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Representatives Boyd, Carruthers

Cosponsors: Representatives Brent, Miller, A., Kelly, Sweeney, Sheehy, Weinstein, Crossman, Leland, Crawley, Ingram, Carfagna, Miranda, Miller, J., Smith, K., Sobecki, Howse, West, Lepore-Hagan, Smith, M., Galonski, Lightbody, Russo, Liston, Hicks-Hudson, Jarrells, Boggs, Blackshear, Young, T., Schmidt, Abrams, Baldrige, Brown, Callender, Click, Creech, Cross, Cutrona, Denson, Edwards, Fraizer, Ghanbari, Ginter, Grendell, Gross, Hall, Hoops, Humphrey, John, Johnson, Kick, Koehler, Lampton, Lanese, LaRe, Loychik, Manning, Miller, K., O'Brien, Oelslager, Pavliga, Plummer, Ray, Richardson, Riedel, Robinson, Roemer, Stein, Stephens, Swearingen, Sykes, Troy, Upchurch, White, Young, B., Speaker Cupp

A BILL

To amend sections 109.744, 109.803, 2903.01, 1
2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2
2929.22, 2935.03, 2935.032, 2937.23, and 3
3113.31; to amend, for the purpose of adopting a 4
new section number as indicated in parentheses, 5
section 2935.033 (2935.034); and to enact new 6
section 2935.033 and section 2919.261 of the 7
Revised Code to make changes to civil and 8
criminal law regarding domestic violence, to 9
address State Highway Patrol arrest authority, 10
to name the act Aisha's Law, and to make an 11
appropriation. 12

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

Section 1. That sections 109.744, 109.803, 2903.01, 13
2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2929.22, 2935.03, 14
2935.032, 2937.23, and 3113.31 be amended; section 2935.033 15
(2935.034) be amended for the purpose of adopting a new section 16
number as indicated in parentheses; and new section 2935.033 and 17
section 2919.261 of the Revised Code be enacted to read as 18
follows: 19

Sec. 109.744. The attorney general shall adopt, in 20
accordance with Chapter 119. of the Revised Code or pursuant to 21
section 109.74 of the Revised Code, rules governing the training 22
of peace officers in the handling of the offense of domestic 23
violence, other types of domestic violence-related offenses and 24
incidents, and protection orders and consent agreements issued 25
or approved under section 2919.26 or 3113.31 of the Revised 26
Code. The provisions of the rules shall include, but shall not 27
be limited to, all of the following: 28

(A) A specified amount of training that is necessary for 29
the satisfactory completion of basic training programs at 30
approved peace officer training schools, other than the Ohio 31
peace officer training academy; 32

(B) A requirement that the training include, but not be 33
limited to, training in all of the following: 34

(1) All recent amendments to domestic violence-related 35
laws; 36

(2) Notifying a victim of domestic violence of the 37
victim's rights; 38

(3) Processing protection orders and consent agreements 39
issued or approved under section 2919.26 or 3113.31 of the 40
Revised Code; 41

(4) Using an evidence-based lethality assessment screening tool to determine the level of risk to a victim of domestic violence and to refer high risk victims to local or regional domestic violence advocacy services, as required under section 2935.033 of the Revised Code. 42
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(C) A list of validated and evidence-based lethality assessment screening tools that constitute qualified lethality assessment screening tools including all of the following: 47
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(1) The domestic violence lethality screen for first responders developed by the Maryland network against domestic violence; 50
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(2) The danger assessment for law enforcement tool developed by the Jeanne Geiger crisis center; 53
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(3) Any other lethality assessment screening tool endorsed by the United States department of justice and found to meet criteria established by the attorney general. 55
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Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 58
of this section, every appointing authority shall require each 59
of its appointed peace officers and troopers to complete up to 60
twenty-four hours of continuing professional training each 61
calendar year, as directed by the Ohio peace officer training 62
commission. The number of hours directed by the commission, up 63
to twenty-four hours, is intended to be a minimum requirement, 64
and appointing authorities are encouraged to exceed the number 65
of hours the commission directs as the minimum. The commission 66
shall set the required minimum number of hours based upon 67
available funding for reimbursement as described in this 68
division. ~~If~~ Except as provided in division (B) (4) of this 69
section, if no funding for the reimbursement is available, no 70

continuing professional training will be required. 71

(2) An appointing authority may submit a written request 72
to the peace officer training commission that requests for a 73
calendar year because of emergency circumstances an extension of 74
the time within which one or more of its appointed peace 75
officers or troopers must complete the required minimum number 76
of hours of continuing professional training set by the 77
commission, as described in division (A)(1) of this section. A 78
request made under this division shall set forth the name of 79
each of the appointing authority's peace officers or troopers 80
for whom an extension is requested, identify the emergency 81
circumstances related to that peace officer or trooper, include 82
documentation of those emergency circumstances, and set forth 83
the date on which the request is submitted to the commission. A 84
request shall be made under this division not later than the 85
fifteenth day of December in the calendar year for which the 86
extension is requested. 87

Upon receipt of a written request made under this 88
division, the executive director of the commission shall review 89
the request and the submitted documentation. If the executive 90
director of the commission is satisfied that emergency 91
circumstances exist for any peace officer or trooper for whom a 92
request was made under this division, the executive director may 93
approve the request for that peace officer or trooper and grant 94
an extension of the time within which that peace officer or 95
trooper must complete the required minimum number of hours of 96
continuing professional training set by the commission. An 97
extension granted under this division may be for any period of 98
time the executive director believes to be appropriate, and the 99
executive director shall specify in the notice granting the 100
extension the date on which the extension ends. Not later than 101

thirty days after the date on which a request is submitted to 102
the commission, for each peace officer and trooper for whom an 103
extension is requested, the executive director either shall 104
approve the request and grant an extension or deny the request 105
and deny an extension and shall send to the appointing authority 106
that submitted the request written notice of the executive 107
director's decision. 108

If the executive director grants an extension of the time 109
within which a particular appointed peace officer or trooper of 110
an appointing authority must complete the required minimum 111
number of hours of continuing professional training set by the 112
commission, the appointing authority shall require that peace 113
officer or trooper to complete the required minimum number of 114
hours of training not later than the date on which the extension 115
ends. 116

(B) With the advice of the Ohio peace officer training 117
commission, the attorney general shall adopt in accordance with 118
Chapter 119. of the Revised Code rules setting forth minimum 119
standards for continuing professional training for peace 120
officers and troopers and governing the administration of 121
continuing professional training programs for peace officers and 122
troopers. The rules adopted by the attorney general under 123
division (B) of this section shall do all of the following: 124

(1) Allow peace officers and troopers to earn credit for 125
up to four hours of continuing professional training for time 126
spent while on duty providing drug use prevention education 127
training that utilizes evidence-based curricula to students in 128
school districts, community schools established under Chapter 129
3314., STEM schools established under Chapter 3326., and 130
college-preparatory boarding schools established under Chapter 131

3328. of the Revised Code.	132
(2) Allow a peace officer or trooper appointed by a law enforcement agency to earn hours of continuing professional training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency.	133 134 135 136 137 138 139 140 141 142
(3) Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement.	143 144 145 146
<u>(4) Require every peace officer and trooper who handles complaints of domestic violence to complete biennial professional training on both of the following:</u>	147 148 149
<u>(a) Intervention techniques in domestic violence cases and the use of an evidence-based lethality assessment screening tool to determine the level of risk to a victim of domestic violence;</u>	150 151 152
<u>(b) The referral of high risk victims to local or regional domestic violence advocacy services, as required under section 2935.033 of the Revised Code.</u>	153 154 155
<u>(5) Allow the peace officer training commission to pay for training required under division (B)(4) of this section using federal funds made available to the state or localities pursuant to a program of the United States department of justice or using funds appropriated by the general assembly or allocated for that</u>	156 157 158 159 160

purpose by the attorney general. 161

(C) The attorney general shall transmit a certified copy 162
of any rule adopted under this section to the secretary of 163
state. 164

Sec. 2903.01. (A) No person shall purposely, and with 165
prior calculation and design, cause the death of another or the 166
unlawful termination of another's pregnancy. 167

(B) No person shall purposely cause the death of another 168
or the unlawful termination of another's pregnancy while 169
committing or attempting to commit, or while fleeing immediately 170
after committing or attempting to commit, kidnapping, rape, 171
aggravated arson, arson, aggravated robbery, robbery, aggravated 172
burglary, burglary, trespass in a habitation when a person is 173
present or likely to be present, terrorism, or escape. 174

(C) No person shall purposely cause the death of another 175
who is under thirteen years of age at the time of the commission 176
of the offense. 177

(D) No person who is under detention as a result of having 178
been found guilty of or having pleaded guilty to a felony or who 179
breaks that detention shall purposely cause the death of 180
another. 181

(E) No person shall purposely cause the death of a law 182
enforcement officer whom the offender knows or has reasonable 183
cause to know is a law enforcement officer when either of the 184
following applies: 185

(1) The victim, at the time of the commission of the 186
offense, is engaged in the victim's duties. 187

(2) It is the offender's specific purpose to kill a law 188

enforcement officer. 189

(F) No person shall purposely cause the death of a first 190
responder or military member whom the offender knows or has 191
reasonable cause to know is a first responder or military member 192
when it is the offender's specific purpose to kill a first 193
responder or military member. 194

(G) No person shall purposely cause the death of another 195
person when both of the following apply: 196

(1) The victim was a family or household member of the 197
offender; 198

(2) The offender has previously been convicted of domestic 199
violence when the offense was a felony and resulted in serious 200
physical harm or has previously been convicted of a felony 201
offense of violence against the victim that resulted in serious 202
physical harm. 203

(H) Whoever violates this section is guilty of aggravated 204
murder, and shall be punished as provided in section 2929.02 of 205
the Revised Code. 206

~~(H)~~ (I) As used in this section: 207

(1) "Detention" has the same meaning as in section 2921.01 208
of the Revised Code. 209

(2) "Law enforcement officer" has the same meaning as in 210
section 2911.01 of the Revised Code and also includes any 211
federal law enforcement officer as defined in section 2921.51 of 212
the Revised Code and anyone who has previously served as a law 213
enforcement officer or federal law enforcement officer. 214

(3) "First responder" means an emergency medical service 215
provider, a firefighter, or any other emergency response 216

personnel, or anyone who has previously served as a first responder. 217
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(4) "Military member" means a member of the armed forces of the United States, reserves, or Ohio national guard, a participant in ROTC, JROTC, or any similar military training program, or anyone who has previously served in the military. 219
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(5) "Family or household member" means any of the following: 223
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(a) Any of the following who is residing with or has resided with the offender: 225
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(i) A spouse, a person living as a spouse, or a former spouse of the offender; 227
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(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender; 229
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(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender; 232
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(iv) A child whose guardian or custodian is a spouse, person living as a spouse, or former spouse of the offender. 236
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(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent. 238
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(6) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years 241
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prior to the date of the alleged occurrence of the act in 245
question. 246

(7) "Child," "custodian," and "guardian" have the same 247
meanings as in section 3109.51 of the Revised Code. 248

Sec. 2919.25. (A) No person shall knowingly cause or 249
attempt to cause physical harm to a family or household member. 250

(B) No person shall recklessly cause serious physical harm 251
to a family or household member. 252

(C) No person, by threat of force, shall knowingly cause a 253
family or household member to believe that the offender will 254
cause imminent physical harm to the family or household member. 255

(D) No person shall knowingly impede the normal breathing 256
or circulation of the blood of a family or household member by 257
applying pressure to the throat or neck, or by covering the nose 258
and mouth, of the family or household member. 259

(E)(1) Whoever violates this section is guilty of domestic 260
violence, and the court shall sentence the offender as provided 261
in divisions ~~(D)~~(E)(2) to ~~(6)~~(8) of this section. 262

(2) Except as otherwise provided in divisions ~~(D)~~(E)(3) to 263
(5) of this section, a violation of division (C) of this section 264
is a misdemeanor of the fourth degree, and a violation of 265
division (A) or (B) of this section is a misdemeanor of the 266
first degree. 267

(3) Except as otherwise provided in division ~~(D)~~(E)(4) of 268
this section, if the offender previously has pleaded guilty to 269
or been convicted of domestic violence, a violation of an 270
existing or former municipal ordinance or law of this or any 271
other state or the United States that is substantially similar 272

to domestic violence, a violation of section 2903.14, 2909.06, 273
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 274
the victim of the violation was a family or household member at 275
the time of the violation, a violation of an existing or former 276
municipal ordinance or law of this or any other state or the 277
United States that is substantially similar to any of those 278
sections if the victim of the violation was a family or 279
household member at the time of the commission of the violation, 280
or any offense of violence if the victim of the offense was a 281
family or household member at the time of the commission of the 282
offense, a violation of division (A) or (B) of this section is a 283
felony of the fourth degree, and, if the offender knew that the 284
victim of the violation was pregnant at the time of the 285
violation, the court shall impose a mandatory prison term on the 286
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 287
a violation of division (C) of this section is a misdemeanor of 288
the second degree. 289

(4) If the offender previously has pleaded guilty to or 290
been convicted of two or more offenses of domestic violence or 291
two or more violations or offenses of the type described in 292
division ~~(D)~~ (E) (3) of this section involving a person who was a 293
family or household member at the time of the violations or 294
offenses, a violation of division (A) or (B) of this section is 295
a felony of the third degree, and, if the offender knew that the 296
victim of the violation was pregnant at the time of the 297
violation, the court shall impose a mandatory prison term on the 298
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 299
a violation of division (C) of this section is a misdemeanor of 300
the first degree. 301

(5) Except as otherwise provided in division ~~(D)~~ (E) (3) or 302
(4) of this section, if the offender knew that the victim of the 303

violation was pregnant at the time of the violation, a violation 304
of division (A) or (B) of this section is a felony of the fifth 305
degree, and the court shall impose a mandatory prison term on 306
the offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, 307
and a violation of division (C) of this section is a misdemeanor 308
of the third degree. 309

(6) Except as otherwise provided in division (E) (7) of 310
this section, a violation of division (D) of this section is a 311
felony of the third degree. 312

(7) If the offender previously has pleaded guilty to or 313
been convicted of a violation of this section, or if the 314
offender previously has pleaded guilty to or been convicted of 315
two or more offenses of violence, a violation of division (D) of 316
this section is a felony of the second degree. 317

(8) If division ~~(D)~~ (E) (3), (4), or (5) of this section 318
requires the court that sentences an offender for a violation of 319
division (A) or (B) of this section to impose a mandatory prison 320
term on the offender pursuant to this division, the court shall 321
impose the mandatory prison term as follows: 322

(a) If the violation of division (A) or (B) of this 323
section is a felony of the fourth or fifth degree, except as 324
otherwise provided in division ~~(D) (6)~~ (E) (8) (b) or (c) of this 325
section, the court shall impose a mandatory prison term on the 326
offender of at least six months. 327

(b) If the violation of division (A) or (B) of this 328
section is a felony of the fifth degree and the offender, in 329
committing the violation, caused serious physical harm to the 330
pregnant woman's unborn or caused the termination of the 331
pregnant woman's pregnancy, the court shall impose a mandatory 332

prison term on the offender of twelve months. 333

(c) If the violation of division (A) or (B) of this 334
section is a felony of the fourth degree and the offender, in 335
committing the violation, caused serious physical harm to the 336
pregnant woman's unborn or caused the termination of the 337
pregnant woman's pregnancy, the court shall impose a mandatory 338
prison term on the offender of at least twelve months. 339

(d) If the violation of division (A) or (B) of this 340
section is a felony of the third degree, except as otherwise 341
provided in division ~~(D) (6)~~ (E) (8) (e) of this section and 342
notwithstanding the range of definite prison terms prescribed in 343
division (A) (3) of section 2929.14 of the Revised Code for a 344
felony of the third degree, the court shall impose a mandatory 345
prison term on the offender of either a definite term of six 346
months or one of the prison terms prescribed in division (A) (3) 347
(b) of section 2929.14 of the Revised Code for felonies of the 348
third degree. 349

(e) If the violation of division (A) or (B) of this 350
section is a felony of the third degree and the offender, in 351
committing the violation, caused serious physical harm to the 352
pregnant woman's unborn or caused the termination of the 353
pregnant woman's pregnancy, notwithstanding the range of 354
definite prison terms prescribed in division (A) (3) of section 355
2929.14 of the Revised Code for a felony of the third degree, 356
the court shall impose a mandatory prison term on the offender 357
of either a definite term of one year or one of the prison terms 358
prescribed in division (A) (3) (b) of section 2929.14 of the 359
Revised Code for felonies of the third degree. 360

~~(E)~~ (F) Notwithstanding any provision of law to the 361
contrary, no court or unit of state or local government shall 362

charge any fee, cost, deposit, or money in connection with the 363
filing of charges against a person alleging that the person 364
violated this section or a municipal ordinance substantially 365
similar to this section or in connection with the prosecution of 366
any charges so filed. 367

~~(F)~~ (G) It is not required in a prosecution under division 368
(D) of this section to allege or prove that the family or 369
household member who is the victim suffered physical harm or 370
serious physical harm or visible injury or that there was an 371
intent to kill or protractedly injure the family or household 372
member. 373

(H) It is an affirmative defense to a charge under 374
division (D) of this section that the act was done to the family 375
or household member as part of a medical or other procedure 376
undertaken to aid or benefit the victim. 377

(I) A prosecution for a violation of this section does not 378
preclude a prosecution of a violation of any other section of 379
the Revised Code. One or more acts, a series of acts, or a 380
course of behavior that can be prosecuted under this section or 381
any other section of the Revised Code may be prosecuted under 382
this section, the other section of the Revised Code, or both 383
sections. However, if an offender is convicted of or pleads 384
guilty to a violation of this section and also is convicted of 385
or pleads guilty to a violation of section 2903.11, 2903.12, or 386
2903.13 of the Revised Code based on the same conduct involving 387
the same victim that was the basis of the violation of this 388
section, the two offenses are allied offenses of similar import 389
under section 2941.25 of the Revised Code. 390

(J) As used in this section and sections 2919.251 and 391
2919.26 of the Revised Code: 392

(1) "Family or household member" means any of the	393
following:	394
(a) Any of the following who is residing or has resided	395
with the offender:	396
(i) A spouse, a person living as a spouse, or a former	397
spouse of the offender;	398
(ii) A parent, a foster parent, or a child of the	399
offender, or another person related by consanguinity or affinity	400
to the offender;	401
(iii) A parent or a child of a spouse, person living as a	402
spouse, or former spouse of the offender, or another person	403
related by consanguinity or affinity to a spouse, person living	404
as a spouse, or former spouse of the offender.	405
(b) The natural parent of any child of whom the offender	406
is the other natural parent or is the putative other natural	407
parent.	408
(2) "Person living as a spouse" means a person who is	409
living or has lived with the offender in a common law marital	410
relationship, who otherwise is cohabiting with the offender, or	411
who otherwise has cohabited with the offender within five years	412
prior to the date of the alleged commission of the act in	413
question.	414
(3) "Pregnant woman's unborn" has the same meaning as	415
"such other person's unborn," as set forth in section 2903.09 of	416
the Revised Code, as it relates to the pregnant woman. Division	417
(C) of that section applies regarding the use of the term in	418
this section, except that the second and third sentences of	419
division (C) (1) of that section shall be construed for purposes	420
of this section as if they included a reference to this section	421

in the listing of Revised Code sections they contain. 422

(4) "Termination of the pregnant woman's pregnancy" has 423
the same meaning as "unlawful termination of another's 424
pregnancy," as set forth in section 2903.09 of the Revised Code, 425
as it relates to the pregnant woman. Division (C) of that 426
section applies regarding the use of the term in this section, 427
except that the second and third sentences of division (C)(1) of 428
that section shall be construed for purposes of this section as 429
if they included a reference to this section in the listing of 430
Revised Code sections they contain. 431

Sec. 2919.261. (A) A law enforcement officer, on behalf of 432
a victim of domestic violence, may request an emergency 433
protection order from a judicial officer during any period of 434
time that the court is not open for regular business. Except as 435
otherwise provided in this division, a law enforcement officer 436
may make such a request only with the consent of the victim. If 437
the victim is unable to give the specified consent for any 438
reason, including that the victim is intoxicated, drugged, or 439
unconscious, the law enforcement officer may make such a request 440
without the specified consent of the victim. 441

The request may be made orally or in writing based upon 442
the sworn statement of the law enforcement officer. If the 443
request is made orally, it shall be recorded by the judicial 444
officer and made a part of the file regarding the matter. The 445
request shall contain all of the following: 446

(1) An allegation of either of the following by the person 447
seeking the order: 448

(a) That the victim is in immediate and present danger of 449
domestic violence based on the officer's observations and an 450

allegation of a recent incident of domestic violence; 451

(b) That a child of the victim is in immediate and present 452
danger, based on the officer's observations and an allegation of 453
a recent incident of domestic violence. 454

(2) Whether the law enforcement officer making the request 455
is doing so with the consent of the victim or is making it 456
without the consent of the victim and, if the officer is making 457
it without the consent of the victim, the reason for which the 458
victim is unable to give the consent. 459

(B) When a request is made under division (A) of this 460
section, if the court finds probable cause based on the request 461
to believe that the victim or child of a victim is in immediate 462
danger based on an allegation of a recent incident of domestic 463
violence, the court shall approve the request and issue an 464
emergency protection order. If the request is made without the 465
consent of the victim, in addition to all other information 466
considered in determining whether to find probable cause for 467
that belief, the court shall consider the reason for which the 468
victim is unable to give the consent, as specified in the 469
request. 470

Absent such a finding of probable cause, the court shall 471
deny the request and shall not issue an emergency protection 472
order, and the law enforcement officer who made the request may 473
not make a request under division (A) of this section to a 474
different judge with respect to the same victim based on the 475
same allegation of a recent incident of domestic violence that 476
was included in the request that was denied. 477

(C) An emergency protection order issued under this 478
section may contain any of the following terms: 479

(1) That the alleged domestic violence offender refrain 480
from abusing, threatening, harassing, stalking, or forcing 481
sexual relations on a protected person; 482

(2) That the alleged domestic violence offender refrain 483
from entering or interfering with the residence, school, 484
business, place of employment, child care provider, or child 485
day-care center of a protected person; 486

(3) That the alleged domestic violence offender refrain 487
from initiating or having any contact with a protected person or 488
the residence, school, business, place of employment, child care 489
provider, or child day-care center of a protected person; 490

(4) That the alleged domestic violence offender refrain 491
from being within five hundred feet of a protected person. 492

(D) A court that orders an emergency protection order 493
under this section shall communicate the terms of the order by 494
reliable electronic means to an officer of the appropriate law 495
enforcement agency. Upon receiving the order, the law 496
enforcement officer shall do both of the following: 497

(1) Provide a copy of the order to each person protected 498
by the order; 499

(2) Provide a copy of the order to the alleged offender 500
who is subject to the order or inform the alleged offender of 501
the existence of the protection order. 502

(E) An emergency protection order issued under this 503
section is effective as soon as it is signed by the court and 504
shall remain in effect until the earliest of the following: 505

(1) Ninety-six hours after the order was signed; 506

(2) The first day that the court is open for business 507

after the day that the order was signed; 508

(3) The time at which the court, at the request of the 509
victim, terminates the order. 510

(F) As used in this section, "contact" includes telephone 511
contact; contact by text message, instant message, voice mail, 512
electronic mail, or social networking media; and contact by any 513
other means of communication. 514

Sec. 2919.27. (A) No person shall recklessly violate the 515
terms of any of the following: 516

(1) A protection order issued or consent agreement 517
approved pursuant to section 2919.26, 2919.261, or 3113.31 of 518
the Revised Code; 519

(2) A protection order issued pursuant to section 2151.34, 520
2903.213, or 2903.214 of the Revised Code; 521

(3) A protection order issued by a court of another state. 522

(B) (1) Whoever violates this section is guilty of 523
violating a protection order. 524

(2) Except as otherwise provided in division (B) (3) or (4) 525
of this section, violating a protection order is a misdemeanor 526
of the first degree. 527

(3) Violating a protection order is a felony of the fifth 528
degree if the offender previously has been convicted of, pleaded 529
guilty to, or been adjudicated a delinquent child for any of the 530
following: 531

(a) A violation of a protection order issued or consent 532
agreement approved pursuant to section 2151.34, 2903.213, 533
2903.214, 2919.26, 2919.261, or 3113.31 of the Revised Code; 534

(b) Two or more violations of section 2903.21, 2903.211, 535
2903.22, or 2911.211 of the Revised Code, or any combination of 536
those offenses, that involved the same person who is the subject 537
of the protection order or consent agreement; 538

(c) One or more violations of this section. 539

(4) If the offender violates a protection order or consent 540
agreement while committing a felony offense, violating a 541
protection order is a felony of the third degree. 542

(5) If the protection order violated by the offender was 543
an order issued pursuant to section 2151.34 or 2903.214 of the 544
Revised Code that required electronic monitoring of the offender 545
pursuant to that section, the court may require in addition to 546
any other sentence imposed upon the offender that the offender 547
be electronically monitored for a period not exceeding five 548
years by a law enforcement agency designated by the court. If 549
the court requires under this division that the offender be 550
electronically monitored, unless the court determines that the 551
offender is indigent, the court shall order that the offender 552
pay the costs of the installation of the electronic monitoring 553
device and the cost of monitoring the electronic monitoring 554
device. If the court determines that the offender is indigent 555
and subject to the maximum amount allowable and the rules 556
promulgated by the attorney general under section 2903.214 of 557
the Revised Code, the costs of the installation of the 558
electronic monitoring device and the cost of monitoring the 559
electronic monitoring device may be paid out of funds from the 560
reparations fund created pursuant to section 2743.191 of the 561
Revised Code. The total amount paid from the reparations fund 562
created pursuant to section 2743.191 of the Revised Code for 563
electronic monitoring under this section and sections 2151.34 564

and 2903.214 of the Revised Code shall not exceed three hundred 565
thousand dollars per year. 566

(C) It is an affirmative defense to a charge under 567
division (A) (3) of this section that the protection order issued 568
by a court of another state does not comply with the 569
requirements specified in 18 U.S.C. 2265(b) for a protection 570
order that must be accorded full faith and credit by a court of 571
this state or that it is not entitled to full faith and credit 572
under 18 U.S.C. 2265(c). 573

(D) In a prosecution for a violation of this section, it 574
is not necessary for the prosecution to prove that the 575
protection order or consent agreement was served on the 576
defendant if the prosecution proves that the defendant was shown 577
the protection order or consent agreement or a copy of either or 578
a judge, magistrate, or law enforcement officer informed the 579
defendant that a protection order or consent agreement had been 580
issued, and proves that the defendant recklessly violated the 581
terms of the order or agreement. 582

(E) As used in this section, "protection order issued by a 583
court of another state" means an injunction or another order 584
issued by a criminal court of another state for the purpose of 585
preventing violent or threatening acts or harassment against, 586
contact or communication with, or physical proximity to another 587
person, including a temporary order, and means an injunction or 588
order of that nature issued by a civil court of another state, 589
including a temporary order and a final order issued in an 590
independent action or as a pendente lite order in a proceeding 591
for other relief, if the court issued it in response to a 592
complaint, petition, or motion filed by or on behalf of a person 593
seeking protection. "Protection order issued by a court of 594

another state" does not include an order for support or for 595
custody of a child issued pursuant to the divorce and child 596
custody laws of another state, except to the extent that the 597
order for support or for custody of a child is entitled to full 598
faith and credit under the laws of the United States. 599

Sec. 2929.12. (A) Unless otherwise required by section 600
2929.13 or 2929.14 of the Revised Code, a court that imposes a 601
sentence under this chapter upon an offender for a felony has 602
discretion to determine the most effective way to comply with 603
the purposes and principles of sentencing set forth in section 604
2929.11 of the Revised Code. In exercising that discretion, the 605
court shall consider the factors set forth in divisions (B) and 606
(C) of this section relating to the seriousness of the conduct, 607
the factors provided in divisions (D) and (E) of this section 608
relating to the likelihood of the offender's recidivism, and the 609
factors set forth in division (F) of this section pertaining to 610
the offender's service in the armed forces of the United States 611
and, in addition, may consider any other factors that are 612
relevant to achieving those purposes and principles of 613
sentencing. 614

(B) The sentencing court shall consider all of the 615
following that apply regarding the offender, the offense, or the 616
victim, and any other relevant factors, as indicating that the 617
offender's conduct is more serious than conduct normally 618
constituting the offense: 619

(1) The physical or mental injury suffered by the victim 620
of the offense due to the conduct of the offender was 621
exacerbated because of the physical or mental condition or age 622
of the victim. 623

(2) The victim of the offense suffered serious physical, 624

psychological, or economic harm as a result of the offense. 625

(3) The offender held a public office or position of trust 626
in the community, and the offense related to that office or 627
position. 628

(4) The offender's occupation, elected office, or 629
profession obliged the offender to prevent the offense or bring 630
others committing it to justice. 631

(5) The offender's professional reputation or occupation, 632
elected office, or profession was used to facilitate the offense 633
or is likely to influence the future conduct of others. 634

(6) The offender's relationship with the victim 635
facilitated the offense. 636

(7) The offender committed the offense for hire or as a 637
part of an organized criminal activity. 638

(8) In committing the offense, the offender was motivated 639
by prejudice based on race, ethnic background, gender, sexual 640
orientation, or religion. 641

(9) If the offense is a violation of section 2919.25 or a 642
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 643
Code involving a person who was a family or household member at 644
the time of the violation, the offender committed the offense in 645
the vicinity of one or more children who are not victims of the 646
offense, and the offender or the victim of the offense is a 647
parent, guardian, custodian, or person in loco parentis of one 648
or more of those children. 649

(C) The sentencing court shall consider all of the 650
following that apply regarding the offender, the offense, or the 651
victim, and any other relevant factors, as indicating that the 652

offender's conduct is less serious than conduct normally 653
constituting the offense: 654

(1) The victim induced or facilitated the offense. 655

(2) In committing the offense, the offender acted under 656
strong provocation. 657

(3) In committing the offense, the offender did not cause 658
or expect to cause physical harm to any person or property. 659

(4) There are substantial grounds to mitigate the 660
offender's conduct, although the grounds are not enough to 661
constitute a defense. 662

(D) The sentencing court shall consider all of the 663
following that apply regarding the offender, and any other 664
relevant factors, as factors indicating that the offender is 665
likely to commit future crimes: 666

(1) At the time of committing the offense, the offender 667
was under release from confinement before trial or sentencing; 668
was under a sanction imposed pursuant to section 2929.16, 669
2929.17, or 2929.18 of the Revised Code; was under post-release 670
control pursuant to section 2967.28 or any other provision of 671
the Revised Code for an earlier offense or had been unfavorably 672
terminated from post-release control for a prior offense 673
pursuant to division (B) of section 2967.16 or section 2929.141 674
of the Revised Code; was under transitional control in 675
connection with a prior offense; or had absconded from the 676
offender's approved community placement resulting in the 677
offender's removal from the transitional control program under 678
section 2967.26 of the Revised Code. 679

(2) The offender previously was adjudicated a delinquent 680
child pursuant to Chapter 2151. of the Revised Code prior to 681

January 1, 2002, or pursuant to Chapter 2152. of the Revised 682
Code, or the offender has a history of criminal convictions. 683

(3) The offender has not been rehabilitated to a 684
satisfactory degree after previously being adjudicated a 685
delinquent child pursuant to Chapter 2151. of the Revised Code 686
prior to January 1, 2002, or pursuant to Chapter 2152. of the 687
Revised Code, or the offender has not responded favorably to 688
sanctions previously imposed for criminal convictions. 689

(4) The offender has demonstrated a pattern of drug or 690
alcohol abuse that is related to the offense, and the offender 691
refuses to acknowledge that the offender has demonstrated that 692
pattern, or the offender refuses treatment for the drug or 693
alcohol abuse. 694

(5) The offender shows no genuine remorse for the offense. 695

(E) The sentencing court shall consider all of the 696
following that apply regarding the offender, and any other 697
relevant factors, as factors indicating that the offender is not 698
likely to commit future crimes: 699

(1) Prior to committing the offense, the offender had not 700
been adjudicated a delinquent child. 701

(2) Prior to committing the offense, the offender had not 702
been convicted of or pleaded guilty to a criminal offense. 703

(3) Prior to committing the offense, the offender had led 704
a law-abiding life for a significant number of years. 705

(4) The offense was committed under circumstances not 706
likely to recur. 707

(5) The offender shows genuine remorse for the offense. 708

(F) The sentencing court shall consider the offender's 709
military service record and whether the offender has an 710
emotional, mental, or physical condition that is traceable to 711
the offender's service in the armed forces of the United States 712
and that was a contributing factor in the offender's commission 713
of the offense or offenses. 714

(G) The sentencing court shall consider the results of any 715
screening conducted in the case under division (A) (2) (e) of 716
section 2935.032 of the Revised Code, if any such results are 717
available. 718

Sec. 2929.13. (A) Except as provided in division (E), (F), 719
or (G) of this section and unless a specific sanction is 720
required to be imposed or is precluded from being imposed 721
pursuant to law, a court that imposes a sentence upon an 722
offender for a felony may impose any sanction or combination of 723
sanctions on the offender that are provided in sections 2929.14 724
to 2929.18 of the Revised Code. 725

If the offender is eligible to be sentenced to community 726
control sanctions, the court shall consider the appropriateness 727
of imposing a financial sanction pursuant to section 2929.18 of 728
the Revised Code or a sanction of community service pursuant to 729
section 2929.17 of the Revised Code as the sole sanction for the 730
offense. Except as otherwise provided in this division, if the 731
court is required to impose a mandatory prison term for the 732
offense for which sentence is being imposed, the court also 733
shall impose any financial sanction pursuant to section 2929.18 734
of the Revised Code that is required for the offense and may 735
impose any other financial sanction pursuant to that section but 736
may not impose any additional sanction or combination of 737
sanctions under section 2929.16 or 2929.17 of the Revised Code. 738

If the offender is being sentenced for a fourth degree 739
felony OVI offense or for a third degree felony OVI offense, in 740
addition to the mandatory term of local incarceration or the 741
mandatory prison term required for the offense by division (G) 742
(1) or (2) of this section, the court shall impose upon the 743
offender a mandatory fine in accordance with division (B)(3) of 744
section 2929.18 of the Revised Code and may impose whichever of 745
the following is applicable: 746

(1) For a fourth degree felony OVI offense for which 747
sentence is imposed under division (G)(1) of this section, an 748
additional community control sanction or combination of 749
community control sanctions under section 2929.16 or 2929.17 of 750
the Revised Code. If the court imposes upon the offender a 751
community control sanction and the offender violates any 752
condition of the community control sanction, the court may take 753
any action prescribed in division (B) of section 2929.15 of the 754
Revised Code relative to the offender, including imposing a 755
prison term on the offender pursuant to that division. 756

(2) For a third or fourth degree felony OVI offense for 757
which sentence is imposed under division (G)(2) of this section, 758
an additional prison term as described in division (B)(4) of 759
section 2929.14 of the Revised Code or a community control 760
sanction as described in division (G)(2) of this section. 761

(B)(1)(a) Except as provided in division (B)(1)(b) of this 762
section, if an offender is convicted of or pleads guilty to a 763
felony of the fourth or fifth degree that is not an offense of 764
violence or that is a qualifying assault offense, the court 765
shall sentence the offender to a community control sanction or 766
combination of community control sanctions if all of the 767
following apply: 768

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.	769 770
(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.	771 772
(iii) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.	773 774 775 776
(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:	777 778 779 780 781
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	782 783 784
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	785 786 787 788 789
(iii) The offender violated a term of the conditions of bond as set by the court.	790 791
(iv) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.	792 793 794
(v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with	795 796

a deadly weapon. 797

(vi) In committing the offense, the offender attempted to 798
cause or made an actual threat of physical harm to a person, and 799
the offender previously was convicted of an offense that caused 800
physical harm to a person. 801

(vii) The offender held a public office or position of 802
trust, and the offense related to that office or position; the 803
offender's position obliged the offender to prevent the offense 804
or to bring those committing it to justice; or the offender's 805
professional reputation or position facilitated the offense or 806
was likely to influence the future conduct of others. 807

(viii) The offender committed the offense for hire or as 808
part of an organized criminal activity. 809

(ix) The offender at the time of the offense was serving, 810
or the offender previously had served, a prison term. 811

(x) The offender committed the offense while under a 812
community control sanction, while on probation, or while 813
released from custody on a bond or personal recognizance. 814

(c) A sentencing court may impose an additional penalty 815
under division (B) of section 2929.15 of the Revised Code upon 816
an offender sentenced to a community control sanction under 817
division (B)(1)(a) of this section if the offender violates the 818
conditions of the community control sanction, violates a law, or 819
leaves the state without the permission of the court or the 820
offender's probation officer. 821

(2) If division (B)(1) of this section does not apply, 822
except as provided in division (E), (F), or (G) of this section, 823
in determining whether to impose a prison term as a sanction for 824
a felony of the fourth or fifth degree, the sentencing court 825

shall comply with the purposes and principles of sentencing 826
under section 2929.11 of the Revised Code and with section 827
2929.12 of the Revised Code. 828

(C) Except as provided in division (D), (E), (F), or (G) 829
of this section, in determining whether to impose a prison term 830
as a sanction for a felony of the third degree or a felony drug 831
offense that is a violation of a provision of Chapter 2925. of 832
the Revised Code and that is specified as being subject to this 833
division for purposes of sentencing, the sentencing court shall 834
comply with the purposes and principles of sentencing under 835
section 2929.11 of the Revised Code and with section 2929.12 of 836
the Revised Code. 837

(D) (1) Except as provided in division (E) or (F) of this 838
section, for a felony of the first or second degree, for a 839
felony drug offense that is a violation of any provision of 840
Chapter 2925., 3719., or 4729. of the Revised Code for which a 841
presumption in favor of a prison term is specified as being 842
applicable, and for a violation of division (A) (4) or (B) of 843
section 2907.05 of the Revised Code for which a presumption in 844
favor of a prison term is specified as being applicable, it is 845
presumed that a prison term is necessary in order to comply with 846
the purposes and principles of sentencing under section 2929.11 847
of the Revised Code. Division (D) (2) of this section does not 848
apply to a presumption established under this division for a 849
violation of division (A) (4) of section 2907.05 of the Revised 850
Code. 851

(2) Notwithstanding the presumption established under 852
division (D) (1) of this section for the offenses listed in that 853
division other than a violation of division (A) (4) or (B) of 854
section 2907.05 of the Revised Code, the sentencing court may 855

impose a community control sanction or a combination of 856
community control sanctions instead of a prison term on an 857
offender for a felony of the first or second degree or for a 858
felony drug offense that is a violation of any provision of 859
Chapter 2925., 3719., or 4729. of the Revised Code for which a 860
presumption in favor of a prison term is specified as being 861
applicable if it makes both of the following findings: 862

(a) A community control sanction or a combination of 863
community control sanctions would adequately punish the offender 864
and protect the public from future crime, because the applicable 865
factors under section 2929.12 of the Revised Code indicating a 866
lesser likelihood of recidivism outweigh the applicable factors 867
under that section indicating a greater likelihood of 868
recidivism. 869

(b) A community control sanction or a combination of 870
community control sanctions would not demean the seriousness of 871
the offense, because one or more factors under section 2929.12 872
of the Revised Code that indicate that the offender's conduct 873
was less serious than conduct normally constituting the offense 874
are applicable, and they outweigh the applicable factors under 875
that section that indicate that the offender's conduct was more 876
serious than conduct normally constituting the offense. 877

(E) (1) Except as provided in division (F) of this section, 878
for any drug offense that is a violation of any provision of 879
Chapter 2925. of the Revised Code and that is a felony of the 880
third, fourth, or fifth degree, the applicability of a 881
presumption under division (D) of this section in favor of a 882
prison term or of division (B) or (C) of this section in 883
determining whether to impose a prison term for the offense 884
shall be determined as specified in section 2925.02, 2925.03, 885

2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 886
2925.36, or 2925.37 of the Revised Code, whichever is applicable 887
regarding the violation. 888

(2) If an offender who was convicted of or pleaded guilty 889
to a felony violates the conditions of a community control 890
sanction imposed for the offense solely by reason of producing 891
positive results on a drug test or by acting pursuant to 892
division (B) (2) (b) of section 2925.11 of the Revised Code with 893
respect to a minor drug possession offense, the court, as 894
punishment for the violation of the sanction, shall not order 895
that the offender be imprisoned unless the court determines on 896
the record either of the following: 897

(a) The offender had been ordered as a sanction for the 898
felony to participate in a drug treatment program, in a drug 899
education program, or in narcotics anonymous or a similar 900
program, and the offender continued to use illegal drugs after a 901
reasonable period of participation in the program. 902

(b) The imprisonment of the offender for the violation is 903
consistent with the purposes and principles of sentencing set 904
forth in section 2929.11 of the Revised Code. 905

(3) A court that sentences an offender for a drug abuse 906
offense that is a felony of the third, fourth, or fifth degree 907
may require that the offender be assessed by a properly 908
credentialed professional within a specified period of time. The 909
court shall require the professional to file a written 910
assessment of the offender with the court. If the offender is 911
eligible for a community control sanction and after considering 912
the written assessment, the court may impose a community control 913
sanction that includes addiction services and recovery supports 914
included in a community-based continuum of care established 915

under section 340.032 of the Revised Code. If the court imposes 916
addiction services and recovery supports as a community control 917
sanction, the court shall direct the level and type of addiction 918
services and recovery supports after considering the assessment 919
and recommendation of community addiction services providers. 920

(F) Notwithstanding divisions (A) to (E) of this section, 921
the court shall impose a prison term or terms under sections 922
2929.02 to 2929.06, section 2929.14, section 2929.142, or 923
section 2971.03 of the Revised Code and except as specifically 924
provided in section 2929.20, divisions (C) to (I) of section 925
2967.19, or section 2967.191 of the Revised Code or when parole 926
is authorized for the offense under section 2967.13 of the 927
Revised Code shall not reduce the term or terms pursuant to 928
section 2929.20, section 2967.19, section 2967.193, or any other 929
provision of Chapter 2967. or Chapter 5120. of the Revised Code 930
for any of the following offenses: 931

(1) Aggravated murder when death is not imposed or murder; 932

(2) Any rape, regardless of whether force was involved and 933
regardless of the age of the victim, or an attempt to commit 934
rape if, had the offender completed the rape that was attempted, 935
the offender would have been guilty of a violation of division 936
(A) (1) (b) of section 2907.02 of the Revised Code and would be 937
sentenced under section 2971.03 of the Revised Code; 938

(3) Gross sexual imposition or sexual battery, if the 939
victim is less than thirteen years of age and if any of the 940
following applies: 941

(a) Regarding gross sexual imposition, the offender 942
previously was convicted of or pleaded guilty to rape, the 943
former offense of felonious sexual penetration, gross sexual 944

imposition, or sexual battery, and the victim of the previous 945
offense was less than thirteen years of age; 946

(b) Regarding gross sexual imposition, the offense was 947
committed on or after August 3, 2006, and evidence other than 948
the testimony of the victim was admitted in the case 949
corroborating the violation. 950

(c) Regarding sexual battery, either of the following 951
applies: 952

(i) The offense was committed prior to August 3, 2006, the 953
offender previously was convicted of or pleaded guilty to rape, 954
the former offense of felonious sexual penetration, or sexual 955
battery, and the victim of the previous offense was less than 956
thirteen years of age. 957

(ii) The offense was committed on or after August 3, 2006. 958

(4) A felony violation of section 2903.04, 2903.06, 959
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 960
or 2923.132 of the Revised Code if the section requires the 961
imposition of a prison term; 962

(5) A first, second, or third degree felony drug offense 963
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 964
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 965
or 4729.99 of the Revised Code, whichever is applicable 966
regarding the violation, requires the imposition of a mandatory 967
prison term; 968

(6) Any offense that is a first or second degree felony 969
and that is not set forth in division (F) (1), (2), (3), or (4) 970
of this section, if the offender previously was convicted of or 971
pleaded guilty to aggravated murder, murder, any first or second 972
degree felony, or an offense under an existing or former law of 973

this state, another state, or the United States that is or was 974
substantially equivalent to one of those offenses; 975

(7) Any offense that is a third degree felony and either 976
is a violation of section 2903.04 of the Revised Code or an 977
attempt to commit a felony of the second degree that is an 978
offense of violence and involved an attempt to cause serious 979
physical harm to a person or that resulted in serious physical 980
harm to a person if the offender previously was convicted of or 981
pleaded guilty to any of the following offenses: 982

(a) Aggravated murder, murder, involuntary manslaughter, 983
rape, felonious sexual penetration as it existed under section 984
2907.12 of the Revised Code prior to September 3, 1996, a felony 985
of the first or second degree that resulted in the death of a 986
person or in physical harm to a person, or complicity in or an 987
attempt to commit any of those offenses; 988

(b) An offense under an existing or former law of this 989
state, another state, or the United States that is or was 990
substantially equivalent to an offense listed in division (F) (7) 991
(a) of this section that resulted in the death of a person or in 992
physical harm to a person. 993

(8) Any offense, other than a violation of section 2923.12 994
of the Revised Code, that is a felony, if the offender had a 995
firearm on or about the offender's person or under the 996
offender's control while committing the felony, with respect to 997
a portion of the sentence imposed pursuant to division (B) (1) (a) 998
of section 2929.14 of the Revised Code for having the firearm; 999

(9) Any offense of violence that is a felony, if the 1000
offender wore or carried body armor while committing the felony 1001
offense of violence, with respect to the portion of the sentence 1002

imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

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

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

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

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

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

imposed pursuant to division (B)(6) of section 2929.14 of the Revised Code; 1032
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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; 1034
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(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, a violation of division (A)(1) or (2) of section 2907.323 of the Revised Code that involves a minor, 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; 1037
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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)~~(E)(3), (4), or (5) of that section, and division ~~(D)(6)~~(E)(8) of that section, require the imposition of a prison term; 1047
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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; 1051
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(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 1057
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brandished the firearm, indicated that the offender possessed a 1061
firearm, or used the firearm to facilitate the offense, with 1062
respect to the portion of the sentence imposed under division 1063
(K) of section 2929.14 of the Revised Code. 1064

(b) As used in division (F)(19)(a) of this section, 1065
"violent career criminal" and "violent felony offense" have the 1066
same meanings as in section 2923.132 of the Revised Code. 1067

(20) Any violation of division (A)(1) of section 2903.11 1068
of the Revised Code if the offender used an accelerant in 1069
committing the violation and the serious physical harm to 1070
another or another's unborn caused by the violation resulted in 1071
a permanent, serious disfigurement or permanent, substantial 1072
incapacity or any violation of division (A)(2) of that section 1073
if the offender used an accelerant in committing the violation, 1074
the violation caused physical harm to another or another's 1075
unborn, and the physical harm resulted in a permanent, serious 1076
disfigurement or permanent, substantial incapacity, with respect 1077
to a portion of the sentence imposed pursuant to division (B)(9) 1078
of section 2929.14 of the Revised Code. The provisions of this 1079
division and of division (D)(2) of section 2903.11, divisions 1080
(B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of 1081
the Revised Code shall be known as "Judy's Law." 1082

(21) Any violation of division (A) of section 2903.11 of 1083
the Revised Code if the victim of the offense suffered permanent 1084
disabling harm as a result of the offense and the victim was 1085
under ten years of age at the time of the offense, with respect 1086
to a portion of the sentence imposed pursuant to division (B) 1087
(10) of section 2929.14 of the Revised Code. 1088

(22) A felony violation of section 2925.03, 2925.05, or 1089
2925.11 of the Revised Code, if the drug involved in the 1090

violation is a fentanyl-related compound or a compound, mixture, 1091
preparation, or substance containing a fentanyl-related compound 1092
and the offender is convicted of or pleads guilty to a 1093
specification of the type described in division (B) of section 1094
2941.1410 of the Revised Code that was included in the 1095
indictment, count in the indictment, or information charging the 1096
offense, with respect to the portion of the sentence imposed 1097
under division (B) (11) of section 2929.14 of the Revised Code. 1098

(G) Notwithstanding divisions (A) to (E) of this section, 1099
if an offender is being sentenced for a fourth degree felony OVI 1100
offense or for a third degree felony OVI offense, the court 1101
shall impose upon the offender a mandatory term of local 1102
incarceration or a mandatory prison term in accordance with the 1103
following: 1104

(1) If the offender is being sentenced for a fourth degree 1105
felony OVI offense and if the offender has not been convicted of 1106
and has not pleaded guilty to a specification of the type 1107
described in section 2941.1413 of the Revised Code, the court 1108
may impose upon the offender a mandatory term of local 1109
incarceration of sixty days or one hundred twenty days as 1110
specified in division (G) (1) (d) of section 4511.19 of the 1111
Revised Code. The court shall not reduce the term pursuant to 1112
section 2929.20, 2967.193, or any other provision of the Revised 1113
Code. The court that imposes a mandatory term of local 1114
incarceration under this division shall specify whether the term 1115
is to be served in a jail, a community-based correctional 1116
facility, a halfway house, or an alternative residential 1117
facility, and the offender shall serve the term in the type of 1118
facility specified by the court. A mandatory term of local 1119
incarceration imposed under division (G) (1) of this section is 1120
not subject to any other Revised Code provision that pertains to 1121

a prison term except as provided in division (A) (1) of this 1122
section. 1123

(2) If the offender is being sentenced for a third degree 1124
felony OVI offense, or if the offender is being sentenced for a 1125
fourth degree felony OVI offense and the court does not impose a 1126
mandatory term of local incarceration under division (G) (1) of 1127
this section, the court shall impose upon the offender a 1128
mandatory prison term of one, two, three, four, or five years if 1129
the offender also is convicted of or also pleads guilty to a 1130
specification of the type described in section 2941.1413 of the 1131
Revised Code or shall impose upon the offender a mandatory 1132
prison term of sixty days or one hundred twenty days as 1133
specified in division (G) (1) (d) or (e) of section 4511.19 of the 1134
Revised Code if the offender has not been convicted of and has 1135
not pleaded guilty to a specification of that type. Subject to 1136
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1137
court shall not reduce the term pursuant to section 2929.20, 1138
2967.19, 2967.193, or any other provision of the Revised Code. 1139
The offender shall serve the one-, two-, three-, four-, or five- 1140
year mandatory prison term consecutively to and prior to the 1141
prison term imposed for the underlying offense and consecutively 1142
to any other mandatory prison term imposed in relation to the 1143
offense. In no case shall an offender who once has been 1144
sentenced to a mandatory term of local incarceration pursuant to 1145
division (G) (1) of this section for a fourth degree felony OVI 1146
offense be sentenced to another mandatory term of local 1147
incarceration under that division for any violation of division 1148
(A) of section 4511.19 of the Revised Code. In addition to the 1149
mandatory prison term described in division (G) (2) of this 1150
section, the court may sentence the offender to a community 1151
control sanction under section 2929.16 or 2929.17 of the Revised 1152

Code, but the offender shall serve the prison term prior to 1153
serving the community control sanction. The department of 1154
rehabilitation and correction may place an offender sentenced to 1155
a mandatory prison term under this division in an intensive 1156
program prison established pursuant to section 5120.033 of the 1157
Revised Code if the department gave the sentencing judge prior 1158
notice of its intent to place the offender in an intensive 1159
program prison established under that section and if the judge 1160
did not notify the department that the judge disapproved the 1161
placement. Upon the establishment of the initial intensive 1162
program prison pursuant to section 5120.033 of the Revised Code 1163
that is privately operated and managed by a contractor pursuant 1164
to a contract entered into under section 9.06 of the Revised 1165
Code, both of the following apply: 1166

(a) The department of rehabilitation and correction shall 1167
make a reasonable effort to ensure that a sufficient number of 1168
offenders sentenced to a mandatory prison term under this 1169
division are placed in the privately operated and managed prison 1170
so that the privately operated and managed prison has full 1171
occupancy. 1172

(b) Unless the privately operated and managed prison has 1173
full occupancy, the department of rehabilitation and correction 1174
shall not place any offender sentenced to a mandatory prison 1175
term under this division in any intensive program prison 1176
established pursuant to section 5120.033 of the Revised Code 1177
other than the privately operated and managed prison. 1178

(H) If an offender is being sentenced for a sexually 1179
oriented offense or child-victim oriented offense that is a 1180
felony committed on or after January 1, 1997, the judge shall 1181
require the offender to submit to a DNA specimen collection 1182

procedure pursuant to section 2901.07 of the Revised Code. 1183

(I) If an offender is being sentenced for a sexually 1184
oriented offense or a child-victim oriented offense committed on 1185
or after January 1, 1997, the judge shall include in the 1186
sentence a summary of the offender's duties imposed under 1187
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1188
Code and the duration of the duties. The judge shall inform the 1189
offender, at the time of sentencing, of those duties and of 1190
their duration. If required under division (A) (2) of section 1191
2950.03 of the Revised Code, the judge shall perform the duties 1192
specified in that section, or, if required under division (A) (6) 1193
of section 2950.03 of the Revised Code, the judge shall perform 1194
the duties specified in that division. 1195

(J) (1) Except as provided in division (J) (2) of this 1196
section, when considering sentencing factors under this section 1197
in relation to an offender who is convicted of or pleads guilty 1198
to an attempt to commit an offense in violation of section 1199
2923.02 of the Revised Code, the sentencing court shall consider 1200
the factors applicable to the felony category of the violation 1201
of section 2923.02 of the Revised Code instead of the factors 1202
applicable to the felony category of the offense attempted. 1203

(2) When considering sentencing factors under this section 1204
in relation to an offender who is convicted of or pleads guilty 1205
to an attempt to commit a drug abuse offense for which the 1206
penalty is determined by the amount or number of unit doses of 1207
the controlled substance involved in the drug abuse offense, the 1208
sentencing court shall consider the factors applicable to the 1209
felony category that the drug abuse offense attempted would be 1210
if that drug abuse offense had been committed and had involved 1211
an amount or number of unit doses of the controlled substance 1212

that is within the next lower range of controlled substance 1213
amounts than was involved in the attempt. 1214

(K) As used in this section: 1215

(1) "Community addiction services provider" has the same 1216
meaning as in section 5119.01 of the Revised Code. 1217

(2) "Drug abuse offense" has the same meaning as in 1218
section 2925.01 of the Revised Code. 1219

(3) "Minor drug possession offense" has the same meaning 1220
as in section 2925.11 of the Revised Code. 1221

(4) "Qualifying assault offense" means a violation of 1222
section 2903.13 of the Revised Code for which the penalty 1223
provision in division (C) (8) (b) or (C) (9) (b) of that section 1224
applies. 1225

(L) At the time of sentencing an offender for any sexually 1226
oriented offense, if the offender is a tier III sex 1227
offender/child-victim offender relative to that offense and the 1228
offender does not serve a prison term or jail term, the court 1229
may require that the offender be monitored by means of a global 1230
positioning device. If the court requires such monitoring, the 1231
cost of monitoring shall be borne by the offender. If the 1232
offender is indigent, the cost of compliance shall be paid by 1233
the crime victims reparations fund. 1234

Sec. 2929.14. (A) Except as provided in division (B) (1), 1235
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1236
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1237
in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code 1238
and except in relation to an offense for which a sentence of 1239
death or life imprisonment is to be imposed, if the court 1240
imposing a sentence upon an offender for a felony elects or is 1241

required to impose a prison term on the offender pursuant to 1242
this chapter, the court shall impose a prison term that shall be 1243
one of the following: 1244

(1) (a) For a felony of the first degree committed on or 1245
after the effective date of this amendment, the prison term 1246
shall be an indefinite prison term with a stated minimum term 1247
selected by the court of three, four, five, six, seven, eight, 1248
nine, ten, or eleven years and a maximum term that is determined 1249
pursuant to section 2929.144 of the Revised Code, except that if 1250
the section that criminalizes the conduct constituting the 1251
felony specifies a different minimum term or penalty for the 1252
offense, the specific language of that section shall control in 1253
determining the minimum term or otherwise sentencing the 1254
offender but the minimum term or sentence imposed under that 1255
specific language shall be considered for purposes of the 1256
Revised Code as if it had been imposed under this division. 1257

(b) For a felony of the first degree committed prior to 1258
the effective date of this amendment, the prison term shall be a 1259
definite prison term of three, four, five, six, seven, eight, 1260
nine, ten, or eleven years. 1261

(2) (a) For a felony of the second degree committed on or 1262
after the effective date of this amendment, the prison term 1263
shall be an indefinite prison term with a stated minimum term 1264
selected by the court of two, three, four, five, six, seven, or 1265
eight years and a maximum term that is determined pursuant to 1266
section 2929.144 of the Revised Code, except that if the section 1267
that criminalizes the conduct constituting the felony specifies 1268
a different minimum term or penalty for the offense, the 1269
specific language of that section shall control in determining 1270
the minimum term or otherwise sentencing the offender but the 1271

minimum term or sentence imposed under that specific language 1272
shall be considered for purposes of the Revised Code as if it 1273
had been imposed under this division. 1274

(b) For a felony of the second degree committed prior to 1275
the effective date of this amendment, the prison term shall be a 1276
definite term of two, three, four, five, six, seven, or eight 1277
years. 1278

(3) (a) For a felony of the third degree that is a 1279
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1280
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1281
Code or that is a violation of section 2911.02 or 2911.12 of the 1282
Revised Code if the offender previously has been convicted of or 1283
pleaded guilty in two or more separate proceedings to two or 1284
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1285
of the Revised Code, the prison term shall be a definite term of 1286
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1287
forty-eight, fifty-four, or sixty months. 1288

(b) For a felony of the third degree that is not an 1289
offense for which division (A) (3) (a) of this section applies, 1290
the prison term shall be a definite term of nine, twelve, 1291
eighteen, twenty-four, thirty, or thirty-six months. 1292

(4) For a felony of the fourth degree, the prison term 1293
shall be a definite term of six, seven, eight, nine, ten, 1294
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1295
or eighteen months. 1296

(5) For a felony of the fifth degree, the prison term 1297
shall be a definite term of six, seven, eight, nine, ten, 1298
eleven, or twelve months. 1299

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1300

section, if an offender who is convicted of or pleads guilty to 1301
a felony also is convicted of or pleads guilty to a 1302
specification of the type described in section 2941.141, 1303
2941.144, or 2941.145 of the Revised Code, the court shall 1304
impose on the offender one of the following prison terms: 1305

(i) A prison term of six years if the specification is of 1306
the type described in division (A) of section 2941.144 of the 1307
Revised Code that charges the offender with having a firearm 1308
that is an automatic firearm or that was equipped with a firearm 1309
muffler or suppressor on or about the offender's person or under 1310
the offender's control while committing the offense; 1311

(ii) A prison term of three years if the specification is 1312
of the type described in division (A) of section 2941.145 of the 1313
Revised Code that charges the offender with having a firearm on 1314
or about the offender's person or under the offender's control 1315
while committing the offense and displaying the firearm, 1316
brandishing the firearm, indicating that the offender possessed 1317
the firearm, or using it to facilitate the offense; 1318

(iii) A prison term of one year if the specification is of 1319
the type described in division (A) of section 2941.141 of the 1320
Revised Code that charges the offender with having a firearm on 1321
or about the offender's person or under the offender's control 1322
while committing the offense; 1323

(iv) A prison term of nine years if the specification is 1324
of the type described in division (D) of section 2941.144 of the 1325
Revised Code that charges the offender with having a firearm 1326
that is an automatic firearm or that was equipped with a firearm 1327
muffler or suppressor on or about the offender's person or under 1328
the offender's control while committing the offense and 1329
specifies that the offender previously has been convicted of or 1330

pleaded guilty to a specification of the type described in 1331
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1332
the Revised Code; 1333

(v) A prison term of fifty-four months if the 1334
specification is of the type described in division (D) of 1335
section 2941.145 of the Revised Code that charges the offender 1336
with having a firearm on or about the offender's person or under 1337
the offender's control while committing the offense and 1338
displaying the firearm, brandishing the firearm, indicating that 1339
the offender possessed the firearm, or using the firearm to 1340
facilitate the offense and that the offender previously has been 1341
convicted of or pleaded guilty to a specification of the type 1342
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1343
2941.1412 of the Revised Code; 1344

(vi) A prison term of eighteen months if the specification 1345
is of the type described in division (D) of section 2941.141 of 1346
the Revised Code that charges the offender with having a firearm 1347
on or about the offender's person or under the offender's 1348
control while committing the offense and that the offender 1349
previously has been convicted of or pleaded guilty to a 1350
specification of the type described in section 2941.141, 1351
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1352

(b) If a court imposes a prison term on an offender under 1353
division (B)(1)(a) of this section, the prison term shall not be 1354
reduced pursuant to section 2967.19, section 2929.20, section 1355
2967.193, or any other provision of Chapter 2967. or Chapter 1356
5120. of the Revised Code. Except as provided in division (B)(1) 1357
(g) of this section, a court shall not impose more than one 1358
prison term on an offender under division (B)(1)(a) of this 1359
section for felonies committed as part of the same act or 1360

transaction. 1361

(c) (i) Except as provided in division (B) (1) (e) of this 1362
section, if an offender who is convicted of or pleads guilty to 1363
a violation of section 2923.161 of the Revised Code or to a 1364
felony that includes, as an essential element, purposely or 1365
knowingly causing or attempting to cause the death of or 1366
physical harm to another, also is convicted of or pleads guilty 1367
to a specification of the type described in division (A) of 1368
section 2941.146 of the Revised Code that charges the offender 1369
with committing the offense by discharging a firearm from a 1370
motor vehicle other than a manufactured home, the court, after 1371
imposing a prison term on the offender for the violation of 1372
section 2923.161 of the Revised Code or for the other felony 1373
offense under division (A), (B) (2), or (B) (3) of this section, 1374
shall impose an additional prison term of five years upon the 1375
offender that shall not be reduced pursuant to section 2929.20, 1376
section 2967.19, section 2967.193, or any other provision of 1377
Chapter 2967. or Chapter 5120. of the Revised Code. 1378

(ii) Except as provided in division (B) (1) (e) of this 1379
section, if an offender who is convicted of or pleads guilty to 1380
a violation of section 2923.161 of the Revised Code or to a 1381
felony that includes, as an essential element, purposely or 1382
knowingly causing or attempting to cause the death of or 1383
physical harm to another, also is convicted of or pleads guilty 1384
to a specification of the type described in division (C) of 1385
section 2941.146 of the Revised Code that charges the offender 1386
with committing the offense by discharging a firearm from a 1387
motor vehicle other than a manufactured home and that the 1388
offender previously has been convicted of or pleaded guilty to a 1389
specification of the type described in section 2941.141, 1390
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1391

the court, after imposing a prison term on the offender for the 1392
violation of section 2923.161 of the Revised Code or for the 1393
other felony offense under division (A), (B) (2), or (3) of this 1394
section, shall impose an additional prison term of ninety months 1395
upon the offender that shall not be reduced pursuant to section 1396
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1397
2967. or Chapter 5120. of the Revised Code. 1398

(iii) A court shall not impose more than one additional 1399
prison term on an offender under division (B) (1) (c) of this 1400
section for felonies committed as part of the same act or 1401
transaction. If a court imposes an additional prison term on an 1402
offender under division (B) (1) (c) of this section relative to an 1403
offense, the court also shall impose a prison term under 1404
division (B) (1) (a) of this section relative to the same offense, 1405
provided the criteria specified in that division for imposing an 1406
additional prison term are satisfied relative to the offender 1407
and the offense. 1408

(d) If an offender who is convicted of or pleads guilty to 1409
an offense of violence that is a felony also is convicted of or 1410
pleads guilty to a specification of the type described in 1411
section 2941.1411 of the Revised Code that charges the offender 1412
with wearing or carrying body armor while committing the felony 1413
offense of violence, the court shall impose on the offender an 1414
additional prison term of two years. The prison term so imposed, 1415
subject to divisions (C) to (I) of section 2967.19 of the 1416
Revised Code, shall not be reduced pursuant to section 2929.20, 1417
section 2967.19, section 2967.193, or any other provision of 1418
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1419
shall not impose more than one prison term on an offender under 1420
division (B) (1) (d) of this section for felonies committed as 1421
part of the same act or transaction. If a court imposes an 1422

additional prison term under division (B) (1) (a) or (c) of this 1423
section, the court is not precluded from imposing an additional 1424
prison term under division (B) (1) (d) of this section. 1425

(e) The court shall not impose any of the prison terms 1426
described in division (B) (1) (a) of this section or any of the 1427
additional prison terms described in division (B) (1) (c) of this 1428
section upon an offender for a violation of section 2923.12 or 1429
2923.123 of the Revised Code. The court shall not impose any of 1430
the prison terms described in division (B) (1) (a) or (b) of this 1431
section upon an offender for a violation of section 2923.122 1432
that involves a deadly weapon that is a firearm other than a 1433
dangerous ordnance, section 2923.16, or section 2923.121 of the 1434
Revised Code. The court shall not impose any of the prison terms 1435
described in division (B) (1) (a) of this section or any of the 1436
additional prison terms described in division (B) (1) (c) of this 1437
section upon an offender for a violation of section 2923.13 of 1438
the Revised Code unless all of the following apply: 1439

(i) The offender previously has been convicted of 1440
aggravated murder, murder, or any felony of the first or second 1441
degree. 1442

(ii) Less than five years have passed since the offender 1443
was released from prison or post-release control, whichever is 1444
later, for the prior offense. 1445

(f) (i) If an offender is convicted of or pleads guilty to 1446
a felony that includes, as an essential element, causing or 1447
attempting to cause the death of or physical harm to another and 1448
also is convicted of or pleads guilty to a specification of the 1449
type described in division (A) of section 2941.1412 of the 1450
Revised Code that charges the offender with committing the 1451
offense by discharging a firearm at a peace officer as defined 1452

in section 2935.01 of the Revised Code or a corrections officer, 1453
as defined in section 2941.1412 of the Revised Code, the court, 1454
after imposing a prison term on the offender for the felony 1455
offense under division (A), (B) (2), or (B) (3) of this section, 1456
shall impose an additional prison term of seven years upon the 1457
offender that shall not be reduced pursuant to section 2929.20, 1458
section 2967.19, section 2967.193, or any other provision of 1459
Chapter 2967. or Chapter 5120. of the Revised Code. 1460

(ii) If an offender is convicted of or pleads guilty to a 1461
felony that includes, as an essential element, causing or 1462
attempting to cause the death of or physical harm to another and 1463
also is convicted of or pleads guilty to a specification of the 1464
type described in division (B) of section 2941.1412 of the 1465
Revised Code that charges the offender with committing the 1466
offense by discharging a firearm at a peace officer, as defined 1467
in section 2935.01 of the Revised Code, or a corrections 1468
officer, as defined in section 2941.1412 of the Revised Code, 1469
and that the offender previously has been convicted of or 1470
pleaded guilty to a specification of the type described in 1471
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1472
the Revised Code, the court, after imposing a prison term on the 1473
offender for the felony offense under division (A), (B) (2), or 1474
(3) of this section, shall impose an additional prison term of 1475
one hundred twenty-six months upon the offender that shall not 1476
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1477
any other provision of Chapter 2967. or 5120. of the Revised 1478
Code. 1479

(iii) If an offender is convicted of or pleads guilty to 1480
two or more felonies that include, as an essential element, 1481
causing or attempting to cause the death or physical harm to 1482
another and also is convicted of or pleads guilty to a 1483

specification of the type described under division (B) (1) (f) of 1484
this section in connection with two or more of the felonies of 1485
which the offender is convicted or to which the offender pleads 1486
guilty, the sentencing court shall impose on the offender the 1487
prison term specified under division (B) (1) (f) of this section 1488
for each of two of the specifications of which the offender is 1489
convicted or to which the offender pleads guilty and, in its 1490
discretion, also may impose on the offender the prison term 1491
specified under that division for any or all of the remaining 1492
specifications. If a court imposes an additional prison term on 1493
an offender under division (B) (1) (f) of this section relative to 1494
an offense, the court shall not impose a prison term under 1495
division (B) (1) (a) or (c) of this section relative to the same 1496
offense. 1497

(g) If an offender is convicted of or pleads guilty to two 1498
or more felonies, if one or more of those felonies are 1499
aggravated murder, murder, attempted aggravated murder, 1500
attempted murder, aggravated robbery, felonious assault, or 1501
rape, and if the offender is convicted of or pleads guilty to a 1502
specification of the type described under division (B) (1) (a) of 1503
this section in connection with two or more of the felonies, the 1504
sentencing court shall impose on the offender the prison term 1505
specified under division (B) (1) (a) of this section for each of 1506
the two most serious specifications of which the offender is 1507
convicted or to which the offender pleads guilty and, in its 1508
discretion, also may impose on the offender the prison term 1509
specified under that division for any or all of the remaining 1510
specifications. 1511

(2) (a) If division (B) (2) (b) of this section does not 1512
apply, the court may impose on an offender, in addition to the 1513
longest prison term authorized or required for the offense or, 1514

for offenses for which division (A) (1) (a) or (2) (a) of this 1515
section applies, in addition to the longest minimum prison term 1516
authorized or required for the offense, an additional definite 1517
prison term of one, two, three, four, five, six, seven, eight, 1518
nine, or ten years if all of the following criteria are met: 1519

(i) The offender is convicted of or pleads guilty to a 1520
specification of the type described in section 2941.149 of the 1521
Revised Code that the offender is a repeat violent offender. 1522

(ii) The offense of which the offender currently is 1523
convicted or to which the offender currently pleads guilty is 1524
aggravated murder and the court does not impose a sentence of 1525
death or life imprisonment without parole, murder, terrorism and 1526
the court does not impose a sentence of life imprisonment 1527
without parole, any felony of the first degree that is an 1528
offense of violence and the court does not impose a sentence of 1529
life imprisonment without parole, or any felony of the second 1530
degree that is an offense of violence and the trier of fact 1531
finds that the offense involved an attempt to cause or a threat 1532
to cause serious physical harm to a person or resulted in 1533
serious physical harm to a person. 1534

(iii) The court imposes the longest prison term for the 1535
offense or the longest minimum prison term for the offense, 1536
whichever is applicable, that is not life imprisonment without 1537
parole. 1538

(iv) The court finds that the prison terms imposed 1539
pursuant to division (B) (2) (a) (iii) of this section and, if 1540
applicable, division (B) (1) or (3) of this section are 1541
inadequate to punish the offender and protect the public from 1542
future crime, because the applicable factors under section 1543
2929.12 of the Revised Code indicating a greater likelihood of 1544

recidivism outweigh the applicable factors under that section 1545
indicating a lesser likelihood of recidivism. 1546

(v) The court finds that the prison terms imposed pursuant 1547
to division (B) (2) (a) (iii) of this section and, if applicable, 1548
division (B) (1) or (3) of this section are demeaning to the 1549
seriousness of the offense, because one or more of the factors 1550
under section 2929.12 of the Revised Code indicating that the 1551
offender's conduct is more serious than conduct normally 1552
constituting the offense are present, and they outweigh the 1553
applicable factors under that section indicating that the 1554
offender's conduct is less serious than conduct normally 1555
constituting the offense. 1556

(b) The court shall impose on an offender the longest 1557
prison term authorized or required for the offense or, for 1558
offenses for which division (A) (1) (a) or (2) (a) of this section 1559
applies, the longest minimum prison term authorized or required 1560
for the offense, and shall impose on the offender an additional 1561
definite prison term of one, two, three, four, five, six, seven, 1562
eight, nine, or ten years if all of the following criteria are 1563
met: 1564

(i) The offender is convicted of or pleads guilty to a 1565
specification of the type described in section 2941.149 of the 1566
Revised Code that the offender is a repeat violent offender. 1567

(ii) The offender within the preceding twenty years has 1568
been convicted of or pleaded guilty to three or more offenses 1569
described in division (CC) (1) of section 2929.01 of the Revised 1570
Code, including all offenses described in that division of which 1571
the offender is convicted or to which the offender pleads guilty 1572
in the current prosecution and all offenses described in that 1573
division of which the offender previously has been convicted or 1574

to which the offender previously pleaded guilty, whether 1575
prosecuted together or separately. 1576

(iii) The offense or offenses of which the offender 1577
currently is convicted or to which the offender currently pleads 1578
guilty is aggravated murder and the court does not impose a 1579
sentence of death or life imprisonment without parole, murder, 1580
terrorism and the court does not impose a sentence of life 1581
imprisonment without parole, any felony of the first degree that 1582
is an offense of violence and the court does not impose a 1583
sentence of life imprisonment without parole, or any felony of 1584
the second degree that is an offense of violence and the trier 1585
of fact finds that the offense involved an attempt to cause or a 1586
threat to cause serious physical harm to a person or resulted in 1587
serious physical harm to a person. 1588

(c) For purposes of division (B) (2) (b) of this section, 1589
two or more offenses committed at the same time or as part of 1590
the same act or event shall be considered one offense, and that 1591
one offense shall be the offense with the greatest penalty. 1592

(d) A sentence imposed under division (B) (2) (a) or (b) of 1593
this section shall not be reduced pursuant to section 2929.20, 1594
section 2967.19, or section 2967.193, or any other provision of 1595
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1596
shall serve an additional prison term imposed under division (B) 1597
(2) (a) or (b) of this section consecutively to and prior to the 1598
prison term imposed for the underlying offense. 1599

(e) When imposing a sentence pursuant to division (B) (2) 1600
(a) or (b) of this section, the court shall state its findings 1601
explaining the imposed sentence. 1602

(3) Except when an offender commits a violation of section 1603

2903.01 or 2907.02 of the Revised Code and the penalty imposed 1604
for the violation is life imprisonment or commits a violation of 1605
section 2903.02 of the Revised Code, if the offender commits a 1606
violation of section 2925.03 or 2925.11 of the Revised Code and 1607
that section classifies the offender as a major drug offender, 1608
if the offender commits a violation of section 2925.05 of the 1609
Revised Code and division (E)(1) of that section classifies the 1610
offender as a major drug offender, if the offender commits a 1611
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1612
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1613
division (C) or (D) of section 3719.172, division (E) of section 1614
4729.51, or division (J) of section 4729.54 of the Revised Code 1615
that includes the sale, offer to sell, or possession of a 1616
schedule I or II controlled substance, with the exception of 1617
marihuana, and the court imposing sentence upon the offender 1618
finds that the offender is guilty of a specification of the type 1619
described in division (A) of section 2941.1410 of the Revised 1620
Code charging that the offender is a major drug offender, if the 1621
court imposing sentence upon an offender for a felony finds that 1622
the offender is guilty of corrupt activity with the most serious 1623
offense in the pattern of corrupt activity being a felony of the 1624
first degree, or if the offender is guilty of an attempted 1625
violation of section 2907.02 of the Revised Code and, had the 1626
offender completed the violation of section 2907.02 of the 1627
Revised Code that was attempted, the offender would have been 1628
subject to a sentence of life imprisonment or life imprisonment 1629
without parole for the violation of section 2907.02 of the 1630
Revised Code, the court shall impose upon the offender for the 1631
felony violation a mandatory prison term determined as described 1632
in this division that, subject to divisions (C) to (I) of 1633
section 2967.19 of the Revised Code, cannot be reduced pursuant 1634
to section 2929.20, section 2967.19, or any other provision of 1635

Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1636
term shall be the maximum definite prison term prescribed in 1637
division (A) (1) (b) of this section for a felony of the first 1638
degree, except that for offenses for which division (A) (1) (a) of 1639
this section applies, the mandatory prison term shall be the 1640
longest minimum prison term prescribed in that division for the 1641
offense. 1642

(4) If the offender is being sentenced for a third or 1643
fourth degree felony OVI offense under division (G) (2) of 1644
section 2929.13 of the Revised Code, the sentencing court shall 1645
impose upon the offender a mandatory prison term in accordance 1646
with that division. In addition to the mandatory prison term, if 1647
the offender is being sentenced for a fourth degree felony OVI 1648
offense, the court, notwithstanding division (A) (4) of this 1649
section, may sentence the offender to a definite prison term of 1650
not less than six months and not more than thirty months, and if 1651
the offender is being sentenced for a third degree felony OVI 1652
offense, the sentencing court may sentence the offender to an 1653
additional prison term of any duration specified in division (A) 1654
(3) of this section. In either case, the additional prison term 1655
imposed shall be reduced by the sixty or one hundred twenty days 1656
imposed upon the offender as the mandatory prison term. The 1657
total of the additional prison term imposed under division (B) 1658
(4) of this section plus the sixty or one hundred twenty days 1659
imposed as the mandatory prison term shall equal a definite term 1660
in the range of six months to thirty months for a fourth degree 1661
felony OVI offense and shall equal one of the authorized prison 1662
terms specified in division (A) (3) of this section for a third 1663
degree felony OVI offense. If the court imposes an additional 1664
prison term under division (B) (4) of this section, the offender 1665
shall serve the additional prison term after the offender has 1666

served the mandatory prison term required for the offense. In 1667
addition to the mandatory prison term or mandatory and 1668
additional prison term imposed as described in division (B) (4) 1669
of this section, the court also may sentence the offender to a 1670
community control sanction under section 2929.16 or 2929.17 of 1671
the Revised Code, but the offender shall serve all of the prison 1672
terms so imposed prior to serving the community control 1673
sanction. 1674

If the offender is being sentenced for a fourth degree 1675
felony OVI offense under division (G) (1) of section 2929.13 of 1676
the Revised Code and the court imposes a mandatory term of local 1677
incarceration, the court may impose a prison term as described 1678
in division (A) (1) of that section. 1679

(5) If an offender is convicted of or pleads guilty to a 1680
violation of division (A) (1) or (2) of section 2903.06 of the 1681
Revised Code and also is convicted of or pleads guilty to a 1682
specification of the type described in section 2941.1414 of the 1683
Revised Code that charges that the victim of the offense is a 1684
peace officer, as defined in section 2935.01 of the Revised 1685
Code, or an investigator of the bureau of criminal 1686
identification and investigation, as defined in section 2903.11 1687
of the Revised Code, the court shall impose on the offender a 1688
prison term of five years. If a court imposes a prison term on 1689
an offender under division (B) (5) of this section, the prison 1690
term, subject to divisions (C) to (I) of section 2967.19 of the 1691
Revised Code, shall not be reduced pursuant to section 2929.20, 1692
section 2967.19, section 2967.193, or any other provision of 1693
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1694
shall not impose more than one prison term on an offender under 1695
division (B) (5) of this section for felonies committed as part 1696
of the same act. 1697

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

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

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

than eleven years, except that if the offense is a felony of the 1729
first degree committed on or after the effective date of this 1730
amendment, the court shall impose as the minimum prison term a 1731
mandatory term of not less than five years and not greater than 1732
eleven years; 1733

(ii) If the offense is a felony of the second or third 1734
degree, a definite prison term of not less than three years and 1735
not greater than the maximum prison term allowed for the offense 1736
by division (A) (2) (b) or (3) of this section, except that if the 1737
offense is a felony of the second degree committed on or after 1738
the effective date of this amendment, the court shall impose as 1739
the minimum prison term a mandatory term of not less than three 1740
years and not greater than eight years; 1741

(iii) If the offense is a felony of the fourth or fifth 1742
degree, a definite prison term that is the maximum prison term 1743
allowed for the offense by division (A) of section 2929.14 of 1744
the Revised Code. 1745

(b) Subject to divisions (C) to (I) of section 2967.19 of 1746
the Revised Code, the prison term imposed under division (B) (7) 1747
(a) of this section shall not be reduced pursuant to section 1748
2929.20, section 2967.19, section 2967.193, or any other 1749
provision of Chapter 2967. of the Revised Code. A court shall 1750
not impose more than one prison term on an offender under 1751
division (B) (7) (a) of this section for felonies committed as 1752
part of the same act, scheme, or plan. 1753

(8) If an offender is convicted of or pleads guilty to a 1754
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1755
Revised Code and also is convicted of or pleads guilty to a 1756
specification of the type described in section 2941.1423 of the 1757
Revised Code that charges that the victim of the violation was a 1758

woman whom the offender knew was pregnant at the time of the 1759
violation, notwithstanding the range prescribed in division (A) 1760
of this section as the definite prison term or minimum prison 1761
term for felonies of the same degree as the violation, the court 1762
shall impose on the offender a mandatory prison term that is 1763
either a definite prison term of six months or one of the prison 1764
terms prescribed in division (A) of this section for felonies of 1765
the same degree as the violation, except that if the violation 1766
is a felony of the first or second degree committed on or after 1767
the effective date of this amendment, the court shall impose as 1768
the minimum prison term under division (A) (1) (a) or (2) (a) of 1769
this section a mandatory term that is one of the terms 1770
prescribed in that division, whichever is applicable, for the 1771
offense. 1772

(9) (a) If an offender is convicted of or pleads guilty to 1773
a violation of division (A) (1) or (2) of section 2903.11 of the 1774
Revised Code and also is convicted of or pleads guilty to a 1775
specification of the type described in section 2941.1425 of the 1776
Revised Code, the court shall impose on the offender a mandatory 1777
prison term of six years if either of the following applies: 1778

(i) The violation is a violation of division (A) (1) of 1779
section 2903.11 of the Revised Code and the specification 1780
charges that the offender used an accelerant in committing the 1781
violation and the serious physical harm to another or to 1782
another's unborn caused by the violation resulted in a 1783
permanent, serious disfigurement or permanent, substantial 1784
incapacity; 1785

(ii) The violation is a violation of division (A) (2) of 1786
section 2903.11 of the Revised Code and the specification 1787
charges that the offender used an accelerant in committing the 1788

violation, that the violation caused physical harm to another or 1789
to another's unborn, and that the physical harm resulted in a 1790
permanent, serious disfigurement or permanent, substantial 1791
incapacity. 1792

(b) If a court imposes a prison term on an offender under 1793
division (B) (9) (a) of this section, the prison term shall not be 1794
reduced pursuant to section 2929.20, section 2967.19, section 1795
2967.193, or any other provision of Chapter 2967. or Chapter 1796
5120. of the Revised Code. A court shall not impose more than 1797
one prison term on an offender under division (B) (9) of this 1798
section for felonies committed as part of the same act. 1799

(c) The provisions of divisions (B) (9) and (C) (6) of this 1800
section and of division (D) (2) of section 2903.11, division (F) 1801
(20) of section 2929.13, and section 2941.1425 of the Revised 1802
Code shall be known as "Judy's Law." 1803

(10) If an offender is convicted of or pleads guilty to a 1804
violation of division (A) of section 2903.11 of the Revised Code 1805
and also is convicted of or pleads guilty to a specification of 1806
the type described in section 2941.1426 of the Revised Code that 1807
charges that the victim of the offense suffered permanent 1808
disabling harm as a result of the offense and that the victim 1809
was under ten years of age at the time of the offense, 1810
regardless of whether the offender knew the age of the victim, 1811
the court shall impose upon the offender an additional definite 1812
prison term of six years. A prison term imposed on an offender 1813
under division (B) (10) of this section shall not be reduced 1814
pursuant to section 2929.20, section 2967.193, or any other 1815
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1816
If a court imposes an additional prison term on an offender 1817
under this division relative to a violation of division (A) of 1818

section 2903.11 of the Revised Code, the court shall not impose 1819
any other additional prison term on the offender relative to the 1820
same offense. 1821

(11) If an offender is convicted of or pleads guilty to a 1822
felony violation of section 2925.03 or 2925.05 of the Revised 1823
Code or a felony violation of section 2925.11 of the Revised 1824
Code for which division (C)(11) of that section applies in 1825
determining the sentence for the violation, if the drug involved 1826
in the violation is a fentanyl-related compound or a compound, 1827
mixture, preparation, or substance containing a fentanyl-related 1828
compound, and if the offender also is convicted of or pleads 1829
guilty to a specification of the type described in division (B) 1830
of section 2941.1410 of the Revised Code that charges that the 1831
offender is a major drug offender, in addition to any other 1832
penalty imposed for the violation, the court shall impose on the 1833
offender a mandatory prison term of three, four, five, six, 1834
seven, or eight years. If a court imposes a prison term on an 1835
offender under division (B)(11) of this section, the prison 1836
term, subject to divisions (C) to (I) of section 2967.19 of the 1837
Revised Code, shall not be reduced pursuant to section 2929.20, 1838
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1839
5120. of the Revised Code. A court shall not impose more than 1840
one prison term on an offender under division (B)(11) of this 1841
section for felonies committed as part of the same act. 1842

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1843
if a mandatory prison term is imposed upon an offender pursuant 1844
to division (B)(1)(a) of this section for having a firearm on or 1845
about the offender's person or under the offender's control 1846
while committing a felony, if a mandatory prison term is imposed 1847
upon an offender pursuant to division (B)(1)(c) of this section 1848
for committing a felony specified in that division by 1849

discharging a firearm from a motor vehicle, or if both types of 1850
mandatory prison terms are imposed, the offender shall serve any 1851
mandatory prison term imposed under either division 1852
consecutively to any other mandatory prison term imposed under 1853
either division or under division (B) (1) (d) of this section, 1854
consecutively to and prior to any prison term imposed for the 1855
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1856
this section or any other section of the Revised Code, and 1857
consecutively to any other prison term or mandatory prison term 1858
previously or subsequently imposed upon the offender. 1859

(b) If a mandatory prison term is imposed upon an offender 1860
pursuant to division (B) (1) (d) of this section for wearing or 1861
carrying body armor while committing an offense of violence that 1862
is a felony, the offender shall serve the mandatory term so 1863
imposed consecutively to any other mandatory prison term imposed 1864
under that division or under division (B) (1) (a) or (c) of this 1865
section, consecutively to and prior to any prison term imposed 1866
for the underlying felony under division (A), (B) (2), or (B) (3) 1867
of this section or any other section of the Revised Code, and 1868
consecutively to any other prison term or mandatory prison term 1869
previously or subsequently imposed upon the offender. 1870

(c) If a mandatory prison term is imposed upon an offender 1871
pursuant to division (B) (1) (f) of this section, the offender 1872
shall serve the mandatory prison term so imposed consecutively 1873
to and prior to any prison term imposed for the underlying 1874
felony under division (A), (B) (2), or (B) (3) of this section or 1875
any other section of the Revised Code, and consecutively to any 1876
other prison term or mandatory prison term previously or 1877
subsequently imposed upon the offender. 1878

(d) If a mandatory prison term is imposed upon an offender 1879

pursuant to division (B) (7) or (8) of this section, the offender 1880
shall serve the mandatory prison term so imposed consecutively 1881
to any other mandatory prison term imposed under that division 1882
or under any other provision of law and consecutively to any 1883
other prison term or mandatory prison term previously or 1884
subsequently imposed upon the offender. 1885

(e) If a mandatory prison term is imposed upon an offender 1886
pursuant to division (B) (11) of this section, the offender shall 1887
serve the mandatory prison term consecutively to any other 1888
mandatory prison term imposed under that division, consecutively 1889
to and prior to any prison term imposed for the underlying 1890
felony, and consecutively to any other prison term or mandatory 1891
prison term previously or subsequently imposed upon the 1892
offender. 1893

(2) If an offender who is an inmate in a jail, prison, or 1894
other residential detention facility violates section 2917.02, 1895
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1896
(2) of section 2921.34 of the Revised Code, if an offender who 1897
is under detention at a detention facility commits a felony 1898
violation of section 2923.131 of the Revised Code, or if an 1899
offender who is an inmate in a jail, prison, or other 1900
residential detention facility or is under detention at a 1901
detention facility commits another felony while the offender is 1902
an escapee in violation of division (A) (1) or (2) of section 1903
2921.34 of the Revised Code, any prison term imposed upon the 1904
offender for one of those violations shall be served by the 1905
offender consecutively to the prison term or term of 1906
imprisonment the offender was serving when the offender 1907
committed that offense and to any other prison term previously 1908
or subsequently imposed upon the offender. 1909

(3) If a prison term is imposed for a violation of 1910
division (B) of section 2911.01 of the Revised Code, a violation 1911
of division (A) of section 2913.02 of the Revised Code in which 1912
the stolen property is a firearm or dangerous ordnance, or a 1913
felony violation of division (B) of section 2921.331 of the 1914
Revised Code, the offender shall serve that prison term 1915
consecutively to any other prison term or mandatory prison term 1916
previously or subsequently imposed upon the offender. 1917

(4) If multiple prison terms are imposed on an offender 1918
for convictions of multiple offenses, the court may require the 1919
offender to serve the prison terms consecutively if the court 1920
finds that the consecutive service is necessary to protect the 1921
public from future crime or to punish the offender and that 1922
consecutive sentences are not disproportionate to the 1923
seriousness of the offender's conduct and to the danger the 1924
offender poses to the public, and if the court also finds any of 1925
the following: 1926

(a) The offender committed one or more of the multiple 1927
offenses while the offender was awaiting trial or sentencing, 1928
was under a sanction imposed pursuant to section 2929.16, 1929
2929.17, or 2929.18 of the Revised Code, or was under post- 1930
release control for a prior offense. 1931

(b) At least two of the multiple offenses were committed 1932
as part of one or more courses of conduct, and the harm caused 1933
by two or more of the multiple offenses so committed was so 1934
great or unusual that no single prison term for any of the 1935
offenses committed as part of any of the courses of conduct 1936
adequately reflects the seriousness of the offender's conduct. 1937

(c) The offender's history of criminal conduct 1938
demonstrates that consecutive sentences are necessary to protect 1939

the public from future crime by the offender. 1940

(5) If a mandatory prison term is imposed upon an offender 1941
pursuant to division (B) (5) or (6) of this section, the offender 1942
shall serve the mandatory prison term consecutively to and prior 1943
to any prison term imposed for the underlying violation of 1944
division (A) (1) or (2) of section 2903.06 of the Revised Code 1945
pursuant to division (A) of this section or section 2929.142 of 1946
the Revised Code. If a mandatory prison term is imposed upon an 1947
offender pursuant to division (B) (5) of this section, and if a 1948
mandatory prison term also is imposed upon the offender pursuant 1949
to division (B) (6) of this section in relation to the same 1950
violation, the offender shall serve the mandatory prison term 1951
imposed pursuant to division (B) (5) of this section 1952
consecutively to and prior to the mandatory prison term imposed 1953
pursuant to division (B) (6) of this section and consecutively to 1954
and prior to any prison term imposed for the underlying 1955
violation of division (A) (1) or (2) of section 2903.06 of the 1956
Revised Code pursuant to division (A) of this section or section 1957
2929.142 of the Revised Code. 1958

(6) If a mandatory prison term is imposed on an offender 1959
pursuant to division (B) (9) of this section, the offender shall 1960
serve the mandatory prison term consecutively to and prior to 1961
any prison term imposed for the underlying violation of division 1962
(A) (1) or (2) of section 2903.11 of the Revised Code and 1963
consecutively to and prior to any other prison term or mandatory 1964
prison term previously or subsequently imposed on the offender. 1965

(7) If a mandatory prison term is imposed on an offender 1966
pursuant to division (B) (10) of this section, the offender shall 1967
serve that mandatory prison term consecutively to and prior to 1968
any prison term imposed for the underlying felonious assault. 1969

Except as otherwise provided in division (C) of this section, 1970
any other prison term or mandatory prison term previously or 1971
subsequently imposed upon the offender may be served 1972
concurrently with, or consecutively to, the prison term imposed 1973
pursuant to division (B)(10) of this section. 1974

(8) Any prison term imposed for a violation of section 1975
2903.04 of the Revised Code that is based on a violation of 1976
section 2925.03 or 2925.11 of the Revised Code or on a violation 1977
of section 2925.05 of the Revised Code that is not funding of 1978
marihuana trafficking shall run consecutively to any prison term 1979
imposed for the violation of section 2925.03 or 2925.11 of the 1980
Revised Code or for the violation of section 2925.05 of the 1981
Revised Code that is not funding of marihuana trafficking. 1982

(9) When consecutive prison terms are imposed pursuant to 1983
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1984
division (H)(1) or (2) of this section, subject to division (C) 1985
(10) of this section, the term to be served is the aggregate of 1986
all of the terms so imposed. 1987

(10) When a court sentences an offender to a non-life 1988
felony indefinite prison term, any definite prison term or 1989
mandatory definite prison term previously or subsequently 1990
imposed on the offender in addition to that indefinite sentence 1991
that is required to be served consecutively to that indefinite 1992
sentence shall be served prior to the indefinite sentence. 1993

(11) If a court is sentencing an offender for a felony of 1994
the first or second degree, if division (A)(1)(a) or (2)(a) of 1995
this section applies with respect to the sentencing for the 1996
offense, and if the court is required under the Revised Code 1997
section that sets forth the offense or any other Revised Code 1998
provision to impose a mandatory prison term for the offense, the 1999

court shall impose the required mandatory prison term as the 2000
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2001
section, whichever is applicable. 2002

(D) (1) If a court imposes a prison term, other than a term 2003
of life imprisonment, for a felony of the first degree, for a 2004
felony of the second degree, for a felony sex offense, or for a 2005
felony of the third degree that is an offense of violence and 2006
that is not a felony sex offense, it shall include in the 2007
sentence a requirement that the offender be subject to a period 2008
of post-release control after the offender's release from 2009
imprisonment, in accordance with section 2967.28 of the Revised 2010
Code. If a court imposes a sentence including a prison term of a 2011
type described in this division on or after July 11, 2006, the 2012
failure of a court to include a post-release control requirement 2013
in the sentence pursuant to this division does not negate, 2014
limit, or otherwise affect the mandatory period of post-release 2015
control that is required for the offender under division (B) of 2016
section 2967.28 of the Revised Code. Section 2929.191 of the 2017
Revised Code applies if, prior to July 11, 2006, a court imposed 2018
a sentence including a prison term of a type described in this 2019
division and failed to include in the sentence pursuant to this 2020
division a statement regarding post-release control. 2021

(2) If a court imposes a prison term for a felony of the 2022
third, fourth, or fifth degree that is not subject to division 2023
(D) (1) of this section, it shall include in the sentence a 2024
requirement that the offender be subject to a period of post- 2025
release control after the offender's release from imprisonment, 2026
in accordance with that division, if the parole board determines 2027
that a period of post-release control is necessary. Section 2028
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2029
a court imposed a sentence including a prison term of a type 2030

described in this division and failed to include in the sentence 2031
pursuant to this division a statement regarding post-release 2032
control. 2033

(E) The court shall impose sentence upon the offender in 2034
accordance with section 2971.03 of the Revised Code, and Chapter 2035
2971. of the Revised Code applies regarding the prison term or 2036
term of life imprisonment without parole imposed upon the 2037
offender and the service of that term of imprisonment if any of 2038
the following apply: 2039

(1) A person is convicted of or pleads guilty to a violent 2040
sex offense or a designated homicide, assault, or kidnapping 2041
offense, and, in relation to that offense, the offender is 2042
adjudicated a sexually violent predator. 2043

(2) A person is convicted of or pleads guilty to a 2044
violation of division (A) (1) (b) of section 2907.02 of the 2045
Revised Code committed on or after January 2, 2007, and either 2046
the court does not impose a sentence of life without parole when 2047
authorized pursuant to division (B) of section 2907.02 of the 2048
Revised Code, or division (B) of section 2907.02 of the Revised 2049
Code provides that the court shall not sentence the offender 2050
pursuant to section 2971.03 of the Revised Code. 2051

(3) A person is convicted of or pleads guilty to attempted 2052
rape committed on or after January 2, 2007, and a specification 2053
of the type described in section 2941.1418, 2941.1419, or 2054
2941.1420 of the Revised Code. 2055

(4) A person is convicted of or pleads guilty to a 2056
violation of section 2905.01 of the Revised Code committed on or 2057
after January 1, 2008, and that section requires the court to 2058
sentence the offender pursuant to section 2971.03 of the Revised 2059

Code. 2060

(5) A person is convicted of or pleads guilty to 2061
aggravated murder committed on or after January 1, 2008, and 2062
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2063
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2064
(d) of section 2929.03, or division (A) or (B) of section 2065
2929.06 of the Revised Code requires the court to sentence the 2066
offender pursuant to division (B) (3) of section 2971.03 of the 2067
Revised Code. 2068

(6) A person is convicted of or pleads guilty to murder 2069
committed on or after January 1, 2008, and division (B) (2) of 2070
section 2929.02 of the Revised Code requires the court to 2071
sentence the offender pursuant to section 2971.03 of the Revised 2072
Code. 2073

(F) If a person who has been convicted of or pleaded 2074
guilty to a felony is sentenced to a prison term or term of 2075
imprisonment under this section, sections 2929.02 to 2929.06 of 2076
the Revised Code, section 2929.142 of the Revised Code, section 2077
2971.03 of the Revised Code, or any other provision of law, 2078
section 5120.163 of the Revised Code applies regarding the 2079
person while the person is confined in a state correctional 2080
institution. 2081

(G) If an offender who is convicted of or pleads guilty to 2082
a felony that is an offense of violence also is convicted of or 2083
pleads guilty to a specification of the type described in 2084
section 2941.142 of the Revised Code that charges the offender 2085
with having committed the felony while participating in a 2086
criminal gang, the court shall impose upon the offender an 2087
additional prison term of one, two, or three years. 2088

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

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

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

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

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to 2119
wear a real-time processing, continual tracking electronic 2120
monitoring device during the period of time specified by the 2121
court. The period of time specified by the court shall equal the 2122
duration of an additional prison term that the court could have 2123
imposed upon the offender under division (H) (2) (a) of this 2124
section. A sanction imposed under this division shall commence 2125
on the date specified by the court, provided that the sanction 2126
shall not commence until after the offender has served the 2127
prison term imposed for the felony violation of section 2907.22, 2128
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2129
residential sanction imposed for the violation under section 2130
2929.16 of the Revised Code. A sanction imposed under this 2131
division shall be considered to be a community control sanction 2132
for purposes of section 2929.15 of the Revised Code, and all 2133
provisions of the Revised Code that pertain to community control 2134
sanctions shall apply to a sanction imposed under this division, 2135
except to the extent that they would by their nature be clearly 2136
inapplicable. The offender shall pay all costs associated with a 2137
sanction imposed under this division, including the cost of the 2138
use of the monitoring device. 2139

(I) At the time of sentencing, the court may recommend the 2140
offender for placement in a program of shock incarceration under 2141
section 5120.031 of the Revised Code or for placement in an 2142
intensive program prison under section 5120.032 of the Revised 2143
Code, disapprove placement of the offender in a program of shock 2144
incarceration or an intensive program prison of that nature, or 2145
make no recommendation on placement of the offender. In no case 2146
shall the department of rehabilitation and correction place the 2147
offender in a program or prison of that nature unless the 2148
department determines as specified in section 5120.031 or 2149

5120.032 of the Revised Code, whichever is applicable, that the 2150
offender is eligible for the placement. 2151

If the court disapproves placement of the offender in a 2152
program or prison of that nature, the department of 2153
rehabilitation and correction shall not place the offender in 2154
any program of shock incarceration or intensive program prison. 2155

If the court recommends placement of the offender in a 2156
program of shock incarceration or in an intensive program 2157
prison, and if the offender is subsequently placed in the 2158
recommended program or prison, the department shall notify the 2159
court of the placement and shall include with the notice a brief 2160
description of the placement. 2161

If the court recommends placement of the offender in a 2162
program of shock incarceration or in an intensive program prison 2163
and the department does not subsequently place the offender in 2164
the recommended program or prison, the department shall send a 2165
notice to the court indicating why the offender was not placed 2166
in the recommended program or prison. 2167

If the court does not make a recommendation under this 2168
division with respect to an offender and if the department 2169
determines as specified in section 5120.031 or 5120.032 of the 2170
Revised Code, whichever is applicable, that the offender is 2171
eligible for placement in a program or prison of that nature, 2172
the department shall screen the offender and determine if there 2173
is an available program of shock incarceration or an intensive 2174
program prison for which the offender is suited. If there is an 2175
available program of shock incarceration or an intensive program 2176
prison for which the offender is suited, the department shall 2177
notify the court of the proposed placement of the offender as 2178
specified in section 5120.031 or 5120.032 of the Revised Code 2179

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 division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

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

Sec. 2929.22. (A) Unless a mandatory jail term is required 2210
to be imposed by division (G) of section 1547.99, division (B) 2211
of section 4510.14, division (G) of section 4511.19 of the 2212
Revised Code, or any other provision of the Revised Code a court 2213
that imposes a sentence under this chapter upon an offender for 2214
a misdemeanor or minor misdemeanor has discretion to determine 2215
the most effective way to achieve the purposes and principles of 2216
sentencing set forth in section 2929.21 of the Revised Code. 2217

Unless a specific sanction is required to be imposed or is 2218
precluded from being imposed by the section setting forth an 2219
offense or the penalty for an offense or by any provision of 2220
sections 2929.23 to 2929.28 of the Revised Code, a court that 2221
imposes a sentence upon an offender for a misdemeanor may impose 2222
on the offender any sanction or combination of sanctions under 2223
sections 2929.24 to 2929.28 of the Revised Code. The court shall 2224
not impose a sentence that imposes an unnecessary burden on 2225
local government resources. 2226

(B) (1) In determining the appropriate sentence for a 2227
misdemeanor, the court shall consider all of the following 2228
factors: 2229

(a) The nature and circumstances of the offense or 2230
offenses; 2231

(b) Whether the circumstances regarding the offender and 2232
the offense or offenses indicate that the offender has a history 2233
of persistent criminal activity and that the offender's 2234
character and condition reveal a substantial risk that the 2235
offender will commit another offense; 2236

(c) Whether the circumstances regarding the offender and 2237
the offense or offenses indicate that the offender's history, 2238

character, and condition reveal a substantial risk that the 2239
offender will be a danger to others and that the offender's 2240
conduct has been characterized by a pattern of repetitive, 2241
compulsive, or aggressive behavior with heedless indifference to 2242
the consequences; 2243

(d) Whether the victim's youth, age, disability, or other 2244
factor made the victim particularly vulnerable to the offense or 2245
made the impact of the offense more serious; 2246

(e) Whether the offender is likely to commit future crimes 2247
in general, in addition to the circumstances described in 2248
divisions (B) (1) (b) and (c) of this section; 2249

(f) Whether the offender has an emotional, mental, or 2250
physical condition that is traceable to the offender's service 2251
in the armed forces of the United States and that was a 2252
contributing factor in the offender's commission of the offense 2253
or offenses; 2254

(g) The offender's military service record; 2255

(h) The results of any screening conducted in the case 2256
under division (A) (2) (e) of section 2935.032 of the Revised 2257
Code, if any such results are available. 2258

(2) In determining the appropriate sentence for a 2259
misdemeanor, in addition to complying with division (B) (1) of 2260
this section, the court may consider any other factors that are 2261
relevant to achieving the purposes and principles of sentencing 2262
set forth in section 2929.21 of the Revised Code. 2263

(C) Before imposing a jail term as a sentence for a 2264
misdemeanor, a court shall consider the appropriateness of 2265
imposing a community control sanction or a combination of 2266
community control sanctions under sections 2929.25, 2929.26, 2267

2929.27, and 2929.28 of the Revised Code. A court may impose the 2268
longest jail term authorized under section 2929.24 of the 2269
Revised Code only upon offenders who commit the worst forms of 2270
the offense or upon offenders whose conduct and response to 2271
prior sanctions for prior offenses demonstrate that the 2272
imposition of the longest jail term is necessary to deter the 2273
offender from committing a future crime. 2274

(D) (1) A sentencing court shall consider any relevant oral 2275
or written statement made by the victim, the defendant, the 2276
defense attorney, or the prosecuting authority regarding 2277
sentencing for a misdemeanor. This division does not create any 2278
rights to notice other than those rights authorized by Chapter 2279
2930. of the Revised Code. 2280

(2) At the time of sentencing for a misdemeanor or as soon 2281
as possible after sentencing, the court shall notify the victim 2282
of the offense of the victim's right to file an application for 2283
an award of reparations pursuant to sections 2743.51 to 2743.72 2284
of the Revised Code. 2285

Sec. 2935.03. (A) (1) A sheriff, deputy sheriff, marshal, 2286
deputy marshal, municipal police officer, township constable, 2287
police officer of a township or joint police district, member of 2288
a police force employed by a metropolitan housing authority 2289
under division (D) of section 3735.31 of the Revised Code, 2290
member of a police force employed by a regional transit 2291
authority under division (Y) of section 306.35 of the Revised 2292
Code, state university law enforcement officer appointed under 2293
section 3345.04 of the Revised Code, veterans' home police 2294
officer appointed under section 5907.02 of the Revised Code, 2295
special police officer employed by a port authority under 2296
section 4582.04 or 4582.28 of the Revised Code, or a special 2297

police officer employed by a municipal corporation at a 2298
municipal airport, or other municipal air navigation facility, 2299
that has scheduled operations, as defined in section 119.3 of 2300
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 2301
amended, and that is required to be under a security program and 2302
is governed by aviation security rules of the transportation 2303
security administration of the United States department of 2304
transportation as provided in Parts 1542. and 1544. of Title 49 2305
of the Code of Federal Regulations, as amended, shall arrest and 2306
detain, until a warrant can be obtained, a person found 2307
violating, within the limits of the political subdivision, 2308
metropolitan housing authority housing project, regional transit 2309
authority facilities or areas of a municipal corporation that 2310
have been agreed to by a regional transit authority and a 2311
municipal corporation located within its territorial 2312
jurisdiction, college, university, veterans' home operated under 2313
Chapter 5907. of the Revised Code, port authority, or municipal 2314
airport or other municipal air navigation facility, in which the 2315
peace officer is appointed, employed, or elected, a law of this 2316
state, an ordinance of a municipal corporation, or a resolution 2317
of a township. 2318

(2) A peace officer of the department of natural 2319
resources, a state fire marshal law enforcement officer 2320
described in division (A) (23) of section 109.71 of the Revised 2321
Code, or an individual designated to perform law enforcement 2322
duties under section 511.232, 1545.13, or 6101.75 of the Revised 2323
Code shall arrest and detain, until a warrant can be obtained, a 2324
person found violating, within the limits of the peace 2325
officer's, state fire marshal law enforcement officer's, or 2326
individual's territorial jurisdiction, a law of this state. 2327

(3) The house sergeant at arms, if the house sergeant at 2328

arms has arrest authority pursuant to division (E) (1) of section 2329
101.311 of the Revised Code, and an assistant house sergeant at 2330
arms shall arrest and detain, until a warrant can be obtained, a 2331
person found violating, within the limits of the sergeant at 2332
arms's or assistant sergeant at arms's territorial jurisdiction 2333
specified in division (D) (1) (a) of section 101.311 of the 2334
Revised Code or while providing security pursuant to division 2335
(D) (1) (f) of section 101.311 of the Revised Code, a law of this 2336
state, an ordinance of a municipal corporation, or a resolution 2337
of a township. 2338

(4) The senate sergeant at arms and an assistant senate 2339
sergeant at arms shall arrest and detain, until a warrant can be 2340
obtained, a person found violating, within the limits of the 2341
sergeant at arms's or assistant sergeant at arms's territorial 2342
jurisdiction specified in division (B) of section 101.312 of the 2343
Revised Code, a law of this state, an ordinance of a municipal 2344
corporation, or a resolution of a township. 2345

(5) The superintendent and troopers of the state highway 2346
patrol shall arrest and detain, until a warrant can be obtained, 2347
a person found violating, within the limits of the 2348
superintendent's or trooper's territorial jurisdiction as 2349
specified in Chapter 5503. of the Revised Code and any other 2350
applicable section of the Revised Code, a law of this state. 2351

(B) (1) When there is reasonable ground to believe that an 2352
offense of violence, the offense of criminal child enticement as 2353
defined in section 2905.05 of the Revised Code, the offense of 2354
public indecency as defined in section 2907.09 of the Revised 2355
Code, the offense of domestic violence as defined in section 2356
2919.25 of the Revised Code, the offense of violating a 2357
protection order as defined in section 2919.27 of the Revised 2358

Code, the offense of menacing by stalking as defined in section 2359
2903.211 of the Revised Code, the offense of aggravated trespass 2360
as defined in section 2911.211 of the Revised Code, a theft 2361
offense as defined in section 2913.01 of the Revised Code, or a 2362
felony drug abuse offense as defined in section 2925.01 of the 2363
Revised Code, has been committed within the limits of the 2364
political subdivision, metropolitan housing authority housing 2365
project, regional transit authority facilities or those areas of 2366
a municipal corporation that have been agreed to by a regional 2367
transit authority and a municipal corporation located within its 2368
territorial jurisdiction, college, university, veterans' home 2369
operated under Chapter 5907. of the Revised Code, port 2370
authority, or municipal airport or other municipal air 2371
navigation facility, in which the peace officer is appointed, 2372
employed, or elected or within the limits of the territorial 2373
jurisdiction of the peace officer, a peace officer described in 2374
division (A) of this section may arrest and detain until a 2375
warrant can be obtained any person who the peace officer has 2376
reasonable cause to believe is guilty of the violation. 2377

(2) For purposes of division (B)(1) of this section, the 2378
execution of any of the following constitutes reasonable ground 2379
to believe that the offense alleged in the statement was 2380
committed and reasonable cause to believe that the person 2381
alleged in the statement to have committed the offense is guilty 2382
of the violation: 2383

(a) A written statement by a person alleging that an 2384
alleged offender has committed the offense of menacing by 2385
stalking or aggravated trespass; 2386

(b) A written statement by the administrator of the 2387
interstate compact on mental health appointed under section 2388

5119.71 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility in which a person has been hospitalized, institutionalized, or confined under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code.

(3) (a) For purposes of division (B) (1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic

violence or the offense of violating a protection order against 2419
the person who executes the statement or against a child of the 2420
person who executes the statement. 2421

(ii) No written statement of the type described in 2422
division (B) (3) (a) (i) of this section is executed, but the peace 2423
officer, based upon the peace officer's own knowledge and 2424
observation of the facts and circumstances of the alleged 2425
incident of the offense of domestic violence or the alleged 2426
incident of the offense of violating a protection order or based 2427
upon any other information, including, but not limited to, any 2428
reasonably trustworthy information given to the peace officer by 2429
the alleged victim of the alleged incident of the offense or any 2430
witness of the alleged incident of the offense, concludes that 2431
there are reasonable grounds to believe that the offense of 2432
domestic violence or the offense of violating a protection order 2433
has been committed and reasonable cause to believe that the 2434
person in question is guilty of committing the offense. 2435

(iii) No written statement of the type described in 2436
division (B) (3) (a) (i) of this section is executed, but the peace 2437
officer witnessed the person in question commit the offense of 2438
domestic violence or the offense of violating a protection 2439
order. 2440

(b) If pursuant to division (B) (3) (a) of this section a 2441
peace officer has reasonable grounds to believe that the offense 2442
of domestic violence or the offense of violating a protection 2443
order has been committed and reasonable cause to believe that a 2444
particular person is guilty of committing the offense, it is the 2445
preferred course of action in this state that the officer arrest 2446
and detain that person pursuant to division (B) (1) of this 2447
section until a warrant can be obtained. 2448

If pursuant to division (B) (3) (a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B) (1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B) (1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B) (3) (b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B) (3) (b) of this section which family or household member is the primary

physical aggressor in a situation in which family or household 2480
members have committed the offense of domestic violence or the 2481
offense of violating a protection order against each other, a 2482
peace officer described in division (A) of this section, in 2483
addition to any other relevant circumstances, should consider 2484
all of the following: 2485

(i) Any history of domestic violence or of any other 2486
violent acts by either person involved in the alleged offense 2487
that the officer reasonably can ascertain; 2488

(ii) If violence is alleged, whether the alleged violence 2489
was caused by a person acting in self-defense; 2490

(iii) Each person's fear of physical harm, if any, 2491
resulting from the other person's threatened use of force 2492
against any person or resulting from the other person's use or 2493
history of the use of force against any person, and the 2494
reasonableness of that fear; 2495

(iv) The comparative severity of any injuries suffered by 2496
the persons involved in the alleged offense. 2497

(e) (i) A peace officer described in division (A) of this 2498
section shall not require, as a prerequisite to arresting or 2499
charging a person who has committed the offense of domestic 2500
violence or the offense of violating a protection order, that 2501
the victim of the offense specifically consent to the filing of 2502
charges against the person who has committed the offense or sign 2503
a complaint against the person who has committed the offense. 2504

(ii) If a person is arrested for or charged with 2505
committing the offense of domestic violence or the offense of 2506
violating a protection order and if the victim of the offense 2507
does not cooperate with the involved law enforcement or 2508

prosecuting authorities in the prosecution of the offense or, 2509
subsequent to the arrest or the filing of the charges, informs 2510
the involved law enforcement or prosecuting authorities that the 2511
victim does not wish the prosecution of the offense to continue 2512
or wishes to drop charges against the alleged offender relative 2513
to the offense, the involved prosecuting authorities, in 2514
determining whether to continue with the prosecution of the 2515
offense or whether to dismiss charges against the alleged 2516
offender relative to the offense and notwithstanding the 2517
victim's failure to cooperate or the victim's wishes, shall 2518
consider all facts and circumstances that are relevant to the 2519
offense, including, but not limited to, the statements and 2520
observations of the peace officers who responded to the incident 2521
that resulted in the arrest or filing of the charges and of all 2522
witnesses to that incident. 2523

(f) In determining pursuant to divisions (B) (3) (a) to (g) 2524
of this section whether to arrest a person pursuant to division 2525
(B) (1) of this section, a peace officer described in division 2526
(A) of this section shall not consider as a factor any possible 2527
shortage of cell space at the detention facility to which the 2528
person will be taken subsequent to the person's arrest or any 2529
possibility that the person's arrest might cause, contribute to, 2530
or exacerbate overcrowding at that detention facility or at any 2531
other detention facility. 2532

(g) If a peace officer described in division (A) of this 2533
section intends pursuant to divisions (B) (3) (a) to (g) of this 2534
section to arrest a person pursuant to division (B) (1) of this 2535
section and if the officer is unable to do so because the person 2536
is not present, the officer promptly shall seek a warrant for 2537
the arrest of the person. 2538

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B) (3) (h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B) (3) (h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.

(4) If, in the circumstances described in divisions (B) (3) (a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person

pursuant to division (B) (1) of this section, or if, pursuant to 2569
division (B) (3) (h) of this section, a peace officer described in 2570
division (A) of this section seizes a deadly weapon, the 2571
officer, to the extent described in and in accordance with 2572
section 9.86, 2743.02, or 2744.03 of the Revised Code, is immune 2573
in any civil action for damages for injury, death, or loss to 2574
person or property that arises from or is related to the arrest 2575
and detention or the seizure. 2576

(C) When there is reasonable ground to believe that a 2577
violation of division (A) (1), (2), (3), (4), or (5) of section 2578
4506.15 or a violation of section 4511.19 of the Revised Code 2579
has been committed by a person operating a motor vehicle subject 2580
to regulation by the public utilities commission of Ohio under 2581
Title XLIX of the Revised Code, a peace officer with authority 2582
to enforce that provision of law may stop or detain the person 2583
whom the officer has reasonable cause to believe was operating 2584
the motor vehicle in violation of the division or section and, 2585
after investigating the circumstances surrounding the operation 2586
of the vehicle, may arrest and detain the person. 2587

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 2588
municipal police officer, member of a police force employed by a 2589
metropolitan housing authority under division (D) of section 2590
3735.31 of the Revised Code, member of a police force employed 2591
by a regional transit authority under division (Y) of section 2592
306.35 of the Revised Code, special police officer employed by a 2593
port authority under section 4582.04 or 4582.28 of the Revised 2594
Code, special police officer employed by a municipal corporation 2595
at a municipal airport or other municipal air navigation 2596
facility described in division (A) of this section, township 2597
constable, police officer of a township or joint police 2598
district, state university law enforcement officer appointed 2599

under section 3345.04 of the Revised Code, peace officer of the 2600
department of natural resources, individual designated to 2601
perform law enforcement duties under section 511.232, 1545.13, 2602
or 6101.75 of the Revised Code, the house sergeant at arms if 2603
the house sergeant at arms has arrest authority pursuant to 2604
division (E)(1) of section 101.311 of the Revised Code, or an 2605
assistant house sergeant at arms is authorized by division (A) 2606
or (B) of this section to arrest and detain, within the limits 2607
of the political subdivision, metropolitan housing authority 2608
housing project, regional transit authority facilities or those 2609
areas of a municipal corporation that have been agreed to by a 2610
regional transit authority and a municipal corporation located 2611
within its territorial jurisdiction, port authority, municipal 2612
airport or other municipal air navigation facility, college, or 2613
university in which the officer is appointed, employed, or 2614
elected or within the limits of the territorial jurisdiction of 2615
the peace officer, a person until a warrant can be obtained, the 2616
peace officer, outside the limits of that territory, may pursue, 2617
arrest, and detain that person until a warrant can be obtained 2618
if all of the following apply: 2619

(1) The pursuit takes place without unreasonable delay 2620
after the offense is committed; 2621

(2) The pursuit is initiated within the limits of the 2622
political subdivision, metropolitan housing authority housing 2623
project, regional transit authority facilities or those areas of 2624
a municipal corporation that have been agreed to by a regional 2625
transit authority and a municipal corporation located within its 2626
territorial jurisdiction, port authority, municipal airport or 2627
other municipal air navigation facility, college, or university 2628
in which the peace officer is appointed, employed, or elected or 2629
within the limits of the territorial jurisdiction of the peace 2630

officer; 2631

(3) The offense involved is a felony, a misdemeanor of the 2632
first degree or a substantially equivalent municipal ordinance, 2633
a misdemeanor of the second degree or a substantially equivalent 2634
municipal ordinance, or any offense for which points are 2635
chargeable pursuant to section 4510.036 of the Revised Code. 2636

(E) In addition to the authority granted under division 2637
(A) or (B) of this section: 2638

(1) A sheriff or deputy sheriff may arrest and detain, 2639
until a warrant can be obtained, any person found violating 2640
section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 2641
4549.12, section 4549.62, or Chapter 4511. or 4513. of the 2642
Revised Code on the portion of any street or highway that is 2643
located immediately adjacent to the boundaries of the county in 2644
which the sheriff or deputy sheriff is elected or appointed. 2645

(2) A member of the police force of a township police 2646
district created under section 505.48 of the Revised Code, a 2647
member of the police force of a joint police district created 2648
under section 505.482 of the Revised Code, or a township 2649
constable appointed in accordance with section 509.01 of the 2650
Revised Code, who has received a certificate from the Ohio peace 2651
officer training commission under section 109.75 of the Revised 2652
Code, may arrest and detain, until a warrant can be obtained, 2653
any person found violating any section or chapter of the Revised 2654
Code listed in division (E)(1) of this section, other than 2655
sections 4513.33 and 4513.34 of the Revised Code, on the portion 2656
of any street or highway that is located immediately adjacent to 2657
the boundaries of the township police district or joint police 2658
district, in the case of a member of a township police district 2659
or joint police district police force, or the unincorporated 2660

territory of the township, in the case of a township constable. 2661
However, if the population of the township that created the 2662
township police district served by the member's police force, or 2663
the townships and municipal corporations that created the joint 2664
police district served by the member's police force, or the 2665
township that is served by the township constable, is sixty 2666
thousand or less, the member of the township police district or 2667
joint police district police force or the township constable may 2668
not make an arrest under division (E) (2) of this section on a 2669
state highway that is included as part of the interstate system. 2670

(3) A police officer or village marshal appointed, 2671
elected, or employed by a municipal corporation may arrest and 2672
detain, until a warrant can be obtained, any person found 2673
violating any section or chapter of the Revised Code listed in 2674
division (E) (1) of this section on the portion of any street or 2675
highway that is located immediately adjacent to the boundaries 2676
of the municipal corporation in which the police officer or 2677
village marshal is appointed, elected, or employed. 2678

(4) A peace officer of the department of natural 2679
resources, a state fire marshal law enforcement officer 2680
described in division (A) (23) of section 109.71 of the Revised 2681
Code, or an individual designated to perform law enforcement 2682
duties under section 511.232, 1545.13, or 6101.75 of the Revised 2683
Code may arrest and detain, until a warrant can be obtained, any 2684
person found violating any section or chapter of the Revised 2685
Code listed in division (E) (1) of this section, other than 2686
sections 4513.33 and 4513.34 of the Revised Code, on the portion 2687
of any street or highway that is located immediately adjacent to 2688
the boundaries of the lands and waters that constitute the 2689
territorial jurisdiction of the peace officer or state fire 2690
marshal law enforcement officer. 2691

(F) (1) A department of mental health and addiction 2692
services special police officer or a department of developmental 2693
disabilities special police officer may arrest without a warrant 2694
and detain until a warrant can be obtained any person found 2695
committing on the premises of any institution under the 2696
jurisdiction of the particular department a misdemeanor under a 2697
law of the state. 2698

A department of mental health and addiction services 2699
special police officer or a department of developmental 2700
disabilities special police officer may arrest without a warrant 2701
and detain until a warrant can be obtained any person who has 2702
been hospitalized, institutionalized, or confined in an 2703
institution under the jurisdiction of the particular department 2704
pursuant to or under authority of section 2945.37, 2945.371, 2705
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 2706
Code and who is found committing on the premises of any 2707
institution under the jurisdiction of the particular department 2708
a violation of section 2921.34 of the Revised Code that involves 2709
an escape from the premises of the institution. 2710

(2) (a) If a department of mental health and addiction 2711
services special police officer or a department of developmental 2712
disabilities special police officer finds any person who has 2713
been hospitalized, institutionalized, or confined in an 2714
institution under the jurisdiction of the particular department 2715
pursuant to or under authority of section 2945.37, 2945.371, 2716
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 2717
Code committing a violation of section 2921.34 of the Revised 2718
Code that involves an escape from the premises of the 2719
institution, or if there is reasonable ground to believe that a 2720
violation of section 2921.34 of the Revised Code has been 2721
committed that involves an escape from the premises of an 2722

institution under the jurisdiction of the department of mental 2723
health and addiction services or the department of developmental 2724
disabilities and if a department of mental health and addiction 2725
services special police officer or a department of developmental 2726
disabilities special police officer has reasonable cause to 2727
believe that a particular person who has been hospitalized, 2728
institutionalized, or confined in the institution pursuant to or 2729
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2730
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 2731
the violation, the special police officer, outside of the 2732
premises of the institution, may pursue, arrest, and detain that 2733
person for that violation of section 2921.34 of the Revised 2734
Code, until a warrant can be obtained, if both of the following 2735
apply: 2736

(i) The pursuit takes place without unreasonable delay 2737
after the offense is committed; 2738

(ii) The pursuit is initiated within the premises of the 2739
institution from which the violation of section 2921.34 of the 2740
Revised Code occurred. 2741

(b) For purposes of division (F) (2) (a) of this section, 2742
the execution of a written statement by the administrator of the 2743
institution in which a person had been hospitalized, 2744
institutionalized, or confined pursuant to or under authority of 2745
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 2746
or 2945.402 of the Revised Code alleging that the person has 2747
escaped from the premises of the institution in violation of 2748
section 2921.34 of the Revised Code constitutes reasonable 2749
ground to believe that the violation was committed and 2750
reasonable cause to believe that the person alleged in the 2751
statement to have committed the offense is guilty of the 2752

violation.	2753
(G) As used in this section:	2754
(1) A "department of mental health and addiction services special police officer" means a special police officer of the department of mental health and addiction services designated under section 5119.08 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.	2755 2756 2757 2758 2759 2760 2761
(2) A "department of developmental disabilities special police officer" means a special police officer of the department of developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.	2762 2763 2764 2765 2766 2767 2768
(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	2769 2770
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	2771 2772
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	2773 2774
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	2775 2776
(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire	2777 2778 2779 2780

investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code.

(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.

Sec. 2935.032. (A) Not later than ninety days after ~~the effective date of this amendment~~ October 21, 1997, each agency, instrumentality, or political subdivision that is served by any peace officer described in division ~~(B)(1)~~ (A) of section 2935.03 of the Revised Code shall adopt, in accordance with division (E) of this section, written policies, written procedures implementing the policies, and other written procedures for the peace officers who serve it to follow in implementing division (B)(3) of section 2935.03 of the Revised Code and for their appropriate response to each report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order. The policies and procedures shall conform to and be consistent with the provisions of divisions (B)(1) and (B)(3) of section 2935.03 of the Revised Code and divisions (B) to (D) of this section. Each policy adopted under this division shall include, but not be limited to, all of the following:

(1) Provisions specifying that, if a peace officer who serves the agency, instrumentality, or political subdivision responds to an alleged incident of the offense of domestic violence, an alleged incident of the offense of violating a protection order, or an alleged incident of any other offense,

both of the following apply: 2811

(a) If the officer determines that there are reasonable 2812
grounds to believe that a person knowingly caused serious 2813
physical harm to another or to another's unborn or knowingly 2814
caused or attempted to cause physical harm to another or to 2815
another's unborn by means of a deadly weapon or dangerous 2816
ordnance, then, regardless of whether the victim of the offense 2817
was a family or household member of the offender, the officer 2818
shall treat the incident as felonious assault, shall consider 2819
the offender to have committed and the victim to have been the 2820
victim of felonious assault, shall consider the offense that was 2821
committed to have been felonious assault in determining the 2822
manner in which the offender should be treated, and shall comply 2823
with whichever of the following is applicable: 2824

(i) Unless the officer has reasonable cause to believe 2825
that, during the incident, the offender who committed the 2826
felonious assault and one or more other persons committed 2827
offenses against each other, the officer shall arrest the 2828
offender who committed the felonious assault pursuant to section 2829
2935.03 of the Revised Code and shall detain that offender 2830
pursuant to that section until a warrant can be obtained, and 2831
the arrest shall be for felonious assault. 2832

(ii) If the officer has reasonable cause to believe that, 2833
during the incident, the offender who committed the felonious 2834
assault and one or more other persons committed offenses against 2835
each other, the officer shall determine in accordance with 2836
division (B) (3) (d) of section 2935.03 of the Revised Code which 2837
of those persons is the primary physical aggressor. If the 2838
offender who committed the felonious assault is the primary 2839
physical aggressor, the officer shall arrest that offender for 2840

felonious assault pursuant to section 2935.03 of the Revised 2841
Code and shall detain that offender pursuant to that section 2842
until a warrant can be obtained, and the officer is not required 2843
to arrest but may arrest pursuant to section 2935.03 of the 2844
Revised Code any other person who committed an offense but who 2845
is not the primary physical aggressor. If the offender who 2846
committed the felonious assault is not the primary physical 2847
aggressor, the officer is not required to arrest that offender 2848
or any other person who committed an offense during the incident 2849
but may arrest any of them pursuant to section 2935.03 of the 2850
Revised Code and detain them pursuant to that section until a 2851
warrant can be obtained. 2852

(b) If the officer determines that there are reasonable 2853
grounds to believe that a person, while under the influence of 2854
sudden passion or in a sudden fit of rage, either of which is 2855
brought on by serious provocation occasioned by the victim that 2856
is reasonably sufficient to incite the person into using deadly 2857
force, knowingly caused serious physical harm to another or to 2858
another's unborn or knowingly caused or attempted to cause 2859
physical harm to another or to another's unborn by means of a 2860
deadly weapon or dangerous ordnance, then, regardless of whether 2861
the victim of the offense was a family or household member of 2862
the offender, the officer shall treat the incident as aggravated 2863
assault, shall consider the offender to have committed and the 2864
victim to have been the victim of aggravated assault, shall 2865
consider the offense that was committed to have been aggravated 2866
assault in determining the manner in which the offender should 2867
be treated, and shall comply with whichever of the following is 2868
applicable: 2869

(i) Unless the officer has reasonable cause to believe 2870
that, during the incident, the offender who committed the 2871

aggravated assault and one or more other persons committed 2872
offenses against each other, the officer shall arrest the 2873
offender who committed the aggravated assault pursuant to 2874
section 2935.03 of the Revised Code and shall detain that 2875
offender pursuant to that section until a warrant can be 2876
obtained, and the arrest shall be for aggravated assault. 2877

(ii) If the officer has reasonable cause to believe that, 2878
during the incident, the offender who committed the aggravated 2879
assault and one or more other persons committed offenses against 2880
each other, the officer shall determine in accordance with 2881
division (B) (3) (d) of section 2935.03 of the Revised Code which 2882
of those persons is the primary physical aggressor. If the 2883
offender who committed the aggravated assault is the primary 2884
physical aggressor, the officer shall arrest that offender for 2885
aggravated assault pursuant to section 2935.03 of the Revised 2886
Code and shall detain that offender pursuant to that section 2887
until a warrant can be obtained, and the officer is not required 2888
to arrest but may arrest pursuant to section 2935.03 of the 2889
Revised Code any other person who committed an offense but who 2890
is not the primary physical aggressor. If the offender who 2891
committed the aggravated assault is not the primary physical 2892
aggressor, the officer is not required to arrest that offender 2893
or any other person who committed an offense during the incident 2894
but may arrest any of them pursuant to section 2935.03 of the 2895
Revised Code and detain them pursuant to that section until a 2896
warrant can be obtained. 2897

(2) Provisions requiring the peace officers who serve the 2898
agency, instrumentality, or political subdivision to do all of 2899
the following: 2900

(a) Respond without undue delay to a report of an alleged 2901

incident of the offense of domestic violence or the offense of 2902
violating a protection order; 2903

(b) If the alleged offender has been granted pretrial 2904
release from custody on a prior charge of the offense of 2905
domestic violence or the offense of violating a protection order 2906
and has violated one or more conditions of that pretrial 2907
release, document the facts and circumstances of the violation 2908
in the report to the law enforcement agency that the peace 2909
officer makes pursuant to division (D) of this section; 2910

(c) Separate the victim of the offense of domestic 2911
violence or the offense of violating a protection order and the 2912
alleged offender, conduct separate interviews with the victim 2913
and the alleged offender in separate locations, and take a 2914
written statement from the victim that indicates the frequency 2915
and severity of any prior incidents of physical abuse of the 2916
victim by the alleged offender, the number of times the victim 2917
has called peace officers for assistance, and the disposition of 2918
those calls, if known; 2919

(d) Comply with divisions (B) (1) and (B) (3) of section 2920
2935.03 of the Revised Code and with divisions (B), (C), and (D) 2921
of this section; 2922

(e) Screen the victim of the offense of domestic violence 2923
or the offense of violating a protection order using an 2924
evidence-based lethality assessment screening tool adopted under 2925
section 2935.033 of the Revised Code to determine if the case 2926
should be referred to local or regional domestic violence 2927
advocacy services, as required under section 2935.033 of the 2928
Revised Code; 2929

(f) Submit the results of a screening conducted under 2930

division (A) (2) (e) of this section to the court and prosecuting attorney having jurisdiction over any criminal complaint filed in connection with the offense when the investigative file, police report, and other information in that case is sent to the court and the prosecutor.

(3) Sanctions to be imposed upon a peace officer who serves the agency, instrumentality, or political subdivision and who fails to comply with any provision in the policy or with division (B) (1) or (B) (3) of section 2935.03 of the Revised Code or division (B), (C), or (D) of this section.

(4) Examples of reasons that a peace officer may consider for not arresting and detaining until a warrant can be obtained a person who allegedly committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state that the officer arrest the alleged offender, as described in division (B) (3) (b) of section 2935.03 of the Revised Code.

(B) (1) Nothing in this section or in division (B) (1) or (B) (3) of section 2935.03 of the Revised Code precludes an agency, instrumentality, or political subdivision that is served by any peace officer described in division ~~(B) (1)~~ (A) of section 2935.03 of the Revised Code from including in the policy it adopts under division (A) of this section either of the following types of provisions:

(a) A provision that requires the peace officers who serve it, if they have reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed within the limits of the jurisdiction of the agency, instrumentality, or political subdivision and reasonable cause to believe that a particular person committed

the offense, to arrest the alleged offender; 2961

(b) A provision that does not require the peace officers 2962
who serve it, if they have reasonable grounds to believe that 2963
the offense of domestic violence or the offense of violating a 2964
protection order has been committed within the limits of the 2965
jurisdiction of the agency, instrumentality, or political 2966
subdivision and reasonable cause to believe that a particular 2967
person committed the offense, to arrest the alleged offender, 2968
but that grants the officers less discretion in those 2969
circumstances in deciding whether to arrest the alleged offender 2970
than peace officers are granted by divisions (B) (1) and (B) (3) 2971
of section 2935.03 of the Revised Code. 2972

(2) If an agency, instrumentality, or political 2973
subdivision that is served by any peace officer described in 2974
division ~~(B) (1)~~ (A) of section 2935.03 of the Revised Code 2975
includes in the policy it adopts under division (A) of this 2976
section a provision of the type described in division (B) (1) (a) 2977
or (b) of this section, the peace officers who serve the agency, 2978
instrumentality, or political subdivision shall comply with the 2979
provision in making arrests authorized under division (B) (1) of 2980
section 2935.03 of the Revised Code. 2981

(C) When a peace officer described in division ~~(B) (1)~~ (A) 2982
of section 2935.03 of the Revised Code investigates a report of 2983
an alleged incident of the offense of domestic violence or an 2984
alleged incident of the offense of violating a protection order, 2985
the officer shall do all of the following: 2986

(1) Complete a domestic violence report in accordance with 2987
division (D) of this section; 2988

(2) Advise the victim of the availability of a temporary 2989

protection order pursuant to section 2919.26 of the Revised 2990
Code, an emergency protection order pursuant to section 2919.261 2991
of the Revised Code, or a protection order or consent agreement 2992
pursuant to section 3113.31 of the Revised Code; 2993

(3) Give the victim the officer's name, the officer's 2994
badge number if the officer has a badge and the badge has a 2995
number, the report number for the incident if a report number is 2996
available at the time of the officer's investigation, a 2997
telephone number that the victim can call for information about 2998
the case, the telephone number of a domestic violence shelter in 2999
the area, and information on any local victim advocate program. 3000

(D) A peace officer who investigates a report of an 3001
alleged incident of the offense of domestic violence or an 3002
alleged incident of the offense of violating a protection order 3003
shall make a written report of the incident whether or not an 3004
arrest is made. The report shall document the officer's 3005
observations of the victim and the alleged offender, any visible 3006
injuries of the victim or alleged offender, any weapons at the 3007
scene, the actions of the alleged offender, any statements made 3008
by the victim or witnesses, and any other significant facts or 3009
circumstances. If the officer does not arrest and detain until a 3010
warrant can be obtained a person who allegedly committed the 3011
offense of domestic violence or the offense of violating a 3012
protection order when it is the preferred course of action in 3013
this state pursuant to division (B) (3) (b) of section 2935.03 of 3014
the Revised Code that the alleged offender be arrested, the 3015
officer must articulate in the report a clear statement of the 3016
officer's reasons for not arresting and detaining that alleged 3017
offender until a warrant can be obtained. The officer shall 3018
submit the written report to the law enforcement agency to which 3019
the officer has been appointed, employed, or elected. 3020

(E) Each agency, instrumentality, or political subdivision 3021
that is required to adopt policies and procedures under division 3022
(A) of this section shall adopt those policies and procedures in 3023
conjunction and consultation with shelters in the community for 3024
victims of domestic violence and private organizations, law 3025
enforcement agencies, and other public agencies in the community 3026
that have expertise in the recognition and handling of domestic 3027
violence cases. 3028

(F) To the extent described in and in accordance with 3029
section 9.86 or 2744.03 of the Revised Code, a peace officer who 3030
arrests an offender for the offense of violating a protection 3031
order with respect to a protection order or consent agreement of 3032
this state or another state that on its face is valid is immune 3033
from liability in a civil action for damages for injury, death, 3034
or loss to person or property that allegedly was caused by or 3035
related to the arrest. 3036

(G) Each agency, instrumentality, or political subdivision 3037
described in division (A) of this section that arrests an 3038
offender for an alleged incident of the offense of domestic 3039
violence or an alleged incident of the offense of violating a 3040
protection order shall consider referring the case to federal 3041
authorities for prosecution under 18 U.S.C. 2261 if the incident 3042
constitutes a violation of federal law. 3043

(H) As used in this section: 3044

(1) "Another's unborn" has the same meaning as in section 3045
2903.09 of the Revised Code. 3046

(2) "Dangerous ordnance" and "deadly weapon" have the same 3047
meanings as in section 2923.11 of the Revised Code. 3048

(3) "The offense of violating a protection order" includes 3049

the former offense of violating a protection order or consent 3050
agreement or anti-stalking protection order as set forth in 3051
section 2919.27 of the Revised Code as it existed prior to ~~the~~ 3052
~~effective date of this amendment~~ October 21, 1997. 3053

Sec. 2935.033. (A) As used in this section, "lethality 3054
assessment screening tool" means a lethality assessment 3055
screening tool included in the list of validated and evidence- 3056
based lethality assessment screening tools by the attorney 3057
general pursuant to division (C) of section 109.744 of the 3058
Revised Code. 3059

(B) Not later than ninety days after the effective date of 3060
this section, the chief law enforcement officer of each agency, 3061
instrumentality, or political subdivision that is served by any 3062
peace officer described in division (A) of section 2935.03 of 3063
the Revised Code shall identify local and regional domestic 3064
violence advocacy services to which individuals experiencing 3065
domestic violence or violation of a protection order and 3066
determined to be high risk may be referred. 3067

(C) Each law enforcement agency, instrumentality, or 3068
political subdivision that is served by any peace officer 3069
described in division (A) of section 2935.03 of the Revised Code 3070
shall adopt written policies, written procedures implementing 3071
the policies, and any other necessary written procedures for the 3072
peace officers who serve the agency, instrumentality, or 3073
political subdivision to follow in screening alleged incidents 3074
of the offense of domestic violence and alleged incidents of the 3075
offense of violating a protection order for referral to local or 3076
regional domestic violence advocacy services. The policies and 3077
procedures shall include all of the following: 3078

(1) A requirement that peace officers who serve the 3079

agency, instrumentality, or political subdivision automatically 3080
refer any case of domestic violence that involves an allegation 3081
of strangulation to local or regional domestic violence advocacy 3082
services and provide the victim of an alleged strangulation with 3083
the following warning: 3084

"I have a duty to warn you that strangulation is serious 3085
and can cause internal injuries, brain damage, and delayed 3086
health consequences such as strokes, thyroid issues, 3087
miscarriage, and death. Research shows that if you are strangled 3088
one time, you are more likely to be killed by your partner. I 3089
strongly encourage you to seek immediate medical attention at an 3090
emergency department and to ask for support from an advocate." 3091

(2) A lethality assessment screening tool, selected by the 3092
law enforcement agency, instrumentality, or political 3093
subdivision from those qualified by the attorney general under 3094
division (C) of section 109.774 of the Revised Code, to be used 3095
by peace officers to screen victims of alleged incidents of 3096
domestic violence and alleged incidents of violating a 3097
protection order for referral to local or regional domestic 3098
violence advocacy services; 3099

(3) Procedures for connecting high risk victims to 3100
domestic violence advocacy programs, community and faith-based 3101
programs, nonprofit mental health programs, and other programs 3102
that may be able to assist high risk victims; 3103

(4) Procedures for local or regional domestic violence 3104
advocacy services to consult with prosecutors on charges and 3105
negotiated plea agreements in cases referred to the services. 3106

Sec. ~~2935.033~~2935.034. (A) Any peace officer may render 3107
assistance to any federal law enforcement officer who has arrest 3108

authority under the "Uniting and Strengthening America by
Providing Appropriate Tools Required to Intercept and Obstruct
Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056,
115 Stat. 272, as amended, if both of the following apply:

(1) There is a threat of imminent physical danger to the
federal law enforcement officer, a threat of physical harm to
another person, or any other serious emergency situation
present.

(2) Either the federal law enforcement officer requests
emergency assistance or it appears that the federal law
enforcement officer is unable to request assistance, and the
circumstances reasonably indicate that assistance is
appropriate.

(B) "Federal law enforcement officer" has the same meaning
as in section 9.88 of the Revised Code.

Sec. 2937.23. (A) (1) In a case involving a felony or a
violation of section 2903.11, 2903.12, or 2903.13 of the Revised
Code when the victim of the offense is a peace officer, the
judge or magistrate shall fix the amount of bail.

(2) In a case involving a misdemeanor or a violation of a
municipal ordinance and not involving a felony or a violation of
section 2903.11, 2903.12, or 2903.13 of the Revised Code when
the victim of the offense is a peace officer, the judge,
magistrate, or clerk of the court may fix the amount of bail and
may do so in accordance with a schedule previously fixed by the
judge or magistrate. If the judge, magistrate, or clerk of the
court is not readily available, the sheriff, deputy sheriff,
marshal, deputy marshal, police officer, or jailer having
custody of the person charged may fix the amount of bail in

accordance with a schedule previously fixed by the judge or 3138
magistrate and shall take the bail only in the county 3139
courthouse, the municipal or township building, or the county or 3140
municipal jail. 3141

(3) In all cases, the bail shall be fixed with 3142
consideration of the seriousness of the offense charged, the 3143
previous criminal record of the defendant, the results of any 3144
screening conducted in the case under division (A) (2) (e) of 3145
section 2935.032 of the Revised Code, if any such results are 3146
available, and the probability of the defendant appearing at the 3147
trial of the case. 3148

(B) In any case involving an alleged violation of section 3149
2903.211 of the Revised Code or of a municipal ordinance that is 3150
substantially similar to that section, the court shall determine 3151
whether it will order an evaluation of the mental condition of 3152
the defendant pursuant to section 2919.271 of the Revised Code 3153
and, if it decides to so order, shall issue the order requiring 3154
the evaluation before it sets bail for the person charged with 3155
the violation. In any case involving an alleged violation of 3156
section 2919.27 of the Revised Code or of a municipal ordinance 3157
that is substantially similar to that section and in which the 3158
court finds that either of the following criteria applies, the 3159
court shall determine whether it will order an evaluation of the 3160
mental condition of the defendant pursuant to section 2919.271 3161
of the Revised Code and, if it decides to so order, shall issue 3162
the order requiring that evaluation before it sets bail for the 3163
person charged with the violation: 3164

(1) Regarding an alleged violation of a protection order 3165
issued or consent agreement approved pursuant to section 2919.26 3166
or 3113.31 of the Revised Code, that the violation allegedly 3167

involves conduct by the defendant that caused physical harm to 3168
the person or property of a family or household member covered 3169
by the order or agreement or conduct by that defendant that 3170
caused a family or household member to believe that the 3171
defendant would cause physical harm to that member or that 3172
member's property; 3173

(2) Regarding an alleged violation of a protection order 3174
issued pursuant to section 2903.213 or 2903.214 of the Revised 3175
Code, or a protection order issued by a court of another state, 3176
as defined in section 2919.27 of the Revised Code, that the 3177
violation allegedly involves conduct by the defendant that 3178
caused physical harm to the person or property of the person 3179
covered by the order or conduct by that defendant that caused 3180
the person covered by the order to believe that the defendant 3181
would cause physical harm to that person or that person's 3182
property. 3183

(C) As used in this section, "peace officer" has the same 3184
meaning as in section 2935.01 of the Revised Code. 3185

Sec. 3113.31. (A) As used in this section: 3186

(1) "Domestic violence" means any of the following: 3187

(a) The occurrence of one or more of the following acts 3188
against a family or household member: 3189

(i) Attempting to cause or recklessly causing bodily 3190
injury; 3191

(ii) Placing another person by the threat of force in fear 3192
of imminent serious physical harm or committing a violation of 3193
section 2903.211 or 2911.211 of the Revised Code; 3194

(iii) Committing any act with respect to a child that 3195

would result in the child being an abused child, as defined in	3196
section 2151.031 of the Revised Code;	3197
(iv) Committing a sexually oriented offense.	3198
(b) The occurrence of one or more of the acts identified	3199
in divisions (A)(1)(a)(i) to (iv) of this section against a	3200
person with whom the respondent is or was in a dating	3201
relationship.	3202
(2) "Court" means the domestic relations division of the	3203
court of common pleas in counties that have a domestic relations	3204
division and the court of common pleas in counties that do not	3205
have a domestic relations division, or the juvenile division of	3206
the court of common pleas of the county in which the person to	3207
be protected by a protection order issued or a consent agreement	3208
approved under this section resides if the respondent is less	3209
than eighteen years of age.	3210
(3) "Family or household member" means any of the	3211
following:	3212
(a) Any of the following who is residing with or has	3213
resided with the respondent:	3214
(i) A spouse, a person living as a spouse, or a former	3215
spouse of the respondent;	3216
(ii) A parent, a foster parent, or a child of the	3217
respondent, or another person related by consanguinity or	3218
affinity to the respondent;	3219
(iii) A parent or a child of a spouse, person living as a	3220
spouse, or former spouse of the respondent, or another person	3221
related by consanguinity or affinity to a spouse, person living	3222
as a spouse, or former spouse of the respondent;	3223

<u>(iv) A child whose guardian or custodian is a spouse,</u>	3224
<u>person living as a spouse, or former spouse of the respondent.</u>	3225
(b) The natural parent of any child of whom the respondent	3226
is the other natural parent or is the putative other natural	3227
parent.	3228
(4) "Person living as a spouse" means a person who is	3229
living or has lived with the respondent in a common law marital	3230
relationship, who otherwise is cohabiting with the respondent,	3231
or who otherwise has cohabited with the respondent within five	3232
years prior to the date of the alleged occurrence of the act in	3233
question.	3234
(5) "Victim advocate" means a person who provides support	3235
and assistance for a person who files a petition under this	3236
section.	3237
(6) "Sexually oriented offense" has the same meaning as in	3238
section 2950.01 of the Revised Code.	3239
(7) "Companion animal" has the same meaning as in section	3240
959.131 of the Revised Code.	3241
(8) "Dating relationship" means a relationship between	3242
individuals who have, or have had, a relationship of a romantic	3243
or intimate nature. "Dating relationship" does not include a	3244
casual acquaintanceship or ordinary fraternization in a business	3245
or social context.	3246
(9) "Person with whom the respondent is or was in a dating	3247
relationship" means an adult who, at the time of the conduct in	3248
question, is in a dating relationship with the respondent who	3249
also is an adult or who, within the twelve months preceding the	3250
conduct in question, has had a dating relationship with the	3251
respondent who also is an adult.	3252

(10) "Child," "custodian," and "guardian" have the same 3253
meanings as in section 3109.51 of the Revised Code. 3254

(B) The court has jurisdiction over all proceedings under 3255
this section. The petitioner's right to relief under this 3256
section is not affected by the petitioner's leaving the 3257
residence or household to avoid further domestic violence. 3258

(C) (1) A person may seek relief under this section on the 3259
person's own behalf, or any parent or adult household member may 3260
seek relief under this section on behalf of any other family or 3261
household member, by filing a petition with the court. The 3262
petition shall contain or state: 3263

~~(1)~~ (a) An allegation that the respondent engaged in 3264
domestic violence against a family or household member of the 3265
respondent or against a person with whom the respondent is or 3266
was in a dating relationship, including a description of the 3267
nature and extent of the domestic violence; 3268

~~(2)~~ (b) The relationship of the respondent to the 3269
petitioner, and to the victim if other than the petitioner; 3270

~~(3)~~ (c) If the petition is for protection of a person with 3271
whom the respondent is or was in a dating relationship, the 3272
facts upon which the court may conclude that a dating 3273
relationship existed between the person to be protected and the 3274
respondent; 3275

~~(4)~~ (d) A request for relief under this section. 3276

(2) The petition may contain and the court shall consider 3277
any of the following: 3278

(a) An allegation that the respondent has previously 3279
engaged in domestic violence against a person to be protected; 3280

(b) Any previous conviction of or plea of guilty to the 3281
offense of domestic violence by the respondent where the victim 3282
was a person to be protected by the order. 3283

(D) (1) If a person who files a petition pursuant to this 3284
section requests an ex parte order, the court shall hold an ex 3285
parte hearing on the same day that the petition is filed. The 3286
court, for good cause shown at the ex parte hearing, may enter 3287
any temporary orders, with or without bond, including, but not 3288
limited to, an order described in division (E) (1) (a), (b), or 3289
(c) of this section, that the court finds necessary to protect 3290
the family or household member or the person with whom the 3291
respondent is or was in a dating relationship from domestic 3292
violence. Immediate and present danger of domestic violence to 3293
the family or household member or to the person with whom the 3294
respondent is or was in a dating relationship constitutes good 3295
cause for purposes of this section. Immediate and present danger 3296
includes, but is not limited to, situations in which the 3297
respondent has threatened the family or household member or 3298
person with whom the respondent is or was in a dating 3299
relationship with bodily harm, in which the respondent has 3300
threatened the family or household member or person with whom 3301
the respondent is or was in a dating relationship with a 3302
sexually oriented offense, or in which the respondent previously 3303
has been convicted of, pleaded guilty to, or been adjudicated a 3304
delinquent child for an offense that constitutes domestic 3305
violence against the family or household member or person with 3306
whom the respondent is or was in a dating relationship. 3307

(2) (a) If the court, after an ex parte hearing, issues an 3308
order described in division (E) (1) (b) or (c) of this section, 3309
the court shall schedule a full hearing for a date that is 3310
within seven court days after the ex parte hearing. If any other 3311

type of protection order that is authorized under division (E) 3312
of this section is issued by the court after an ex parte 3313
hearing, the court shall schedule a full hearing for a date that 3314
is within ten court days after the ex parte hearing. The court 3315
shall give the respondent notice of, and an opportunity to be 3316
heard at, the full hearing. The court shall hold the full 3317
hearing on the date scheduled under this division unless the 3318
court grants a continuance of the hearing in accordance with 3319
this division. Under any of the following circumstances or for 3320
any of the following reasons, the court may grant a continuance 3321
of the full hearing to a reasonable time determined by the 3322
court: 3323

(i) Prior to the date scheduled for the full hearing under 3324
this division, the respondent has not been served with the 3325
petition filed pursuant to this section and notice of the full 3326
hearing. 3327

(ii) The parties consent to the continuance. 3328

(iii) The continuance is needed to allow a party to obtain 3329
counsel. 3330

(iv) The continuance is needed for other good cause. 3331

(b) An ex parte order issued under this section does not 3332
expire because of a failure to serve notice of the full hearing 3333
upon the respondent before the date set for the full hearing 3334
under division (D) (2) (a) of this section or because the court 3335
grants a continuance under that division. 3336

(3) If a person who files a petition pursuant to this 3337
section does not request an ex parte order, or if a person 3338
requests an ex parte order but the court does not issue an ex 3339
parte order after an ex parte hearing, the court shall proceed 3340

as in a normal civil action and grant a full hearing on the 3341
matter. 3342

(E) (1) After an ex parte or full hearing, the court may 3343
grant any protection order, with or without bond, or approve any 3344
consent agreement to bring about a cessation of domestic 3345
violence against the family or household members or persons with 3346
whom the respondent is or was in a dating relationship. The 3347
order or agreement may: 3348

(a) Direct the respondent to refrain from abusing or from 3349
committing sexually oriented offenses against the family or 3350
household members or persons with whom the respondent is or was 3351
in a dating relationship; 3352

(b) With respect to a petition involving family or 3353
household members, grant possession of the residence or 3354
household to the petitioner or other family or household member, 3355
to the exclusion of the respondent, by evicting the respondent, 3356
when the residence or household is owned or leased solely by the 3357
petitioner or other family or household member, or by ordering 3358
the respondent to vacate the premises, when the residence or 3359
household is jointly owned or leased by the respondent, and the 3360
petitioner or other family or household member; 3361

(c) With respect to a petition involving family or 3362
household members, when the respondent has a duty to support the 3363
petitioner or other family or household member living in the 3364
residence or household and the respondent is the sole owner or 3365
lessee of the residence or household, grant possession of the 3366
residence or household to the petitioner or other family or 3367
household member, to the exclusion of the respondent, by 3368
ordering the respondent to vacate the premises, or, in the case 3369
of a consent agreement, allow the respondent to provide 3370

suitable, alternative housing; 3371

(d) With respect to a petition involving family or 3372
household members, temporarily allocate parental rights and 3373
responsibilities for the care of, or establish temporary 3374
parenting time rights with regard to, minor children, if no 3375
other court has determined, or is determining, the allocation of 3376
parental rights and responsibilities for the minor children or 3377
parenting time rights; 3378

(e) With respect to a petition involving family or 3379
household members, require the respondent to maintain support, 3380
if the respondent customarily provides for or contributes to the 3381
support of the family or household member, or if the respondent 3382
has a duty to support the petitioner or family or household 3383
member; 3384

(f) Require the respondent, petitioner, victim of domestic 3385
violence, or any combination of those persons, to seek 3386
counseling; 3387

(g) Require the respondent to refrain from entering the 3388
residence, school, business, or place of employment of the 3389
petitioner or, with respect to a petition involving family or 3390
household members, a family or household member; 3391

(h) Grant other relief that the court considers equitable 3392
and fair, including, but not limited to, ordering the respondent 3393
to permit the use of a motor vehicle by the petitioner or, with 3394
respect to a petition involving family or household members, 3395
other family or household members and the apportionment of 3396
household and family personal property; 3397

(i) Require that the respondent not remove, damage, hide, 3398
harm, or dispose of any companion animal owned or possessed by 3399

the petitioner; 3400

(j) Authorize the petitioner to remove a companion animal 3401
owned by the petitioner from the possession of the respondent; 3402

(k) Require a wireless service transfer in accordance with 3403
sections 3113.45 to 3113.459 of the Revised Code. 3404

(2) If a protection order has been issued pursuant to this 3405
section in a prior action involving the respondent and the 3406
petitioner or, with respect to a petition involving family or 3407
household members, one or more of the family or household 3408
members or victims, the court may include in a protection order 3409
that it issues a prohibition against the respondent returning to 3410
the residence or household. If it includes a prohibition against 3411
the respondent returning to the residence or household in the 3412
order, it also shall include in the order provisions of the type 3413
described in division (E) (7) of this section. This division does 3414
not preclude the court from including in a protection order or 3415
consent agreement, in circumstances other than those described 3416
in this division, a requirement that the respondent be evicted 3417
from or vacate the residence or household or refrain from 3418
entering the residence, school, business, or place of employment 3419
of the petitioner or, with respect to a petition involving 3420
family or household members, a family or household member, and, 3421
if the court includes any requirement of that type in an order 3422
or agreement, the court also shall include in the order 3423
provisions of the type described in division (E) (7) of this 3424
section. 3425

(3) (a) Any protection order issued or consent agreement 3426
approved under this section shall be valid until a date certain, 3427
but not later than five years from the date of its issuance or 3428
approval, or not later than the date a respondent who is less 3429

than eighteen years of age attains nineteen years of age, unless 3430
modified or terminated as provided in division (E) (8) of this 3431
section. 3432

(b) With respect to an order involving family or household 3433
members, subject to the limitation on the duration of an order 3434
or agreement set forth in division (E) (3) (a) of this section, 3435
any order under division (E) (1) (d) of this section shall 3436
terminate on the date that a court in an action for divorce, 3437
dissolution of marriage, or legal separation brought by the 3438
petitioner or respondent issues an order allocating parental 3439
rights and responsibilities for the care of children or on the 3440
date that a juvenile court in an action brought by the 3441
petitioner or respondent issues an order awarding legal custody 3442
of minor children. Subject to the limitation on the duration of 3443
an order or agreement set forth in division (E) (3) (a) of this 3444
section, any order under division (E) (1) (e) of this section 3445
shall terminate on the date that a court in an action for 3446
divorce, dissolution of marriage, or legal separation brought by 3447
the petitioner or respondent issues a support order or on the 3448
date that a juvenile court in an action brought by the 3449
petitioner or respondent issues a support order. 3450

(c) Any protection order issued or consent agreement 3451
approved pursuant to this section may be renewed in the same 3452
manner as the original order or agreement was issued or 3453
approved. 3454

(4) A court may not issue a protection order that requires 3455
a petitioner to do or to refrain from doing an act that the 3456
court may require a respondent to do or to refrain from doing 3457
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 3458
this section unless all of the following apply: 3459

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property.

(6) (a) With respect to an order involving family or household members, if a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E) (1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to

section 3109.051 or 3109.12 of the Revised Code or a visitation 3489
or companionship order issued pursuant to section 3109.051, 3490
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 3491
this section granting parenting time rights to the respondent, 3492
the court may require the public children services agency of the 3493
county in which the court is located to provide supervision of 3494
the respondent's exercise of parenting time or visitation or 3495
companionship rights with respect to the child for a period not 3496
to exceed nine months, if the court makes the following findings 3497
of fact: 3498

(i) The child is in danger from the respondent; 3499

(ii) No other person or agency is available to provide the 3500
supervision. 3501

(b) A court that requires an agency to provide supervision 3502
pursuant to division (E) (6) (a) of this section shall order the 3503
respondent to reimburse the agency for the cost of providing the 3504
supervision, if it determines that the respondent has sufficient 3505
income or resources to pay that cost. 3506

(7) (a) If a protection order issued or consent agreement 3507
approved under this section includes a requirement that the 3508
respondent be evicted from or vacate the residence or household 3509
or refrain from entering the residence, school, business, or 3510
place of employment of the petitioner or, with respect to a 3511
petition involving family or household members, a family or 3512
household member, the order or agreement shall state clearly 3513
that the order or agreement cannot be waived or nullified by an 3514
invitation to the respondent from the petitioner or other family 3515
or household member to enter the residence, school, business, or 3516
place of employment or by the respondent's entry into one of 3517
those places otherwise upon the consent of the petitioner or 3518

other family or household member. 3519

(b) Division (E) (7) (a) of this section does not limit any 3520
discretion of a court to determine that a respondent charged 3521
with a violation of section 2919.27 of the Revised Code, with a 3522
violation of a municipal ordinance substantially equivalent to 3523
that section, or with contempt of court, which charge is based 3524
on an alleged violation of a protection order issued or consent 3525
agreement approved under this section, did not commit the 3526
violation or was not in contempt of court. 3527

(8) (a) The court may modify or terminate as provided in 3528
division (E) (8) of this section a protection order or consent 3529
agreement that was issued after a full hearing under this 3530
section. The court that issued the protection order or approved 3531
the consent agreement shall hear a motion for modification or 3532
termination of the protection order or consent agreement 3533
pursuant to division (E) (8) of this section. 3534

(b) Either the petitioner or the respondent of the 3535
original protection order or consent agreement may bring a 3536
motion for modification or termination of a protection order or 3537
consent agreement that was issued or approved after a full 3538
hearing. The court shall require notice of the motion to be made 3539
as provided by the Rules of Civil Procedure. If the petitioner 3540
for the original protection order or consent agreement has 3541
requested that the petitioner's address be kept confidential, 3542
the court shall not disclose the address to the respondent of 3543
the original protection order or consent agreement or any other 3544
person, except as otherwise required by law. The moving party 3545
has the burden of proof to show, by a preponderance of the 3546
evidence, that modification or termination of the protection 3547
order or consent agreement is appropriate because either the 3548

protection order or consent agreement is no longer needed or 3549
because the terms of the original protection order or consent 3550
agreement are no longer appropriate. 3551

(c) In considering whether to modify or terminate a 3552
protection order or consent agreement issued or approved under 3553
this section, the court shall consider all relevant factors, 3554
including, but not limited to, the following: 3555

(i) Whether the petitioner consents to modification or 3556
termination of the protection order or consent agreement; 3557

(ii) Whether the petitioner fears the respondent; 3558

(iii) The current nature of the relationship between the 3559
petitioner and the respondent; 3560

(iv) The circumstances of the petitioner and respondent, 3561
including the relative proximity of the petitioner's and 3562
respondent's workplaces and residences and whether the 3563
petitioner and respondent have minor children together; 3564

(v) Whether the respondent has complied with the terms and 3565
conditions of the original protection order or consent 3566
agreement; 3567

(vi) Whether the respondent has a continuing involvement 3568
with illegal drugs or alcohol; 3569

(vii) Whether the respondent has been convicted of, 3570
pleaded guilty to, or been adjudicated a delinquent child for an 3571
offense of violence since the issuance of the protection order 3572
or approval of the consent agreement; 3573

(viii) Whether any other protection orders, consent 3574
agreements, restraining orders, or no contact orders have been 3575
issued against the respondent pursuant to this section, section 3576

2919.26 of the Revised Code, any other provision of state law, 3577
or the law of any other state; 3578

(ix) Whether the respondent has participated in any 3579
domestic violence treatment, intervention program, or other 3580
counseling addressing domestic violence and whether the 3581
respondent has completed the treatment, program, or counseling; 3582

(x) The time that has elapsed since the protection order 3583
was issued or since the consent agreement was approved; 3584

(xi) The age and health of the respondent; 3585

(xii) When the last incident of abuse, threat of harm, or 3586
commission of a sexually oriented offense occurred or other 3587
relevant information concerning the safety and protection of the 3588
petitioner or other protected parties. 3589

(d) If a protection order or consent agreement is modified 3590
or terminated as provided in division (E) (8) of this section, 3591
the court shall issue copies of the modified or terminated order 3592
or agreement as provided in division (F) of this section. A 3593
petitioner may also provide notice of the modification or 3594
termination to the judicial and law enforcement officials in any 3595
county other than the county in which the order or agreement is 3596
modified or terminated as provided in division (N) of this 3597
section. 3598

(e) If the respondent moves for modification or 3599
termination of a protection order or consent agreement pursuant 3600
to this section and the court denies the motion, the court may 3601
assess costs against the respondent for the filing of the 3602
motion. 3603

(9) Any protection order issued or any consent agreement 3604
approved pursuant to this section shall include a provision that 3605

the court will automatically seal all of the records of the 3606
proceeding in which the order is issued or agreement approved on 3607
the date the respondent attains the age of nineteen years unless 3608
the petitioner provides the court with evidence that the 3609
respondent has not complied with all of the terms of the 3610
protection order or consent agreement. The protection order or 3611
consent agreement shall specify the date when the respondent 3612
attains the age of nineteen years. 3613

(F) (1) A copy of any protection order, or consent 3614
agreement, that is issued, approved, modified, or terminated 3615
under this section shall be issued by the court to the 3616
petitioner, to the respondent, and to all law enforcement 3617
agencies that have jurisdiction to enforce the order or 3618
agreement. The court shall direct that a copy of an order be 3619
delivered to the respondent on the same day that the order is 3620
entered. 3621

(2) Upon the issuance of a protection order or the 3622
approval of a consent agreement under this section, the court 3623
shall provide the parties to the order or agreement with the 3624
following notice orally or by form: 3625

"NOTICE 3626

As a result of this order or consent agreement, it may be 3627
unlawful for you to possess or purchase a firearm, including a 3628
rifle, pistol, or revolver, or ammunition pursuant to federal 3629
law under 18 U.S.C. 922(g) (8) for the duration of this order or 3630
consent agreement. If you have any questions whether this law 3631
makes it illegal for you to possess or purchase a firearm or 3632
ammunition, you should consult an attorney." 3633

(3) All law enforcement agencies shall establish and 3634

maintain an index for the protection orders and the approved 3635
consent agreements delivered to the agencies pursuant to 3636
division (F) (1) of this section. With respect to each order and 3637
consent agreement delivered, each agency shall note on the index 3638
the date and time that it received the order or consent 3639
agreement. 3640

(4) Regardless of whether the petitioner has registered 3641
the order or agreement in the county in which the officer's 3642
agency has jurisdiction pursuant to division (N) of this 3643
section, any officer of a law enforcement agency shall enforce a 3644
protection order issued or consent agreement approved by any 3645
court in this state in accordance with the provisions of the 3646
order or agreement, including removing the respondent from the 3647
premises, if appropriate. 3648

(G) (1) Any proceeding under this section shall be 3649
conducted in accordance with the Rules of Civil Procedure, 3650
except that an order under this section may be obtained with or 3651
without bond. An order issued under this section, other than an 3652
ex parte order, that grants a protection order or approves a 3653
consent agreement, that refuses to grant a protection order or 3654
approve a consent agreement that modifies or terminates a 3655
protection order or consent agreement, or that refuses to modify 3656
or terminate a protection order or consent agreement, is a 3657
final, appealable order. The remedies and procedures provided in 3658
this section are in addition to, and not in lieu of, any other 3659
available civil or criminal remedies. 3660

(2) If as provided in division (G) (1) of this section an 3661
order issued under this section, other than an ex parte order, 3662
refuses to grant a protection order, the court, on its own 3663
motion, shall order that the ex parte order issued under this 3664

section and all of the records pertaining to that ex parte order 3665
be sealed after either of the following occurs: 3666

(a) No party has exercised the right to appeal pursuant to 3667
Rule 4 of the Rules of Appellate Procedure. 3668

(b) All appellate rights have been exhausted. 3669

(H) The filing of proceedings under this section does not 3670
excuse a person from filing any report or giving any notice 3671
required by section 2151.421 of the Revised Code or by any other 3672
law. When a petition under this section alleges domestic 3673
violence against minor children, the court shall report the 3674
fact, or cause reports to be made, to a county, township, or 3675
municipal peace officer under section 2151.421 of the Revised 3676
Code. 3677

(I) Any law enforcement agency that investigates a 3678
domestic dispute shall provide information to the family or 3679
household members involved, or the persons in the dating 3680
relationship who are involved, whichever is applicable regarding 3681
the relief available under this section and, for family or 3682
household members, section 2919.26 of the Revised Code. 3683

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 3684
section and regardless of whether a protection order is issued 3685
or a consent agreement is approved by a court of another county 3686
or a court of another state, no court or unit of state or local 3687
government shall charge the petitioner any fee, cost, deposit, 3688
or money in connection with the filing of a petition pursuant to 3689
this section or in connection with the filing, issuance, 3690
registration, modification, enforcement, dismissal, withdrawal, 3691
or service of a protection order, consent agreement, or witness 3692
subpoena or for obtaining a certified copy of a protection order 3693

or consent agreement. 3694

(2) Regardless of whether a protection order is issued or 3695
a consent agreement is approved pursuant to this section, the 3696
court may assess costs against the respondent in connection with 3697
the filing, issuance, registration, modification, enforcement, 3698
dismissal, withdrawal, or service of a protection order, consent 3699
agreement, or witness subpoena or for obtaining a certified copy 3700
of a protection order or consent agreement. 3701

(K) (1) The court shall comply with Chapters 3119., 3121., 3702
3123., and 3125. of the Revised Code when it makes or modifies 3703
an order for child support under this section. 3704

(2) If any person required to pay child support under an 3705
order made under this section on or after April 15, 1985, or 3706
modified under this section on or after December 31, 1986, is 3707
found in contempt of court for failure to make support payments 3708
under the order, the court that makes the finding, in addition 3709
to any other penalty or remedy imposed, shall assess all court 3710
costs arising out of the contempt proceeding against the person 3711
and require the person to pay any reasonable attorney's fees of 3712
any adverse party, as determined by the court, that arose in 3713
relation to the act of contempt. 3714

(L) (1) A person who violates a protection order issued or 3715
a consent agreement approved under this section is subject to 3716
the following sanctions: 3717

(a) Criminal prosecution or a delinquent child proceeding 3718
for a violation of section 2919.27 of the Revised Code, if the 3719
violation of the protection order or consent agreement 3720
constitutes a violation of that section; 3721

(b) Punishment for contempt of court. 3722

(2) The punishment of a person for contempt of court for 3723
violation of a protection order issued or a consent agreement 3724
approved under this section does not bar criminal prosecution of 3725
the person or a delinquent child proceeding concerning the 3726
person for a violation of section 2919.27 of the Revised Code. 3727
However, a person punished for contempt of court is entitled to 3728
credit for the punishment imposed upon conviction of or 3729
adjudication as a delinquent child for a violation of that 3730
section, and a person convicted of or adjudicated a delinquent 3731
child for a violation of that section shall not subsequently be 3732
punished for contempt of court arising out of the same activity. 3733

(M) In all stages of a proceeding under this section, a 3734
petitioner may be accompanied by a victim advocate. 3735

(N) (1) A petitioner who obtains a protection order or 3736
consent agreement under this section or a temporary protection 3737
order under section 2919.26 of the Revised Code may provide 3738
notice of the issuance or approval of the order or agreement to 3739
the judicial and law enforcement officials in any county other 3740
than the county in which the order is issued or the agreement is 3741
approved by registering that order or agreement in the other 3742
county pursuant to division (N) (2) of this section and filing a 3743
copy of the registered order or registered agreement with a law 3744
enforcement agency in the other county in accordance with that 3745
division. A person who obtains a protection order issued by a 3746
court of another state may provide notice of the issuance of the 3747
order to the judicial and law enforcement officials in any 3748
county of this state by registering the order in that county 3749
pursuant to section 2919.272 of the Revised Code and filing a 3750
copy of the registered order with a law enforcement agency in 3751
that county. 3752

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order or agreement is to be registered.

(b) Upon accepting the certified copy of the order or agreement for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order or agreement and give the petitioner a copy of the order or agreement that bears that proof of registration.

(3) The clerk of each court of common pleas, the clerk of each municipal court, and the clerk of each county court shall maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk.

(O) Nothing in this section prohibits the domestic relations division of a court of common pleas in counties that have a domestic relations division or a court of common pleas in counties that do not have a domestic relations division from designating a minor child as a protected party on a protection order or consent agreement.

Section 2. That existing sections 109.744, 109.803,

2903.01, 2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2929.22, 3782
2935.03, 2935.032, 2937.23, 3113.31, and 2935.033 of the Revised 3783
Code are hereby repealed. 3784

Section 3. The General Assembly, in enacting this act, 3785
encourages prosecuting attorneys, in cases related to an 3786
incident of domestic violence, to consider the totality of the 3787
circumstances, to review all of the evidence in the case, and to 3788
resist seeking voluntary dismissal or an entry of nolle prosequi 3789
based solely on the victim's wishes, unless justice demands 3790
otherwise. 3791

Section 4. The General Assembly respectfully requests the 3792
Ohio Supreme Court to review the Ohio Rules of Evidence to 3793
consider how the Rules may better aid victims of domestic 3794
violence without diminishing the fundamental fairness to alleged 3795
perpetrators of domestic violence. 3796

Section 5. This act shall be known as Aisha's Law. 3797

Section 6. (A) There is hereby created the Domestic 3798
Violence Prosecution Study Committee consisting of the following 3799
ten members: 3800

(1) The following five members appointed by the Speaker of 3801
the House of Representatives: 3802

(a) One member who is a domestic violence survivor; 3803

(b) One member who is a domestic violence advocate; 3804

(c) One member who is a prosecutor who handles domestic 3805
violence cases; 3806

(d) One member who is a member of the judiciary with 3807
experience handling domestic violence cases; 3808

(e) One member who is a member of the House of Representatives.	3809 3810
(2) The following five members appointed by the Minority Leader of the House of Representatives:	3811 3812
(a) One member who is a domestic violence survivor;	3813
(b) One member who is a domestic violence advocate;	3814
(c) One member who is a prosecutor who handles domestic violence cases;	3815 3816
(d) One member who is a member of the judiciary with experience handling domestic violence cases;	3817 3818
(e) One member who is a member of the House of Representatives.	3819 3820
(B) The Study Committee shall examine policies to protect victims of domestic violence throughout the judicial process, including an investigation into the prevalence of dropped or amended domestic violence charges, and the cases in which a charge of domestic violence was dropped and the victim of domestic violence later became the victim of a homicide.	3821 3822 3823 3824 3825 3826
(C) The Speaker and Minority Leader shall make appointments to the Study Committee as soon as practicable after the effective date of this section and the Study Committee shall produce a report of its findings not later than one year after the effective date of this section. The Study Committee shall submit that report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives. Upon submission of the report, the Study Committee shall cease to exist.	3827 3828 3829 3830 3831 3832 3833 3834 3835 3836

Section 7. All items in this section are hereby 3837
appropriated as designated out of any moneys in the state 3838
treasury to the credit of the designated fund. For all 3839
appropriations made in this act, those in the first column are 3840
for fiscal year 2022 and those in the second column are for 3841
fiscal year 2023. The appropriations made in this act are in 3842
addition to any other appropriations made for the FY 2022-FY 3843
2023 biennium. 3844

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	1	2	3	4	5
A	AGO ATTORNEY GENERAL				
B	Dedicated Purpose Fund Group				
C	4210	055617	Police Officers' Training Academy Fee	\$150,000	\$0
D	TOTAL DPF Dedicated Purpose Fund Group			\$150,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$150,000	\$0

Section 8. Within the limits set forth in this act, the 3846
Director of Budget and Management shall establish accounts 3847
indicating the source and amount of funds for each appropriation 3848
made in this act, and shall determine the form and manner in 3849
which appropriation accounts shall be maintained. Expenditures 3850
from appropriations contained in this act shall be accounted for 3851

as though made in the main operating appropriations act of the 134th General Assembly. 3852
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The appropriations made in this act are subject to all provisions of the main operating appropriations act of the 134th General Assembly that are generally applicable to such appropriations. 3854
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Section 9. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 3858
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Section 2929.14 of the Revised Code as amended by H.B. 63, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General Assembly. 3866
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Section 2937.23 of the Revised Code as amended by both H.B. 202 and S.B. 142 of the 123rd General Assembly. 3869
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