about the offender's person 943
or under the offender's control while committing the 944
~~felony offense~~; 945

(ii) A prison term of three years if the specification is 946
of the type described in division (A) of section 2941.145 of the 947
Revised Code that charges the offender with having a firearm on 948
or about the offender's person or under the offender's control 949
while committing the offense and displaying the firearm, 950
brandishing the firearm, indicating that the offender possessed 951
the firearm, or using it to facilitate the offense; 952

(iii) A prison term of one year if the specification is of 953
the type described in division (A) of section 2941.141 of the 954
Revised Code that charges the offender with having a firearm on 955
or about the offender's person or under the offender's control 956
while committing the ~~felony offense~~; 957

(iv) A prison term of nine years if the specification is 958
of the type described in division (D) of section 2941.144 of the 959
Revised Code that charges the offender with having a firearm 960

that is an automatic firearm or that was equipped with a firearm 961
muffler or suppressor on or about the offender's person or under 962
the offender's control while committing the offense and 963
specifies that the offender previously has been convicted of or 964
pleaded guilty to a specification of the type described in 965
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 966
the Revised Code; 967

(v) A prison term of fifty-four months if the 968
specification is of the type described in division (D) of 969
section 2941.145 of the Revised Code that charges the offender 970
with having a firearm on or about the offender's person or under 971
the offender's control while committing the offense and 972
displaying the firearm, brandishing the firearm, indicating that 973
the offender possessed the firearm, or using the firearm to 974
facilitate the offense and that the offender previously has been 975
convicted of or pleaded guilty to a specification of the type 976
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 977
2941.1412 of the Revised Code; 978

(vi) A prison term of eighteen months if the specification 979
is of the type described in division (D) of section 2941.141 of 980
the Revised Code that charges the offender with having a firearm 981
on or about the offender's person or under the offender's 982
control while committing the offense and that the offender 983
previously has been convicted of or pleaded guilty to a 984
specification of the type described in section 2941.141, 985
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 986

(b) If a court imposes a prison term on an offender under 987
division (B)(1)(a) of this section, the prison term shall not be 988
reduced pursuant to section 2967.19, section 2929.20, section 989
2967.193, or any other provision of Chapter 2967. or Chapter 990

5120. of the Revised Code. Except as provided in division (B) (1) 991
(g) of this section, a court shall not impose more than one 992
prison term on an offender under division (B) (1) (a) of this 993
section for felonies committed as part of the same act or 994
transaction. 995

(c) (i) Except as provided in division (B) (1) (e) of this 996
section, if an offender who is convicted of or pleads guilty to 997
a violation of section 2923.161 of the Revised Code or to a 998
felony that includes, as an essential element, purposely or 999
knowingly causing or attempting to cause the death of or 1000
physical harm to another, also is convicted of or pleads guilty 1001
to a specification of the type described in division (A) of 1002
section 2941.146 of the Revised Code that charges the offender 1003
with committing the offense by discharging a firearm from a 1004
motor vehicle other than a manufactured home, the court, after 1005
imposing a prison term on the offender for the violation of 1006
section 2923.161 of the Revised Code or for the other felony 1007
offense under division (A), (B) (2), or (B) (3) of this section, 1008
shall impose an additional prison term of five years upon the 1009
offender that shall not be reduced pursuant to section 2929.20, 1010
section 2967.19, section 2967.193, or any other provision of 1011
Chapter 2967. or Chapter 5120. of the Revised Code. ~~A~~ 1012

(ii) Except as provided in division (B) (1) (e) of this 1013
section, if an offender who is convicted of or pleads guilty to 1014
a violation of section 2923.161 of the Revised Code or to a 1015
felony that includes, as an essential element, purposely or 1016
knowingly causing or attempting to cause the death of or 1017
physical harm to another, also is convicted of or pleads guilty 1018
to a specification of the type described in division (C) of 1019
section 2941.146 of the Revised Code that charges the offender 1020
with committing the offense by discharging a firearm from a 1021

motor vehicle other than a manufactured home and that the 1022
offender previously has been convicted of or pleaded guilty to a 1023
specification of the type described in section 2941.141, 1024
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1025
the court, after imposing a prison term on the offender for the 1026
violation of section 2923.161 of the Revised Code or for the 1027
other felony offense under division (A), (B)(2), or (3) of this 1028
section, shall impose an additional prison term of ninety months 1029
upon the offender that shall not be reduced pursuant to section 1030
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1031
2967. or Chapter 5120. of the Revised Code. 1032

(iii) A court shall not impose more than one additional 1033
prison term on an offender under division (B)(1)(c) of this 1034
section for felonies committed as part of the same act or 1035
transaction. If a court imposes an additional prison term on an 1036
offender under division (B)(1)(c) of this section relative to an 1037
offense, the court also shall impose a prison term under 1038
division (B)(1)(a) of this section relative to the same offense, 1039
provided the criteria specified in that division for imposing an 1040
additional prison term are satisfied relative to the offender 1041
and the offense. 1042

(d) If an offender who is convicted of or pleads guilty to 1043
an offense of violence that is a felony also is convicted of or 1044
pleads guilty to a specification of the type described in 1045
section 2941.1411 of the Revised Code that charges the offender 1046
with wearing or carrying body armor while committing the felony 1047
offense of violence, the court shall impose on the offender a 1048
prison term of two years. The prison term so imposed, subject to 1049
divisions (C) to (I) of section 2967.19 of the Revised Code, 1050
shall not be reduced pursuant to section 2929.20, section 1051
2967.19, section 2967.193, or any other provision of Chapter 1052

2967. or Chapter 5120. of the Revised Code. A court shall not 1053
impose more than one prison term on an offender under division 1054
(B) (1) (d) of this section for felonies committed as part of the 1055
same act or transaction. If a court imposes an additional prison 1056
term under division (B) (1) (a) or (c) of this section, the court 1057
is not precluded from imposing an additional prison term under 1058
division (B) (1) (d) of this section. 1059

(e) The court shall not impose any of the prison terms 1060
described in division (B) (1) (a) of this section or any of the 1061
additional prison terms described in division (B) (1) (c) of this 1062
section upon an offender for a violation of section 2923.12 or 1063
2923.123 of the Revised Code. The court shall not impose any of 1064
the prison terms described in division (B) (1) (a) or (b) of this 1065
section upon an offender for a violation of section 2923.122 1066
that involves a deadly weapon that is a firearm other than a 1067
dangerous ordnance, section 2923.16, or section 2923.121 of the 1068
Revised Code. The court shall not impose any of the prison terms 1069
described in division (B) (1) (a) of this section or any of the 1070
additional prison terms described in division (B) (1) (c) of this 1071
section upon an offender for a violation of section 2923.13 of 1072
the Revised Code unless all of the following apply: 1073

(i) The offender previously has been convicted of 1074
aggravated murder, murder, or any felony of the first or second 1075
degree. 1076

(ii) Less than five years have passed since the offender 1077
was released from prison or post-release control, whichever is 1078
later, for the prior offense. 1079

(f) (i) If an offender is convicted of or pleads guilty to 1080
a felony that includes, as an essential element, causing or 1081
attempting to cause the death of or physical harm to another and 1082

also is convicted of or pleads guilty to a specification of the 1083
type described in division (A) of section 2941.1412 of the 1084
Revised Code that charges the offender with committing the 1085
offense by discharging a firearm at a peace officer as defined 1086
in section 2935.01 of the Revised Code or a corrections officer, 1087
as defined in section 2941.1412 of the Revised Code, the court, 1088
after imposing a prison term on the offender for the felony 1089
offense under division (A), (B) (2), or (B) (3) of this section, 1090
shall impose an additional prison term of seven years upon the 1091
offender that shall not be reduced pursuant to section 2929.20, 1092
section 2967.19, section 2967.193, or any other provision of 1093
Chapter 2967. or Chapter 5120. of the Revised Code. ~~If~~ 1094

(ii) If an offender is convicted of or pleads guilty to a 1095
felony that includes, as an essential element, causing or 1096
attempting to cause the death of or physical harm to another and 1097
also is convicted of or pleads guilty to a specification of the 1098
type described in division (B) of section 2941.1412 of the 1099
Revised Code that charges the offender with committing the 1100
offense by discharging a firearm at a peace officer, as defined 1101
in section 2935.01 of the Revised Code, or a corrections 1102
officer, as defined in section 2941.1412 of the Revised Code, 1103
and that the offender previously has been convicted of or 1104
pleaded guilty to a specification of the type described in 1105
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1106
the Revised Code, the court, after imposing a prison term on the 1107
offender for the felony offense under division (A), (B) (2), or 1108
(3) of this section, shall impose an additional prison term of 1109
one hundred twenty-six months upon the offender that shall not 1110
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1111
any other provision of Chapter 2967. or 5120. of the Revised 1112
Code. 1113

(iii) If an offender is convicted of or pleads guilty to 1114
two or more felonies that include, as an essential element, 1115
causing or attempting to cause the death or physical harm to 1116
another and also is convicted of or pleads guilty to a 1117
specification of the type described under division (B)(1)(f) of 1118
this section in connection with two or more of the felonies of 1119
which the offender is convicted or to which the offender pleads 1120
guilty, the sentencing court shall impose on the offender the 1121
prison term specified under division (B)(1)(f) of this section 1122
for each of two of the specifications of which the offender is 1123
convicted or to which the offender pleads guilty and, in its 1124
discretion, also may impose on the offender the prison term 1125
specified under that division for any or all of the remaining 1126
specifications. If a court imposes an additional prison term on 1127
an offender under division (B)(1)(f) of this section relative to 1128
an offense, the court shall not impose a prison term under 1129
division (B)(1)(a) or (c) of this section relative to the same 1130
offense. 1131

(g) If an offender is convicted of or pleads guilty to two 1132
or more felonies, if one or more of those felonies are 1133
aggravated murder, murder, attempted aggravated murder, 1134
attempted murder, aggravated robbery, felonious assault, or 1135
rape, and if the offender is convicted of or pleads guilty to a 1136
specification of the type described under division (B)(1)(a) of 1137
this section in connection with two or more of the felonies, the 1138
sentencing court shall impose on the offender the prison term 1139
specified under division (B)(1)(a) of this section for each of 1140
the two most serious specifications of which the offender is 1141
convicted or to which the offender pleads guilty and, in its 1142
discretion, also may impose on the offender the prison term 1143
specified under that division for any or all of the remaining 1144

specifications. 1145

(2) (a) If division (B) (2) (b) of this section does not 1146
apply, the court may impose on an offender, in addition to the 1147
longest prison term authorized or required for the offense, an 1148
additional definite prison term of one, two, three, four, five, 1149
six, seven, eight, nine, or ten years if all of the following 1150
criteria are met: 1151

(i) The offender is convicted of or pleads guilty to a 1152
specification of the type described in section 2941.149 of the 1153
Revised Code that the offender is a repeat violent offender. 1154

(ii) The offense of which the offender currently is 1155
convicted or to which the offender currently pleads guilty is 1156
aggravated murder and the court does not impose a sentence of 1157
death or life imprisonment without parole, murder, terrorism and 1158
the court does not impose a sentence of life imprisonment 1159
without parole, any felony of the first degree that is an 1160
offense of violence and the court does not impose a sentence of 1161
life imprisonment without parole, or any felony of the second 1162
degree that is an offense of violence and the trier of fact 1163
finds that the offense involved an attempt to cause or a threat 1164
to cause serious physical harm to a person or resulted in 1165
serious physical harm to a person. 1166

(iii) The court imposes the longest prison term for the 1167
offense that is not life imprisonment without parole. 1168

(iv) The court finds that the prison terms imposed 1169
pursuant to division (B) (2) (a) (iii) of this section and, if 1170
applicable, division (B) (1) or (3) of this section are 1171
inadequate to punish the offender and protect the public from 1172
future crime, because the applicable factors under section 1173

2929.12 of the Revised Code indicating a greater likelihood of 1174
recidivism outweigh the applicable factors under that section 1175
indicating a lesser likelihood of recidivism. 1176

(v) The court finds that the prison terms imposed pursuant 1177
to division (B)(2)(a)(iii) of this section and, if applicable, 1178
division (B)(1) or (3) of this section are demeaning to the 1179
seriousness of the offense, because one or more of the factors 1180
under section 2929.12 of the Revised Code indicating that the 1181
offender's conduct is more serious than conduct normally 1182
constituting the offense are present, and they outweigh the 1183
applicable factors under that section indicating that the 1184
offender's conduct is less serious than conduct normally 1185
constituting the offense. 1186

(b) The court shall impose on an offender the longest 1187
prison term authorized or required for the offense and shall 1188
impose on the offender an additional definite prison term of 1189
one, two, three, four, five, six, seven, eight, nine, or ten 1190
years if all of the following criteria are met: 1191

(i) The offender is convicted of or pleads guilty to a 1192
specification of the type described in section 2941.149 of the 1193
Revised Code that the offender is a repeat violent offender. 1194

(ii) The offender within the preceding twenty years has 1195
been convicted of or pleaded guilty to three or more offenses 1196
described in division (CC)(1) of section 2929.01 of the Revised 1197
Code, including all offenses described in that division of which 1198
the offender is convicted or to which the offender pleads guilty 1199
in the current prosecution and all offenses described in that 1200
division of which the offender previously has been convicted or 1201
to which the offender previously pleaded guilty, whether 1202
prosecuted together or separately. 1203

(iii) The offense or offenses of which the offender 1204
currently is convicted or to which the offender currently pleads 1205
guilty is aggravated murder and the court does not impose a 1206
sentence of death or life imprisonment without parole, murder, 1207
terrorism and the court does not impose a sentence of life 1208
imprisonment without parole, any felony of the first degree that 1209
is an offense of violence and the court does not impose a 1210
sentence of life imprisonment without parole, or any felony of 1211
the second degree that is an offense of violence and the trier 1212
of fact finds that the offense involved an attempt to cause or a 1213
threat to cause serious physical harm to a person or resulted in 1214
serious physical harm to a person. 1215

(c) For purposes of division (B) (2) (b) of this section, 1216
two or more offenses committed at the same time or as part of 1217
the same act or event shall be considered one offense, and that 1218
one offense shall be the offense with the greatest penalty. 1219

(d) A sentence imposed under division (B) (2) (a) or (b) of 1220
this section shall not be reduced pursuant to section 2929.20, 1221
section 2967.19, or section 2967.193, or any other provision of 1222
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1223
shall serve an additional prison term imposed under this section 1224
consecutively to and prior to the prison term imposed for the 1225
underlying offense. 1226

(e) When imposing a sentence pursuant to division (B) (2) 1227
(a) or (b) of this section, the court shall state its findings 1228
explaining the imposed sentence. 1229

(3) Except when an offender commits a violation of section 1230
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1231
for the violation is life imprisonment or commits a violation of 1232
section 2903.02 of the Revised Code, if the offender commits a 1233

violation of section 2925.03 or 2925.11 of the Revised Code and 1234
that section classifies the offender as a major drug offender, 1235
if the offender commits a felony violation of section 2925.02, 1236
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1237
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1238
division (C) of section 4729.51, or division (J) of section 1239
4729.54 of the Revised Code that includes the sale, offer to 1240
sell, or possession of a schedule I or II controlled substance, 1241
with the exception of marihuana, and the court imposing sentence 1242
upon the offender finds that the offender is guilty of a 1243
specification of the type described in section 2941.1410 of the 1244
Revised Code charging that the offender is a major drug 1245
offender, if the court imposing sentence upon an offender for a 1246
felony finds that the offender is guilty of corrupt activity 1247
with the most serious offense in the pattern of corrupt activity 1248
being a felony of the first degree, or if the offender is guilty 1249
of an attempted violation of section 2907.02 of the Revised Code 1250
and, had the offender completed the violation of section 2907.02 1251
of the Revised Code that was attempted, the offender would have 1252
been subject to a sentence of life imprisonment or life 1253
imprisonment without parole for the violation of section 2907.02 1254
of the Revised Code, the court shall impose upon the offender 1255
for the felony violation a mandatory prison term of the maximum 1256
prison term prescribed for a felony of the first degree that, 1257
subject to divisions (C) to (I) of section 2967.19 of the 1258
Revised Code, cannot be reduced pursuant to section 2929.20, 1259
section 2967.19, or any other provision of Chapter 2967. or 1260
5120. of the Revised Code. 1261

(4) If the offender is being sentenced for a third or 1262
fourth degree felony OVI offense under division (G) (2) of 1263
section 2929.13 of the Revised Code, the sentencing court shall 1264

impose upon the offender a mandatory prison term in accordance 1265
with that division. In addition to the mandatory prison term, if 1266
the offender is being sentenced for a fourth degree felony OVI 1267
offense, the court, notwithstanding division (A)(4) of this 1268
section, may sentence the offender to a definite prison term of 1269
not less than six months and not more than thirty months, and if 1270
the offender is being sentenced for a third degree felony OVI 1271
offense, the sentencing court may sentence the offender to an 1272
additional prison term of any duration specified in division (A) 1273
(3) of this section. In either case, the additional prison term 1274
imposed shall be reduced by the sixty or one hundred twenty days 1275
imposed upon the offender as the mandatory prison term. The 1276
total of the additional prison term imposed under division (B) 1277
(4) of this section plus the sixty or one hundred twenty days 1278
imposed as the mandatory prison term shall equal a definite term 1279
in the range of six months to thirty months for a fourth degree 1280
felony OVI offense and shall equal one of the authorized prison 1281
terms specified in division (A)(3) of this section for a third 1282
degree felony OVI offense. If the court imposes an additional 1283
prison term under division (B)(4) of this section, the offender 1284
shall serve the additional prison term after the offender has 1285
served the mandatory prison term required for the offense. In 1286
addition to the mandatory prison term or mandatory and 1287
additional prison term imposed as described in division (B)(4) 1288
of this section, the court also may sentence the offender to a 1289
community control sanction under section 2929.16 or 2929.17 of 1290
the Revised Code, but the offender shall serve all of the prison 1291
terms so imposed prior to serving the community control 1292
sanction. 1293

If the offender is being sentenced for a fourth degree 1294
felony OVI offense under division (G)(1) of section 2929.13 of 1295

the Revised Code and the court imposes a mandatory term of local 1296
incarceration, the court may impose a prison term as described 1297
in division (A) (1) of that section. 1298

(5) If an offender is convicted of or pleads guilty to a 1299
violation of division (A) (1) or (2) of section 2903.06 of the 1300
Revised Code and also is convicted of or pleads guilty to a 1301
specification of the type described in section 2941.1414 of the 1302
Revised Code that charges that the victim of the offense is a 1303
peace officer, as defined in section 2935.01 of the Revised 1304
Code, or an investigator of the bureau of criminal 1305
identification and investigation, as defined in section 2903.11 1306
of the Revised Code, the court shall impose on the offender a 1307
prison term of five years. If a court imposes a prison term on 1308
an offender under division (B) (5) of this section, the prison 1309
term, subject to divisions (C) to (I) of section 2967.19 of the 1310
Revised Code, shall not be reduced pursuant to section 2929.20, 1311
section 2967.19, section 2967.193, or any other provision of 1312
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1313
shall not impose more than one prison term on an offender under 1314
division (B) (5) of this section for felonies committed as part 1315
of the same act. 1316

(6) If an offender is convicted of or pleads guilty to a 1317
violation of division (A) (1) or (2) of section 2903.06 of the 1318
Revised Code and also is convicted of or pleads guilty to a 1319
specification of the type described in section 2941.1415 of the 1320
Revised Code that charges that the offender previously has been 1321
convicted of or pleaded guilty to three or more violations of 1322
division (A) or (B) of section 4511.19 of the Revised Code or an 1323
equivalent offense, as defined in section 2941.1415 of the 1324
Revised Code, or three or more violations of any combination of 1325
those divisions and offenses, the court shall impose on the 1326

offender a prison term of three years. If a court imposes a 1327
prison term on an offender under division (B) (6) of this 1328
section, the prison term, subject to divisions (C) to (I) of 1329
section 2967.19 of the Revised Code, shall not be reduced 1330
pursuant to section 2929.20, section 2967.19, section 2967.193, 1331
or any other provision of Chapter 2967. or Chapter 5120. of the 1332
Revised Code. A court shall not impose more than one prison term 1333
on an offender under division (B) (6) of this section for 1334
felonies committed as part of the same act. 1335

(7) (a) If an offender is convicted of or pleads guilty to 1336
a felony violation of section 2905.01, 2905.02, 2907.21, 1337
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1338
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1339
the Revised Code and also is convicted of or pleads guilty to a 1340
specification of the type described in section 2941.1422 of the 1341
Revised Code that charges that the offender knowingly committed 1342
the offense in furtherance of human trafficking, the court shall 1343
impose on the offender a mandatory prison term that is one of 1344
the following: 1345

(i) If the offense is a felony of the first degree, a 1346
definite prison term of not less than five years and not greater 1347
than ten years; 1348

(ii) If the offense is a felony of the second or third 1349
degree, a definite prison term of not less than three years and 1350
not greater than the maximum prison term allowed for the offense 1351
by division (A) of section 2929.14 of the Revised Code; 1352

(iii) If the offense is a felony of the fourth or fifth 1353
degree, a definite prison term that is the maximum prison term 1354
allowed for the offense by division (A) of section 2929.14 of 1355
the Revised Code. 1356

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

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

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division

consecutively to any other mandatory prison term imposed under 1388
either division or under division (B) (1) (d) of this section, 1389
consecutively to and prior to any prison term imposed for the 1390
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1391
this section or any other section of the Revised Code, and 1392
consecutively to any other prison term or mandatory prison term 1393
previously or subsequently imposed upon the offender. 1394

(b) If a mandatory prison term is imposed upon an offender 1395
pursuant to division (B) (1) (d) of this section for wearing or 1396
carrying body armor while committing an offense of violence that 1397
is a felony, the offender shall serve the mandatory term so 1398
imposed consecutively to any other mandatory prison term imposed 1399
under that division or under division (B) (1) (a) or (c) of this 1400
section, consecutively to and prior to any prison term imposed 1401
for the underlying felony under division (A), (B) (2), or (B) (3) 1402
of this section or any other section of the Revised Code, and 1403
consecutively to any other prison term or mandatory prison term 1404
previously or subsequently imposed upon the offender. 1405

(c) If a mandatory prison term is imposed upon an offender 1406
pursuant to division (B) (1) (f) of this section, the offender 1407
shall serve the mandatory prison term so imposed consecutively 1408
to and prior to any prison term imposed for the underlying 1409
felony under division (A), (B) (2), or (B) (3) of this section or 1410
any other section of the Revised Code, and consecutively to any 1411
other prison term or mandatory prison term previously or 1412
subsequently imposed upon the offender. 1413

(d) If a mandatory prison term is imposed upon an offender 1414
pursuant to division (B) (7) or (8) of this section, the offender 1415
shall serve the mandatory prison term so imposed consecutively 1416
to any other mandatory prison term imposed under that division 1417

or under any other provision of law and consecutively to any 1418
other prison term or mandatory prison term previously or 1419
subsequently imposed upon the offender. 1420

(2) If an offender who is an inmate in a jail, prison, or 1421
other residential detention facility violates section 2917.02, 1422
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1423
(2) of section 2921.34 of the Revised Code, if an offender who 1424
is under detention at a detention facility commits a felony 1425
violation of section 2923.131 of the Revised Code, or if an 1426
offender who is an inmate in a jail, prison, or other 1427
residential detention facility or is under detention at a 1428
detention facility commits another felony while the offender is 1429
an escapee in violation of division (A) (1) or (2) of section 1430
2921.34 of the Revised Code, any prison term imposed upon the 1431
offender for one of those violations shall be served by the 1432
offender consecutively to the prison term or term of 1433
imprisonment the offender was serving when the offender 1434
committed that offense and to any other prison term previously 1435
or subsequently imposed upon the offender. 1436

(3) If a prison term is imposed for a violation of 1437
division (B) of section 2911.01 of the Revised Code, a violation 1438
of division (A) of section 2913.02 of the Revised Code in which 1439
the stolen property is a firearm or dangerous ordnance, or a 1440
felony violation of division (B) of section 2921.331 of the 1441
Revised Code, the offender shall serve that prison term 1442
consecutively to any other prison term or mandatory prison term 1443
previously or subsequently imposed upon the offender. 1444

(4) If multiple prison terms are imposed on an offender 1445
for convictions of multiple offenses, the court may require the 1446
offender to serve the prison terms consecutively if the court 1447

finds that the consecutive service is necessary to protect the 1448
public from future crime or to punish the offender and that 1449
consecutive sentences are not disproportionate to the 1450
seriousness of the offender's conduct and to the danger the 1451
offender poses to the public, and if the court also finds any of 1452
the following: 1453

(a) The offender committed one or more of the multiple 1454
offenses while the offender was awaiting trial or sentencing, 1455
was under a sanction imposed pursuant to section 2929.16, 1456
2929.17, or 2929.18 of the Revised Code, or was under post- 1457
release control for a prior offense. 1458

(b) At least two of the multiple offenses were committed 1459
as part of one or more courses of conduct, and the harm caused 1460
by two or more of the multiple offenses so committed was so 1461
great or unusual that no single prison term for any of the 1462
offenses committed as part of any of the courses of conduct 1463
adequately reflects the seriousness of the offender's conduct. 1464

(c) The offender's history of criminal conduct 1465
demonstrates that consecutive sentences are necessary to protect 1466
the public from future crime by the offender. 1467

(5) If a mandatory prison term is imposed upon an offender 1468
pursuant to division (B) (5) or (6) of this section, the offender 1469
shall serve the mandatory prison term consecutively to and prior 1470
to any prison term imposed for the underlying violation of 1471
division (A) (1) or (2) of section 2903.06 of the Revised Code 1472
pursuant to division (A) of this section or section 2929.142 of 1473
the Revised Code. If a mandatory prison term is imposed upon an 1474
offender pursuant to division (B) (5) of this section, and if a 1475
mandatory prison term also is imposed upon the offender pursuant 1476
to division (B) (6) of this section in relation to the same 1477

violation, the offender shall serve the mandatory prison term 1478
imposed pursuant to division (B) (5) of this section 1479
consecutively to and prior to the mandatory prison term imposed 1480
pursuant to division (B) (6) of this section and consecutively to 1481
and prior to any prison term imposed for the underlying 1482
violation of division (A) (1) or (2) of section 2903.06 of the 1483
Revised Code pursuant to division (A) of this section or section 1484
2929.142 of the Revised Code. 1485

(6) When consecutive prison terms are imposed pursuant to 1486
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1487
of this section, the term to be served is the aggregate of all 1488
of the terms so imposed. 1489

(D) (1) If a court imposes a prison term for a felony of 1490
the first degree, for a felony of the second degree, for a 1491
felony sex offense, or for a felony of the third degree that is 1492
not a felony sex offense and in the commission of which the 1493
offender caused or threatened to cause physical harm to a 1494
person, it shall include in the sentence a requirement that the 1495
offender be subject to a period of post-release control after 1496
the offender's release from imprisonment, in accordance with 1497
that division. If a court imposes a sentence including a prison 1498
term of a type described in this division on or after July 11, 1499
2006, the failure of a court to include a post-release control 1500
requirement in the sentence pursuant to this division does not 1501
negate, limit, or otherwise affect the mandatory period of post- 1502
release control that is required for the offender under division 1503
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1504
the Revised Code applies if, prior to July 11, 2006, a court 1505
imposed a sentence including a prison term of a type described 1506
in this division and failed to include in the sentence pursuant 1507
to this division a statement regarding post-release control. 1508

(2) If a court imposes a prison term for a felony of the 1509
third, fourth, or fifth degree that is not subject to division 1510
(D) (1) of this section, it shall include in the sentence a 1511
requirement that the offender be subject to a period of post- 1512
release control after the offender's release from imprisonment, 1513
in accordance with that division, if the parole board determines 1514
that a period of post-release control is necessary. Section 1515
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1516
a court imposed a sentence including a prison term of a type 1517
described in this division and failed to include in the sentence 1518
pursuant to this division a statement regarding post-release 1519
control. 1520

(E) The court shall impose sentence upon the offender in 1521
accordance with section 2971.03 of the Revised Code, and Chapter 1522
2971. of the Revised Code applies regarding the prison term or 1523
term of life imprisonment without parole imposed upon the 1524
offender and the service of that term of imprisonment if any of 1525
the following apply: 1526

(1) A person is convicted of or pleads guilty to a violent 1527
sex offense or a designated homicide, assault, or kidnapping 1528
offense, and, in relation to that offense, the offender is 1529
adjudicated a sexually violent predator. 1530

(2) A person is convicted of or pleads guilty to a 1531
violation of division (A) (1) (b) of section 2907.02 of the 1532
Revised Code committed on or after January 2, 2007, and either 1533
the court does not impose a sentence of life without parole when 1534
authorized pursuant to division (B) of section 2907.02 of the 1535
Revised Code, or division (B) of section 2907.02 of the Revised 1536
Code provides that the court shall not sentence the offender 1537
pursuant to section 2971.03 of the Revised Code. 1538

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

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

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

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

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

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 1599
a specification of the type described in section 2941.1421 of 1600
the Revised Code regarding one or more of those violations, an 1601
additional prison term of one, two, three, four, five, six, 1602
seven, eight, nine, ten, eleven, or twelve months. 1603

(b) In lieu of imposing an additional prison term under 1604
division (H)(2)(a) of this section, the court may directly 1605
impose on the offender a sanction that requires the offender to 1606
wear a real-time processing, continual tracking electronic 1607
monitoring device during the period of time specified by the 1608
court. The period of time specified by the court shall equal the 1609
duration of an additional prison term that the court could have 1610
imposed upon the offender under division (H)(2)(a) of this 1611
section. A sanction imposed under this division shall commence 1612
on the date specified by the court, provided that the sanction 1613
shall not commence until after the offender has served the 1614
prison term imposed for the felony violation of section 2907.22, 1615
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1616
residential sanction imposed for the violation under section 1617
2929.16 of the Revised Code. A sanction imposed under this 1618
division shall be considered to be a community control sanction 1619
for purposes of section 2929.15 of the Revised Code, and all 1620
provisions of the Revised Code that pertain to community control 1621
sanctions shall apply to a sanction imposed under this division, 1622
except to the extent that they would by their nature be clearly 1623
inapplicable. The offender shall pay all costs associated with a 1624
sanction imposed under this division, including the cost of the 1625
use of the monitoring device. 1626

(I) At the time of sentencing, the court may recommend the 1627
offender for placement in a program of shock incarceration under 1628
section 5120.031 of the Revised Code or for placement in an 1629

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

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

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

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

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

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

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

(K) (1) The court shall impose an additional mandatory
prison term of two, three, four, five, six, seven, eight, nine,
ten, or eleven years on an offender who is convicted of or
pleads guilty to a violent felony offense if the offender also
is convicted of or pleads guilty to a specification of the type
described in section 2941.1424 of the Revised Code that charges
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 and displayed or brandished the firearm, indicated that
the offender possessed a firearm, or used the firearm to
facilitate the offense. The offender shall serve the prison term
imposed under this division consecutively to and prior to the
prison term imposed for the underlying offense. The prison term
shall not be reduced pursuant to section 2929.20 or 2967.19 or
any other provision of Chapter 2967. or 5120. of the Revised

Code. A court may not impose more than one sentence under 1691
division (B) (2) (a) of this section and this division for acts 1692
committed as part of the same act or transaction. 1693

(2) As used in division (K) (1) of this section, "violent 1694
career criminal" and "violent felony offense" have the same 1695
meanings as in section 2923.132 of the Revised Code. 1696

Sec. 2929.20. (A) As used in this section: 1697

(1) (a) Except as provided in division (A) (1) (b) of this 1698
section, "eligible offender" means any person who, on or after 1699
April 7, 2009, is serving a stated prison term that includes one 1700
or more nonmandatory prison terms. 1701

(b) "Eligible offender" does not include any person who, 1702
on or after April 7, 2009, is serving a stated prison term for 1703
any of the following criminal offenses that was a felony and was 1704
committed while the person held a public office in this state: 1705

(i) A violation of section 2921.02, 2921.03, 2921.05, 1706
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1707
Code; 1708

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 1709
2921.12 of the Revised Code, when the conduct constituting the 1710
violation was related to the duties of the offender's public 1711
office or to the offender's actions as a public official holding 1712
that public office; 1713

(iii) A violation of an existing or former municipal 1714
ordinance or law of this or any other state or the United States 1715
that is substantially equivalent to any violation listed in 1716
division (A) (1) (b) (i) of this section; 1717

(iv) A violation of an existing or former municipal 1718

ordinance or law of this or any other state or the United States 1719
that is substantially equivalent to any violation listed in 1720
division (A) (1) (b) (ii) of this section, when the conduct 1721
constituting the violation was related to the duties of the 1722
offender's public office or to the offender's actions as a 1723
public official holding that public office; 1724

(v) A conspiracy to commit, attempt to commit, or 1725
complicity in committing any offense listed in division (A) (1) 1726
(b) (i) or described in division (A) (1) (b) (iii) of this section; 1727

(vi) A conspiracy to commit, attempt to commit, or 1728
complicity in committing any offense listed in division (A) (1) 1729
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 1730
if the conduct constituting the offense that was the subject of 1731
the conspiracy, that would have constituted the offense 1732
attempted, or constituting the offense in which the offender was 1733
complicit was or would have been related to the duties of the 1734
offender's public office or to the offender's actions as a 1735
public official holding that public office. 1736

(2) "Nonmandatory prison term" means a prison term that is 1737
not a mandatory prison term. 1738

(3) "Public office" means any elected federal, state, or 1739
local government office in this state. 1740

(4) "Victim's representative" has the same meaning as in 1741
section 2930.01 of the Revised Code. 1742

(B) On the motion of an eligible offender or upon its own 1743
motion, the sentencing court may reduce the eligible offender's 1744
aggregated nonmandatory prison term or terms through a judicial 1745
release under this section. 1746

(C) An eligible offender may file a motion for judicial 1747

release with the sentencing court within the following 1748
applicable periods: 1749

(1) If the aggregated nonmandatory prison term or terms is 1750
less than two years, the eligible offender may file the motion 1751
not earlier than thirty days after the offender is delivered to 1752
a state correctional institution or, if the prison term includes 1753
a mandatory prison term or terms, not earlier than thirty days 1754
after the expiration of all mandatory prison terms. 1755

(2) If the aggregated nonmandatory prison term or terms is 1756
at least two years but less than five years, the eligible 1757
offender may file the motion not earlier than one hundred eighty 1758
days after the offender is delivered to a state correctional 1759
institution or, if the prison term includes a mandatory prison 1760
term or terms, not earlier than one hundred eighty days after 1761
the expiration of all mandatory prison terms. 1762

(3) If the aggregated nonmandatory prison term or terms is 1763
five years, the eligible offender may file the motion not 1764
earlier than the date on which the eligible offender has served 1765
~~four years after the eligible offender is delivered to a state-~~ 1766
~~correctional institution of the offender's stated prison term~~ 1767
or, if the prison term includes a mandatory prison term or 1768
terms, not earlier than four years after the expiration of all 1769
mandatory prison terms. 1770

(4) If the aggregated nonmandatory prison term or terms is 1771
more than five years but not more than ten years, the eligible 1772
offender may file the motion not earlier than the date on which 1773
the eligible offender has served five years ~~after the eligible-~~ 1774
~~offender is delivered to a state correctional institution of the~~ 1775
offender's stated prison term or, if the prison term includes a 1776
mandatory prison term or terms, not earlier than five years 1777

after the expiration of all mandatory prison terms. 1778

(5) If the aggregated nonmandatory prison term or terms is 1779
more than ten years, the eligible offender may file the motion 1780
not earlier than the later of the date on which the offender has 1781
served one-half of the offender's stated prison term or the date 1782
specified in division (C) (4) of this section. 1783

(D) Upon receipt of a timely motion for judicial release 1784
filed by an eligible offender under division (C) of this section 1785
or upon the sentencing court's own motion made within the 1786
appropriate time specified in that division, the court may deny 1787
the motion without a hearing or schedule a hearing on the 1788
motion. The court shall not grant the motion without a hearing. 1789
If a court denies a motion without a hearing, the court later 1790
may consider judicial release for that eligible offender on a 1791
subsequent motion filed by that eligible offender unless the 1792
court denies the motion with prejudice. If a court denies a 1793
motion with prejudice, the court may later consider judicial 1794
release on its own motion. If a court denies a motion after a 1795
hearing, the court shall not consider a subsequent motion for 1796
that eligible offender. The court shall hold only one hearing 1797
for any eligible offender. 1798

A hearing under this section shall be conducted in open 1799
court not less than thirty or more than sixty days after the 1800
motion is filed, provided that the court may delay the hearing 1801
for one hundred eighty additional days. If the court holds a 1802
hearing, the court shall enter a ruling on the motion within ten 1803
days after the hearing. If the court denies the motion without a 1804
hearing, the court shall enter its ruling on the motion within 1805
sixty days after the motion is filed. 1806

(E) If a court schedules a hearing under division (D) of 1807

this section, the court shall notify the eligible offender and 1808
the head of the state correctional institution in which the 1809
eligible offender is confined prior to the hearing. The head of 1810
the state correctional institution immediately shall notify the 1811
appropriate person at the department of rehabilitation and 1812
correction of the hearing, and the department within twenty-four 1813
hours after receipt of the notice, shall post on the database it 1814
maintains pursuant to section 5120.66 of the Revised Code the 1815
offender's name and all of the information specified in division 1816
(A) (1) (c) (i) of that section. If the court schedules a hearing 1817
for judicial release, the court promptly shall give notice of 1818
the hearing to the prosecuting attorney of the county in which 1819
the eligible offender was indicted. Upon receipt of the notice 1820
from the court, the prosecuting attorney shall do whichever of 1821
the following is applicable: 1822

(1) Subject to division (E) (2) of this section, notify the 1823
victim of the offense or the victim's representative pursuant to 1824
division (B) of section 2930.16 of the Revised Code; 1825

(2) If the offense was an offense of violence that is a 1826
felony of the first, second, or third degree, except as 1827
otherwise provided in this division, notify the victim or the 1828
victim's representative of the hearing regardless of whether the 1829
victim or victim's representative has requested the 1830
notification. The notice of the hearing shall not be given under 1831
this division to a victim or victim's representative if the 1832
victim or victim's representative has requested pursuant to 1833
division (B) (2) of section 2930.03 of the Revised Code that the 1834
victim or the victim's representative not be provided the 1835
notice. If notice is to be provided to a victim or victim's 1836
representative under this division, the prosecuting attorney may 1837
give the notice by any reasonable means, including regular mail, 1838

telephone, and electronic mail, in accordance with division (D) 1839
(1) of section 2930.16 of the Revised Code. If the notice is 1840
based on an offense committed prior to March 22, 2013, the 1841
notice also shall include the opt-out information described in 1842
division (D)(1) of section 2930.16 of the Revised Code. The 1843
prosecuting attorney, in accordance with division (D)(2) of 1844
section 2930.16 of the Revised Code, shall keep a record of all 1845
attempts to provide the notice, and of all notices provided, 1846
under this division. Division (E)(2) of this section, and the 1847
notice-related provisions of division (K) of this section, 1848
division (D)(1) of section 2930.16, division (H) of section 1849
2967.12, division (E)(1)(b) of section 2967.19, division (A)(3) 1850
(b) of section 2967.26, division (D)(1) of section 2967.28, and 1851
division (A)(2) of section 5149.101 of the Revised Code enacted 1852
in the act in which division (E)(2) of this section was enacted, 1853
shall be known as "Roberta's Law." 1854

(F) Upon an offender's successful completion of 1855
rehabilitative activities, the head of the state correctional 1856
institution may notify the sentencing court of the successful 1857
completion of the activities. 1858

(G) Prior to the date of the hearing on a motion for 1859
judicial release under this section, the head of the state 1860
correctional institution in which the eligible offender is 1861
confined shall send to the court an institutional summary report 1862
on the eligible offender's conduct in the institution and in any 1863
institution from which the eligible offender may have been 1864
transferred. Upon the request of the prosecuting attorney of the 1865
county in which the eligible offender was indicted or of any law 1866
enforcement agency, the head of the state correctional 1867
institution, at the same time the person sends the institutional 1868
summary report to the court, also shall send a copy of the 1869

report to the requesting prosecuting attorney and law 1870
enforcement agencies. The institutional summary report shall 1871
cover the eligible offender's participation in school, 1872
vocational training, work, treatment, and other rehabilitative 1873
activities and any disciplinary action taken against the 1874
eligible offender. The report shall be made part of the record 1875
of the hearing. A presentence investigation report is not 1876
required for judicial release. 1877

(H) If the court grants a hearing on a motion for judicial 1878
release under this section, the eligible offender shall attend 1879
the hearing if ordered to do so by the court. Upon receipt of a 1880
copy of the journal entry containing the order, the head of the 1881
state correctional institution in which the eligible offender is 1882
incarcerated shall deliver the eligible offender to the sheriff 1883
of the county in which the hearing is to be held. The sheriff 1884
shall convey the eligible offender to and from the hearing. 1885

(I) At the hearing on a motion for judicial release under 1886
this section, the court shall afford the eligible offender and 1887
the eligible offender's attorney an opportunity to present 1888
written and, if present, oral information relevant to the 1889
motion. The court shall afford a similar opportunity to the 1890
prosecuting attorney, the victim or the victim's representative, 1891
and any other person the court determines is likely to present 1892
additional relevant information. The court shall consider any 1893
statement of a victim made pursuant to section 2930.14 or 1894
2930.17 of the Revised Code, any victim impact statement 1895
prepared pursuant to section 2947.051 of the Revised Code, and 1896
any report made under division (G) of this section. The court 1897
may consider any written statement of any person submitted to 1898
the court pursuant to division (L) of this section. After ruling 1899
on the motion, the court shall notify the victim of the ruling 1900

in accordance with sections 2930.03 and 2930.16 of the Revised Code. 1901
1902

(J) (1) A court shall not grant a judicial release under 1903
this section to an eligible offender who is imprisoned for a 1904
felony of the first or second degree, or to an eligible offender 1905
who committed an offense under Chapter 2925. or 3719. of the 1906
Revised Code and for whom there was a presumption under section 1907
2929.13 of the Revised Code in favor of a prison term, unless 1908
the court, with reference to factors under section 2929.12 of 1909
the Revised Code, finds both of the following: 1910

(a) That a sanction other than a prison term would 1911
adequately punish the offender and protect the public from 1912
future criminal violations by the eligible offender because the 1913
applicable factors indicating a lesser likelihood of recidivism 1914
outweigh the applicable factors indicating a greater likelihood 1915
of recidivism; 1916

(b) That a sanction other than a prison term would not 1917
demean the seriousness of the offense because factors indicating 1918
that the eligible offender's conduct in committing the offense 1919
was less serious than conduct normally constituting the offense 1920
outweigh factors indicating that the eligible offender's conduct 1921
was more serious than conduct normally constituting the offense. 1922

(2) A court that grants a judicial release to an eligible 1923
offender under division (J) (1) of this section shall specify on 1924
the record both findings required in that division and also 1925
shall list all the factors described in that division that were 1926
presented at the hearing. 1927

(K) If the court grants a motion for judicial release 1928
under this section, the court shall order the release of the 1929

eligible offender, shall place the eligible offender under an 1930
appropriate community control sanction, under appropriate 1931
conditions, and under the supervision of the department of 1932
probation serving the court and shall reserve the right to 1933
reimpose the sentence that it reduced if the offender violates 1934
the sanction. If the court reimposes the reduced sentence, it 1935
may do so either concurrently with, or consecutive to, any new 1936
sentence imposed upon the eligible offender as a result of the 1937
violation that is a new offense. The period of community control 1938
shall be no longer than five years. The court, in its 1939
discretion, may reduce the period of community control by the 1940
amount of time the eligible offender spent in jail or prison for 1941
the offense and in prison. If the court made any findings 1942
pursuant to division (J) (1) of this section, the court shall 1943
serve a copy of the findings upon counsel for the parties within 1944
fifteen days after the date on which the court grants the motion 1945
for judicial release. 1946

If the court grants a motion for judicial release, the 1947
court shall notify the appropriate person at the department of 1948
rehabilitation and correction, and the department shall post 1949
notice of the release on the database it maintains pursuant to 1950
section 5120.66 of the Revised Code. The court also shall notify 1951
the prosecuting attorney of the county in which the eligible 1952
offender was indicted that the motion has been granted. Unless 1953
the victim or the victim's representative has requested pursuant 1954
to division (B) (2) of section 2930.03 of the Revised Code that 1955
the victim or victim's representative not be provided the 1956
notice, the prosecuting attorney shall notify the victim or the 1957
victim's representative of the judicial release in any manner, 1958
and in accordance with the same procedures, pursuant to which 1959
the prosecuting attorney is authorized to provide notice of the 1960

hearing pursuant to division (E)(2) of this section. If the notice is based on an offense committed prior to March 22, 2013, the notice to the victim or victim's representative also shall include the opt-out information described in division (D)(1) of section 2930.16 of the Revised Code.

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

(M) The changes to this section that are made on September 30, 2011, apply to any judicial release decision made on or after September 30, 2011, for any eligible offender.

Sec. 2929.201. Notwithstanding the time limitation for filing a motion under former section 2947.061 of the Revised Code, an offender whose offense was committed before July 1, 1996, and who otherwise satisfies the eligibility criteria for shock probation under that section as it existed immediately prior to July 1, 1996, may apply to the offender's sentencing court for shock probation under that section on or after ~~the effective date of this section~~ September 15, 2014. Not more than one motion may be filed by an offender under this section. Division (C) of former section 2947.061 of the Revised Code does not apply to a motion filed under this section. A presentence

investigation report is not required for shock probation to be granted by reason of this section. 1991
1992

Sec. 2941.144. (A) Imposition of a six-year mandatory 1993
prison term upon an offender under division (B) (1) (a) (i) of 1994
section 2929.14 of the Revised Code is precluded unless the 1995
indictment, count in the indictment, or information charging the 1996
offense specifies that the offender had a firearm that is an 1997
automatic firearm or that was equipped with a firearm muffler or 1998
~~silencer suppressor~~ on or about the offender's person or under 1999
the offender's control while committing the offense. The 2000
specification shall be stated at the end of the body of the 2001
indictment, count, or information and shall be stated in 2002
substantially the following form: 2003

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2004
Grand Jurors (or insert the person's or the prosecuting 2005
attorney's name when appropriate) further find and specify that 2006
(set forth that the offender had a firearm that is an automatic 2007
firearm or that was equipped with a firearm muffler or ~~silencer-~~ 2008
suppressor on or about the offender's person or under the 2009
offender's control while committing the offense)." 2010

(B) Imposition of a six-year mandatory prison term upon an 2011
offender under division (B) (1) (a) (i) of section 2929.14 of the 2012
Revised Code is precluded if a court imposes a ~~three-year or~~ 2013
one-year, eighteen-month, three-year, fifty-four-month, or nine- 2014
year mandatory prison term on the offender under ~~that~~ division 2015
(B) (1) (a) (ii), (iii), (iv), (v), or (vi) of that section 2016
relative to the same felony. 2017

(C) The specification described in division (A) of this 2018
section may be used in a delinquent child proceeding in the 2019
manner and for the purpose described in section 2152.17 of the 2020

Revised Code. 2021

(D) Imposition of a nine-year mandatory prison term upon 2022
an offender under division (B) (1) (a) (iv) of section 2929.14 of 2023
the Revised Code is precluded unless the indictment, count in 2024
the indictment, or information charging the offense specifies 2025
that the offender had a firearm that is an automatic firearm or 2026
that was equipped with a firearm muffler or suppressor on or 2027
about the offender's person or under the offender's control 2028
while committing the offense and that the offender previously 2029
has been convicted of or pleaded guilty to a firearm 2030
specification of the type described in section 2941.141, 2031
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2032
The specification shall be stated at the end of the body of the 2033
indictment, count, or information, and shall be in substantially 2034
the following form: 2035

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2036
Grand Jurors (or insert the person's or the prosecuting 2037
attorney's name when appropriate) further find and specify that 2038
(set forth that the offender had a firearm that is an automatic 2039
firearm or that was equipped with a firearm muffler or 2040
suppressor on or about the offender's person or under the 2041
offender's control while committing the offense and that the 2042
offender previously has been convicted of or pleaded guilty to a 2043
firearm specification of the type described in section 2941.141, 2044
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 2045
Code.)" 2046

(E) Imposition of a nine-year mandatory prison term upon 2047
an offender under division (B) (1) (a) (iv) of section 2929.14 of 2048
the Revised Code is precluded if the court imposes a one-year, 2049
eighteen-month, three-year, fifty-four-month, or six-year 2050

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. 2051
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(F) As used in this section, "firearm" and "automatic firearm" have the same meanings as in section 2923.11 of the Revised Code. 2054
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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: 2057
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"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.)" 2066
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(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. 2072
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(C) The specification described in division (A) of this 2079

section may be used in a delinquent child proceeding in the 2080
manner and for the purpose described in section 2152.17 of the 2081
Revised Code. 2082

(D) Imposition of an eighteen-month mandatory prison term 2083
upon an offender under division (B)(1)(a)(vi) of section 2929.14 2084
of the Revised Code is precluded unless the indictment, count in 2085
the indictment, or information charging the offense specifies 2086
that the offender had a firearm on or about the offender's 2087
person or under the offender's control while committing the 2088
offense and that the offender previously had been convicted of 2089
or pleaded guilty to a firearm specification of the type 2090
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2091
2941.1412 of the Revised Code. The specification shall be stated 2092
at the end of the body of the indictment, count, or information, 2093
and shall be in substantially the following form: 2094

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2095
Grand Jurors (or insert the person's or prosecuting attorney's 2096
name when appropriate) further find and specify that (set forth 2097
that the offender had a firearm on or about the offender's 2098
person or under the offender's control while committing the 2099
offense and that the offender previously has been convicted of 2100
or pleaded guilty to a firearm specification of the type 2101
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2102
2941.1412 of the Revised Code.)" 2103

(E) Imposition of an eighteen-month mandatory prison term 2104
upon an offender under division (B)(1)(a)(vi) of section 2929.14 2105
of the Revised Code is precluded if the court imposes a one- 2106
year, three-year, fifty-four-month, six-year, or nine-year 2107
mandatory prison term on the offender under division (B)(1)(a) 2108
(i), (ii), (iii), (iv), or (v) of that section relative to the 2109

same felony. 2110

(F) As used in this section, "firearm" has the same 2111
meaning as in section 2923.11 of the Revised Code. 2112

Sec. 2941.145. (A) Imposition of a three-year mandatory 2113
prison term upon an offender under division (B) (1) (a) (ii) of 2114
section 2929.14 of the Revised Code is precluded unless the 2115
indictment, count in the indictment, or information charging the 2116
offense specifies that the offender had a firearm on or about 2117
the offender's person or under the offender's control while 2118
committing the offense and displayed the firearm, brandished the 2119
firearm, indicated that the offender possessed the firearm, or 2120
used it to facilitate the offense. The specification shall be 2121
stated at the end of the body of the indictment, count, or 2122
information, and shall be stated in substantially the following 2123
form: 2124

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2125
Grand Jurors (or insert the person's or the prosecuting 2126
attorney's name when appropriate) further find and specify that 2127
(set forth that the offender had a firearm on or about the 2128
offender's person or under the offender's control while 2129
committing the offense and displayed the firearm, brandished the 2130
firearm, indicated that the offender possessed the firearm, or 2131
used it to facilitate the offense)." 2132

(B) Imposition of a three-year mandatory prison term upon 2133
an offender under division (B) (1) (a) (ii) of section 2929.14 of 2134
the Revised Code is precluded if a court imposes a one-year-~~or,~~ 2135
eighteen-month, six-year, fifty-four-month, or nine-year 2136
mandatory prison term on the offender under ~~that~~ division (B) (1) 2137
(a) (i), (iii), (iv), (v), or (vi) of that section relative to 2138
the same felony. 2139

(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 a mandatory prison term of fifty-four months upon an offender under division (B)(1)(a)(v) 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 displayed the firearm, brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate 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. 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 and displayed the firearm, brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate 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 mandatory prison term of fifty-four months upon an offender under division (B) (1) (a) (v) of section 2929.14 of the Revised Code is precluded if the court imposes a one-year, eighteen-month, three-year, or nine-year mandatory prison term on the offender under division (B) (1) (a) (i), (ii), (iii), (iv), or (vi) of that section relative to the same felony. 2171
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(F) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code. 2178
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Sec. 2941.146. (A) Imposition of a mandatory five-year prison term upon an offender under division (B) (1) (c) (i) of section 2929.14 of the Revised Code for committing a violation of section 2923.161 of the Revised Code or for committing a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle other than a manufactured home is precluded unless the indictment, count in the indictment, or information charging the offender specifies that the offender committed the offense by discharging a firearm from a motor vehicle other than a manufactured home. 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: 2180
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"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 committed the violation of section 2923.161 of the Revised Code or the felony that includes, as an essential element, purposely or knowingly causing or attempting to cause 2195
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the death of or physical harm to another and that was committed 2201
by discharging a firearm from a motor vehicle other than a 2202
manufactured home)." 2203

(B) The specification described in division (A) of this 2204
section may be used in a delinquent child proceeding in the 2205
manner and for the purpose described in section 2152.17 of the 2206
Revised Code. 2207

(C) Imposition of a ninety-month mandatory prison term 2208
under division (B)(1)(c)(ii) of section 2929.14 of the Revised 2209
Code for committing a violation of section 2923.161 of the 2210
Revised Code or for committing a felony that includes, as an 2211
essential element, purposely or knowingly causing or attempting 2212
to cause the death of or physical harm to another and that was 2213
committed by discharging a firearm from a motor vehicle other 2214
than a manufactured home is precluded unless the indictment, 2215
count in the indictment, or information charging the offender 2216
specifies that the offender committed the offense by discharging 2217
a firearm from a motor vehicle other than a manufactured home 2218
and that the offender previously has been convicted of or 2219
pleaded guilty to a firearm specification of the type described 2220
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 2221
of the Revised Code. The specification shall be stated at the 2222
end of the body of the indictment, count, or information, and 2223
shall be stated in substantially the following form: 2224

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2225
Grand Jurors (or insert the person's or prosecuting attorney's 2226
name where appropriate) further find and specify that (set forth 2227
that the offender committed the violation of section 2923.161 of 2228
the Revised Code or the felony that includes, as an essential 2229
element, purposely or knowingly causing or attempting to cause 2230

the death of or physical harm to another and that was committed 2231
by discharging a firearm from a motor vehicle other than a 2232
manufactured home and that the offender previously has been 2233
convicted of or pleaded guilty to a firearm specification of the 2234
type described in section 2941.141, 2941.144, 2941.145, 2235
2941.146, or 2941.1412 of the Revised Code)." 2236

(D) As used in this section: 2237

(1) "Firearm" has the same meaning as in section 2923.11 2238
of the Revised Code; 2239

(2) "Motor vehicle" and "manufactured home" have the same 2240
meanings as in section 4501.01 of the Revised Code. 2241

Sec. 2941.1412. (A) Imposition of a seven-year mandatory 2242
prison term upon an offender under division (B) (1) (f) (i) of 2243
section 2929.14 of the Revised Code is precluded unless the 2244
indictment, count in the indictment, or information charging the 2245
offense specifies that the offender discharged a firearm at a 2246
peace officer or a corrections officer while committing the 2247
offense. The specification shall be stated at the end of the 2248
body of the indictment, count, or information and shall be in 2249
substantially the following form: 2250

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2251

The Grand Jurors (or insert the person's or the 2252
prosecuting attorney's name when appropriate) further find and 2253
specify that (set forth that the offender discharged a firearm 2254
at a peace officer or a corrections officer while committing the 2255
offense)."

(B) Imposition of a mandatory prison term of one hundred 2257
twenty-six months upon an offender under division (B) (1) (f) (ii) 2258
of section 2929.14 of the Revised Code is precluded unless the 2259

indictment, count in the indictment, or information charging the 2260
offense specifies that the offender discharged a firearm at a 2261
peace officer or a corrections officer while committing the 2262
offense and that the offender previously has been convicted of 2263
or pleaded guilty to a firearm specification of the type 2264
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2265
2941.1412 of the Revised Code. The specification shall be stated 2266
at the end of the body of the indictment, count, or information, 2267
and shall be substantially in the following form: 2268

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2269

The Grand Jurors (or insert the person's or the 2270
prosecuting attorney's name when appropriate) further find and 2271
specify that (set forth that the offender discharged a firearm 2272
at a peace officer or corrections officer while committing the 2273
offense and that the offender previously has been convicted of 2274
or pleaded guilty to a firearm specification of the type 2275
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2276
2941.1412 of the Revised Code)." 2277

(C) As used in this section: 2278

(1) "Firearm" has the same meaning as in section 2923.11 2279
of the Revised Code. 2280

(2) "Peace officer" has the same meaning as in section 2281
2935.01 of the Revised Code. 2282

(3) "Corrections officer" means a person employed by a 2283
detention facility as a corrections officer. 2284

(4) "Detention facility" has the same meaning as in 2285
section 2921.01 of the Revised Code. 2286

Sec. 2941.1424. (A) The imposition of a mandatory prison 2287

term of two, three, four, five, six, seven, eight, nine, ten, or 2288
eleven years upon an offender under division (K) of section 2289
2929.14 of the Revised Code is precluded unless the offender is 2290
convicted of or pleads guilty to committing a violent felony 2291
offense and unless the indictment, count in the indictment, or 2292
information charging the offense specifies that the offender is 2293
a violent career criminal and had a firearm on or about the 2294
offender's person or under the offender's control while 2295
committing the presently charged violent felony offense and 2296
displayed or brandished the firearm, indicated that the offender 2297
possessed a firearm, or used the firearm to facilitate the 2298
offense. The specification shall be stated at the end of the 2299
body of the indictment, count, or information and shall be 2300
stated in substantially the following form: 2301

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2302

The Grand Jurors (or insert the person's or the 2303
prosecuting attorney's name when appropriate) further find and 2304
specify that (set forth that the offender is a violent career 2305
criminal and did have a firearm on or about the offender's 2306
person or under the offender's control while committing the 2307
presently charged violent felony offense and displayed or 2308
brandished the firearm, indicated that the offender possessed a 2309
firearm, or used the firearm to facilitate the offense.)" 2310

(B) A court may not impose more than one sentence under 2311
division (C) of section 2923.132 of the Revised Code and 2312
division (K) of section 2929.14 of the Revised Code for acts 2313
committed as part of the same act or transaction. 2314

(C) As used in this section: 2315

(1) "Firearm" has the same meaning as in section 2923.11 2316

<u>of the Revised Code.</u>	2317
<u>(2) "Violent career criminal" and "violent felony offense"</u>	2318
<u>have the same meanings as in section 2923.132 of the Revised</u>	2319
<u>Code.</u>	2320
Section 2. That existing sections 2152.17, 2901.08,	2321
2903.01, 2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2941.141,	2322
2941.144, 2941.145, 2941.146, and 2941.1412 of the Revised Code	2323
are hereby repealed.	2324