

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 735

Representatives LaRe, Miller, K.

**Cosponsors: Representatives Carruthers, Holmes, Gross, Riedel, Schmidt, Ginter,
White, Plummer**

A BILL

To amend sections 2919.25 and 2929.14 of the 1
Revised Code to increase the sentencing range 2
for third degree felony domestic violence and to 3
create a presumption in favor of a prison term 4
for the offense. 5

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

Section 1. That sections 2919.25 and 2929.14 of the 6
Revised Code be amended to read as follows: 7

Sec. 2919.25. (A) No person shall knowingly cause or 8
attempt to cause physical harm to a family or household member. 9

(B) No person shall recklessly cause serious physical harm 10
to a family or household member. 11

(C) No person, by threat of force, shall knowingly cause a 12
family or household member to believe that the offender will 13
cause imminent physical harm to the family or household member. 14

(D) (1) Whoever violates this section is guilty of domestic 15
violence, and the court shall sentence the offender as provided 16

in divisions (D) (2) to (6) of this section. 17

(2) Except as otherwise provided in divisions (D) (3) to 18
(5) of this section, a violation of division (C) of this section 19
is a misdemeanor of the fourth degree, and a violation of 20
division (A) or (B) of this section is a misdemeanor of the 21
first degree. 22

(3) Except as otherwise provided in division (D) (4) of 23
this section, if the offender previously has pleaded guilty to 24
or been convicted of domestic violence, a violation of an 25
existing or former municipal ordinance or law of this or any 26
other state or the United States that is substantially similar 27
to domestic violence, a violation of section 2903.14, 2909.06, 28
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 29
the victim of the violation was a family or household member at 30
the time of the violation, a violation of an existing or former 31
municipal ordinance or law of this or any other state or the 32
United States that is substantially similar to any of those 33
sections if the victim of the violation was a family or 34
household member at the time of the commission of the violation, 35
or any offense of violence if the victim of the offense was a 36
family or household member at the time of the commission of the 37
offense, a violation of division (A) or (B) of this section is a 38
felony of the fourth degree, and, if the offender knew that the 39
victim of the violation was pregnant at the time of the 40
violation, the court shall impose a mandatory prison term on the 41
offender pursuant to division (D) (6) of this section, and a 42
violation of division (C) of this section is a misdemeanor of 43
the second degree. 44

(4) If the offender previously has pleaded guilty to or 45
been convicted of two or more offenses of domestic violence or 46

two or more violations or offenses of the type described in 47
division (D) (3) of this section involving a person who was a 48
family or household member at the time of the violations or 49
offenses, a violation of division (A) or (B) of this section is 50
a felony of the third degree, ~~and, if~~ and there is a presumption 51
for a prison term for the offense. If the offender previously 52
has pleaded guilty to or been convicted of two or more offenses 53
of domestic violence or two or more violations or offenses of 54
the type described in division (D) (3) of this section involving 55
a person who was a family or household member at the time of the 56
violations or offenses, and the offender knew that the victim of 57
the violation was pregnant at the time of the violation, a 58
violation of division (A) or (B) of this section is a felony of 59
the third degree, and the court shall impose a mandatory prison 60
term on the offender pursuant to division (D) (6) of this 61
section, and a violation of division (C) of this section is a 62
misdemeanor of the first degree. 63

(5) Except as otherwise provided in division (D) (3) or (4) 64
of this section, if the offender knew that the victim of the 65
violation was pregnant at the time of the violation, a violation 66
of division (A) or (B) of this section is a felony of the fifth 67
degree, and the court shall impose a mandatory prison term on 68
the offender pursuant to division (D) (6) of this section, and a 69
violation of division (C) of this section is a misdemeanor of 70
the third degree. 71

(6) If division (D) (3), (4), or (5) of this section 72
requires the court that sentences an offender for a violation of 73
division (A) or (B) of this section to impose a mandatory prison 74
term on the offender pursuant to this division, the court shall 75
impose the mandatory prison term as follows: 76

(a) If the violation of division (A) or (B) of this 77
section is a felony of the fourth or fifth degree, except as 78
otherwise provided in division (D) (6) (b) or (c) of this section, 79
the court shall impose a mandatory prison term on the offender 80
of at least six months. 81

(b) If the violation of division (A) or (B) of this 82
section is a felony of the fifth degree and the offender, in 83
committing the violation, caused serious physical harm to the 84
pregnant woman's unborn or caused the termination of the 85
pregnant woman's pregnancy, the court shall impose a mandatory 86
prison term on the offender of twelve months. 87

(c) If the violation of division (A) or (B) of this 88
section is a felony of the fourth degree and the offender, in 89
committing the violation, caused serious physical harm to the 90
pregnant woman's unborn or caused the termination of the 91
pregnant woman's pregnancy, the court shall impose a mandatory 92
prison term on the offender of at least twelve months. 93

(d) If the violation of division (A) or (B) of this 94
section is a felony of the third degree and the offender knew 95
that the victim of the violation was pregnant at the time of the 96
violation, except as otherwise provided in division (D) (6) (e) of 97
this section and notwithstanding the range of definite prison 98
terms prescribed in division (A) (3) of section 2929.14 of the 99
Revised Code for a felony of the third degree, the court shall 100
impose a mandatory prison term on the offender of either a 101
definite term of ~~six~~ twelve months or one of the prison terms 102
prescribed in division ~~(A) (3) (b)~~ (A) (3) (a) of section 2929.14 of 103
the Revised Code for felonies of the third degree. 104

(e) If the violation of division (A) or (B) of this 105
section is a felony of the third degree and the offender, in 106

committing the violation, caused serious physical harm to the 107
pregnant woman's unborn or caused the termination of the 108
pregnant woman's pregnancy, notwithstanding the range of 109
definite prison terms prescribed in division (A) (3) of section 110
2929.14 of the Revised Code for a felony of the third degree, 111
the court shall impose a mandatory prison term on the offender 112
of either a definite term of ~~one year~~ eighteen months or one of 113
the prison terms prescribed in division ~~(A) (3) (b)~~ (A) (3) (a) of 114
section 2929.14 of the Revised Code for felonies of the third 115
degree. 116

(E) Notwithstanding any provision of law to the contrary, 117
no court or unit of state or local government shall charge any 118
fee, cost, deposit, or money in connection with the filing of 119
charges against a person alleging that the person violated this 120
section or a municipal ordinance substantially similar to this 121
section or in connection with the prosecution of any charges so 122
filed. 123

(F) As used in this section and sections 2919.251 and 124
2919.26 of the Revised Code: 125

(1) "Family or household member" means any of the 126
following: 127

(a) Any of the following who is residing or has resided 128
with the offender: 129

(i) A spouse, a person living as a spouse, or a former 130
spouse of the offender; 131

(ii) A parent, a foster parent, or a child of the 132
offender, or another person related by consanguinity or affinity 133
to the offender; 134

(iii) A parent or a child of a spouse, person living as a 135

spouse, or former spouse of the offender, or another person 136
related by consanguinity or affinity to a spouse, person living 137
as a spouse, or former spouse of the offender. 138

(b) The natural parent of any child of whom the offender 139
is the other natural parent or is the putative other natural 140
parent. 141

(2) "Person living as a spouse" means a person who is 142
living or has lived with the offender in a common law marital 143
relationship, who otherwise is cohabiting with the offender, or 144
who otherwise has cohabited with the offender within five years 145
prior to the date of the alleged commission of the act in 146
question. 147

(3) "Pregnant woman's unborn" has the same meaning as 148
"such other person's unborn," as set forth in section 2903.09 of 149
the Revised Code, as it relates to the pregnant woman. Division 150
(C) of that section applies regarding the use of the term in 151
this section, except that the second and third sentences of 152
division (C)(1) of that section shall be construed for purposes 153
of this section as if they included a reference to this section 154
in the listing of Revised Code sections they contain. 155

(4) "Termination of the pregnant woman's pregnancy" has 156
the same meaning as "unlawful termination of another's 157
pregnancy," as set forth in section 2903.09 of the Revised Code, 158
as it relates to the pregnant woman. Division (C) of that 159
section applies regarding the use of the term in this section, 160
except that the second and third sentences of division (C)(1) of 161
that section shall be construed for purposes of this section as 162
if they included a reference to this section in the listing of 163
Revised Code sections they contain. 164

Sec. 2929.14. (A) Except as provided in division (B) (1), 165
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 166
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 167
in division (D) (6) of section 2919.25 of the Revised Code and 168
except in relation to an offense for which a sentence of death 169
or life imprisonment is to be imposed, if the court imposing a 170
sentence upon an offender for a felony elects or is required to 171
impose a prison term on the offender pursuant to this chapter, 172
the court shall impose a prison term that shall be one of the 173
following: 174

(1) (a) For a felony of the first degree committed on or 175
~~after the effective date of this amendment~~ March 22, 2019, the 176
prison term shall be an indefinite prison term with a stated 177
minimum term selected by the court of three, four, five, six, 178
seven, eight, nine, ten, or eleven years and a maximum term that 179
is determined pursuant to section 2929.144 of the Revised Code, 180
except that if the section that criminalizes the conduct 181
constituting the felony specifies a different minimum term or 182
penalty for the offense, the specific language of that section 183
shall control in determining the minimum term or otherwise 184
sentencing the offender but the minimum term or sentence imposed 185
under that specific language shall be considered for purposes of 186
the Revised Code as if it had been imposed under this division. 187

(b) For a felony of the first degree committed prior to 188
~~the effective date of this amendment~~ March 22, 2019, the prison 189
term shall be a definite prison term of three, four, five, six, 190
seven, eight, nine, ten, or eleven years. 191

(2) (a) For a felony of the second degree committed on or 192
~~after the effective date of this amendment~~ March 22, 2019, the 193
prison term shall be an indefinite prison term with a stated 194

minimum term selected by the court of two, three, four, five, 195
six, seven, or eight years and a maximum term that is determined 196
pursuant to section 2929.144 of the Revised Code, except that if 197
the section that criminalizes the conduct constituting the 198
felony specifies a different minimum term or penalty for the 199
offense, the specific language of that section shall control in 200
determining the minimum term or otherwise sentencing the 201
offender but the minimum term or sentence imposed under that 202
specific language shall be considered for purposes of the 203
Revised Code as if it had been imposed under this division. 204

(b) For a felony of the second degree committed prior to 205
~~the effective date of this amendment~~ March 22, 2019, the prison 206
term shall be a definite term of two, three, four, five, six, 207
seven, or eight years. 208

(3) (a) For a felony of the third degree that is a 209
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 210
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 211
the Revised Code or that is a violation of section 2911.02 or 212
2911.12 of the Revised Code if the offender previously has been 213
convicted of or pleaded guilty in two or more separate 214
proceedings to two or more violations of section 2911.01, 215
2911.02, 2911.11, or 2911.12 of the Revised Code, the prison 216
term shall be a definite term of twelve, eighteen, twenty-four, 217
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 218
months. 219

(b) For a felony of the third degree that is not an 220
offense for which division (A) (3) (a) of this section applies, 221
the prison term shall be a definite term of nine, twelve, 222
eighteen, twenty-four, thirty, or thirty-six months. 223

(4) For a felony of the fourth degree, the prison term 224

shall be a definite term of six, seven, eight, nine, ten, 225
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 226
or eighteen months. 227

(5) For a felony of the fifth degree, the prison term 228
shall be a definite term of six, seven, eight, nine, ten, 229
eleven, or twelve months. 230

(B) (1) (a) Except as provided in division (B) (1) (e) of this 231
section, if an offender who is convicted of or pleads guilty to 232
a felony also is convicted of or pleads guilty to a 233
specification of the type described in section 2941.141, 234
2941.144, or 2941.145 of the Revised Code, the court shall 235
impose on the offender one of the following prison terms: 236

(i) A prison term of six years if the specification is of 237
the type described in division (A) of section 2941.144 of the 238
Revised Code that charges the offender with having a firearm 239
that is an automatic firearm or that was equipped with a firearm 240
muffler or suppressor on or about the offender's person or under 241
the offender's control while committing the offense; 242

(ii) A prison term of three years if the specification is 243
of the type described in division (A) of section 2941.145 of the 244
Revised Code that charges the offender with having a firearm on 245
or about the offender's person or under the offender's control 246
while committing the offense and displaying the firearm, 247
brandishing the firearm, indicating that the offender possessed 248
the firearm, or using it to facilitate the offense; 249

(iii) A prison term of one year if the specification is of 250
the type described in division (A) of section 2941.141 of the 251
Revised Code that charges the offender with having a firearm on 252
or about the offender's person or under the offender's control 253

while committing the offense; 254

(iv) A prison term of nine years if the specification is 255
of the type described in division (D) of section 2941.144 of the 256
Revised Code that charges the offender with having a firearm 257
that is an automatic firearm or that was equipped with a firearm 258
muffler or suppressor on or about the offender's person or under 259
the offender's control while committing the offense and 260
specifies that the offender previously has been convicted of or 261
pleaded guilty to a specification of the type described in 262
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 263
the Revised Code; 264

(v) A prison term of fifty-four months if the 265
specification is of the type described in division (D) of 266
section 2941.145 of the Revised Code that charges the offender 267
with having a firearm on or about the offender's person or under 268
the offender's control while committing the offense and 269
displaying the firearm, brandishing the firearm, indicating that 270
the offender possessed the firearm, or using the firearm to 271
facilitate the offense and that the offender previously has been 272
convicted of or pleaded guilty to a specification of the type 273
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 274
2941.1412 of the Revised Code; 275

(vi) A prison term of eighteen months if the specification 276
is of the type described in division (D) of section 2941.141 of 277
the Revised Code that charges the offender with having a firearm 278
on or about the offender's person or under the offender's 279
control while committing the offense and that the offender 280
previously has been convicted of or pleaded guilty to a 281
specification of the type described in section 2941.141, 282
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 283

(b) If a court imposes a prison term on an offender under 284
division (B)(1)(a) of this section, the prison term shall not be 285
reduced pursuant to section 2967.19, section 2929.20, section 286
2967.193, or any other provision of Chapter 2967. or Chapter 287
5120. of the Revised Code. Except as provided in division (B)(1) 288
(g) of this section, a court shall not impose more than one 289
prison term on an offender under division (B)(1)(a) of this 290
section for felonies committed as part of the same act or 291
transaction. 292

(c) (i) Except as provided in division (B)(1)(e) of this 293
section, if an offender who is convicted of or pleads guilty to 294
a violation of section 2923.161 of the Revised Code or to a 295
felony that includes, as an essential element, purposely or 296
knowingly causing or attempting to cause the death of or 297
physical harm to another, also is convicted of or pleads guilty 298
to a specification of the type described in division (A) of 299
section 2941.146 of the Revised Code that charges the offender 300
with committing the offense by discharging a firearm from a 301
motor vehicle other than a manufactured home, the court, after 302
imposing a prison term on the offender for the violation of 303
section 2923.161 of the Revised Code or for the other felony 304
offense under division (A), (B)(2), or (B)(3) of this section, 305
shall impose an additional prison term of five years upon the 306
offender that shall not be reduced pursuant to section 2929.20, 307
section 2967.19, section 2967.193, or any other provision of 308
Chapter 2967. or Chapter 5120. of the Revised Code. 309

(ii) Except as provided in division (B)(1)(e) of this 310
section, if an offender who is convicted of or pleads guilty to 311
a violation of section 2923.161 of the Revised Code or to a 312
felony that includes, as an essential element, purposely or 313
knowingly causing or attempting to cause the death of or 314

physical harm to another, also is convicted of or pleads guilty 315
to a specification of the type described in division (C) of 316
section 2941.146 of the Revised Code that charges the offender 317
with committing the offense by discharging a firearm from a 318
motor vehicle other than a manufactured home and that the 319
offender previously has been convicted of or pleaded guilty to a 320
specification of the type described in section 2941.141, 321
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 322
the court, after imposing a prison term on the offender for the 323
violation of section 2923.161 of the Revised Code or for the 324
other felony offense under division (A), (B) (2), or (3) of this 325
section, shall impose an additional prison term of ninety months 326
upon the offender that shall not be reduced pursuant to section 327
2929.20, 2967.19, 2967.193, or any other provision of Chapter 328
2967. or Chapter 5120. of the Revised Code. 329

(iii) A court shall not impose more than one additional 330
prison term on an offender under division (B) (1) (c) of this 331
section for felonies committed as part of the same act or 332
transaction. If a court imposes an additional prison term on an 333
offender under division (B) (1) (c) of this section relative to an 334
offense, the court also shall impose a prison term under 335
division (B) (1) (a) of this section relative to the same offense, 336
provided the criteria specified in that division for imposing an 337
additional prison term are satisfied relative to the offender 338
and the offense. 339

(d) If an offender who is convicted of or pleads guilty to 340
an offense of violence that is a felony also is convicted of or 341
pleads guilty to a specification of the type described in 342
section 2941.1411 of the Revised Code that charges the offender 343
with wearing or carrying body armor while committing the felony 344
offense of violence, the court shall impose on the offender an 345

additional prison term of two years. The prison term so imposed, 346
subject to divisions (C) to (I) of section 2967.19 of the 347
Revised Code, shall not be reduced pursuant to section 2929.20, 348
section 2967.19, section 2967.193, or any other provision of 349
Chapter 2967. or Chapter 5120. of the Revised Code. A court 350
shall not impose more than one prison term on an offender under 351
division (B)(1)(d) of this section for felonies committed as 352
part of the same act or transaction. If a court imposes an 353
additional prison term under division (B)(1)(a) or (c) of this 354
section, the court is not precluded from imposing an additional 355
prison term under division (B)(1)(d) of this section. 356

(e) The court shall not impose any of the prison terms 357
described in division (B)(1)(a) of this section or any of the 358
additional prison terms described in division (B)(1)(c) of this 359
section upon an offender for a violation of section 2923.12 or 360
2923.123 of the Revised Code. The court shall not impose any of 361
the prison terms described in division (B)(1)(a) or (b) of this 362
section upon an offender for a violation of section 2923.122 363
that involves a deadly weapon that is a firearm other than a 364
dangerous ordnance, section 2923.16, or section 2923.121 of the 365
Revised Code. The court shall not impose any of the prison terms 366
described in division (B)(1)(a) of this section or any of the 367
additional prison terms described in division (B)(1)(c) of this 368
section upon an offender for a violation of section 2923.13 of 369
the Revised Code unless all of the following apply: 370

(i) The offender previously has been convicted of 371
aggravated murder, murder, or any felony of the first or second 372
degree. 373

(ii) Less than five years have passed since the offender 374
was released from prison or post-release control, whichever is 375

later, for the prior offense. 376

(f) (i) If an offender is convicted of or pleads guilty to 377
a felony that includes, as an essential element, causing or 378
attempting to cause the death of or physical harm to another and 379
also is convicted of or pleads guilty to a specification of the 380
type described in division (A) of section 2941.1412 of the 381
Revised Code that charges the offender with committing the 382
offense by discharging a firearm at a peace officer as defined 383
in section 2935.01 of the Revised Code or a corrections officer, 384
as defined in section 2941.1412 of the Revised Code, the court, 385
after imposing a prison term on the offender for the felony 386
offense under division (A), (B) (2), or (B) (3) of this section, 387
shall impose an additional prison term of seven years upon the 388
offender that shall not be reduced pursuant to section 2929.20, 389
section 2967.19, section 2967.193, or any other provision of 390
Chapter 2967. or Chapter 5120. of the Revised Code. 391

(ii) If an offender is convicted of or pleads guilty to a 392
felony that includes, as an essential element, causing or 393
attempting to cause the death of or physical harm to another and 394
also is convicted of or pleads guilty to a specification of the 395
type described in division (B) of section 2941.1412 of the 396
Revised Code that charges the offender with committing the 397
offense by discharging a firearm at a peace officer, as defined 398
in section 2935.01 of the Revised Code, or a corrections 399
officer, as defined in section 2941.1412 of the Revised Code, 400
and that the offender previously has been convicted of or 401
pleaded guilty to a specification of the type described in 402
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 403
the Revised Code, the court, after imposing a prison term on the 404
offender for the felony offense under division (A), (B) (2), or 405
(3) of this section, shall impose an additional prison term of 406

one hundred twenty-six months upon the offender that shall not 407
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 408
any other provision of Chapter 2967. or 5120. of the Revised 409
Code. 410

(iii) If an offender is convicted of or pleads guilty to 411
two or more felonies that include, as an essential element, 412
causing or attempting to cause the death or physical harm to 413
another and also is convicted of or pleads guilty to a 414
specification of the type described under division (B)(1)(f) of 415
this section in connection with two or more of the felonies of 416
which the offender is convicted or to which the offender pleads 417
guilty, the sentencing court shall impose on the offender the 418
prison term specified under division (B)(1)(f) of this section 419
for each of two of the specifications of which the offender is 420
convicted or to which the offender pleads guilty and, in its 421
discretion, also may impose on the offender the prison term 422
specified under that division for any or all of the remaining 423
specifications. If a court imposes an additional prison term on 424
an offender under division (B)(1)(f) of this section relative to 425
an offense, the court shall not impose a prison term under 426
division (B)(1)(a) or (c) of this section relative to the same 427
offense. 428

(g) If an offender is convicted of or pleads guilty to two 429
or more felonies, if one or more of those felonies are 430
aggravated murder, murder, attempted aggravated murder, 431
attempted murder, aggravated robbery, felonious assault, or 432
rape, and if the offender is convicted of or pleads guilty to a 433
specification of the type described under division (B)(1)(a) of 434
this section in connection with two or more of the felonies, the 435
sentencing court shall impose on the offender the prison term 436
specified under division (B)(1)(a) of this section for each of 437

the two most serious specifications of which the offender is 438
convicted or to which the offender pleads guilty and, in its 439
discretion, also may impose on the offender the prison term 440
specified under that division for any or all of the remaining 441
specifications. 442

(2) (a) If division (B) (2) (b) of this section does not 443
apply, the court may impose on an offender, in addition to the 444
longest prison term authorized or required for the offense or, 445
for offenses for which division (A) (1) (a) or (2) (a) of this 446
section applies, in addition to the longest minimum prison term 447
authorized or required for the offense, an additional definite 448
prison term of one, two, three, four, five, six, seven, eight, 449
nine, or ten years if all of the following criteria are met: 450

(i) The offender is convicted of or pleads guilty to a 451
specification of the type described in section 2941.149 of the 452
Revised Code that the offender is a repeat violent offender. 453

(ii) The offense of which the offender currently is 454
convicted or to which the offender currently pleads guilty is 455
aggravated murder and the court does not impose a sentence of 456
death or life imprisonment without parole, murder, terrorism and 457
the court does not impose a sentence of life imprisonment 458
without parole, any felony of the first degree that is an 459
offense of violence and the court does not impose a sentence of 460
life imprisonment without parole, or any felony of the second 461
degree that is an offense of violence and the trier of fact 462
finds that the offense involved an attempt to cause or a threat 463
to cause serious physical harm to a person or resulted in 464
serious physical harm to a person. 465

(iii) The court imposes the longest prison term for the 466
offense or the longest minimum prison term for the offense, 467

whichever is applicable, that is not life imprisonment without 468
parole. 469

(iv) The court finds that the prison terms imposed 470
pursuant to division (B) (2) (a) (iii) of this section and, if 471
applicable, division (B) (1) or (3) of this section are 472
inadequate to punish the offender and protect the public from 473
future crime, because the applicable factors under section 474
2929.12 of the Revised Code indicating a greater likelihood of 475
recidivism outweigh the applicable factors under that section 476
indicating a lesser likelihood of recidivism. 477

(v) The court finds that the prison terms imposed pursuant 478
to division (B) (2) (a) (iii) of this section and, if applicable, 479
division (B) (1) or (3) of this section are demeaning to the 480
seriousness of the offense, because one or more of the factors 481
under section 2929.12 of the Revised Code indicating that the 482
offender's conduct is more serious than conduct normally 483
constituting the offense are present, and they outweigh the 484
applicable factors under that section indicating that the 485
offender's conduct is less serious than conduct normally 486
constituting the offense. 487

(b) The court shall impose on an offender the longest 488
prison term authorized or required for the offense or, for 489
offenses for which division (A) (1) (a) or (2) (a) of this section 490
applies, the longest minimum prison term authorized or required 491
for the offense, and shall impose on the offender an additional 492
definite prison term of one, two, three, four, five, six, seven, 493
eight, nine, or ten years if all of the following criteria are 494
met: 495

(i) The offender is convicted of or pleads guilty to a 496
specification of the type described in section 2941.149 of the 497

Revised Code that the offender is a repeat violent offender. 498

(ii) The offender within the preceding twenty years has 499
been convicted of or pleaded guilty to three or more offenses 500
described in division (CC)(1) of section 2929.01 of the Revised 501
Code, including all offenses described in that division of which 502
the offender is convicted or to which the offender pleads guilty 503
in the current prosecution and all offenses described in that 504
division of which the offender previously has been convicted or 505
to which the offender previously pleaded guilty, whether 506
prosecuted together or separately. 507

(iii) The offense or offenses of which the offender 508
currently is convicted or to which the offender currently pleads 509
guilty is aggravated murder and the court does not impose a 510
sentence of death or life imprisonment without parole, murder, 511
terrorism and the court does not impose a sentence of life 512
imprisonment without parole, any felony of the first degree that 513
is an offense of violence and the court does not impose a 514
sentence of life imprisonment without parole, or any felony of 515
the second degree that is an offense of violence and the trier 516
of fact finds that the offense involved an attempt to cause or a 517
threat to cause serious physical harm to a person or resulted in 518
serious physical harm to a person. 519

(c) For purposes of division (B)(2)(b) of this section, 520
two or more offenses committed at the same time or as part of 521
the same act or event shall be considered one offense, and that 522
one offense shall be the offense with the greatest penalty. 523

(d) A sentence imposed under division (B)(2)(a) or (b) of 524
this section shall not be reduced pursuant to section 2929.20, 525
section 2967.19, or section 2967.193, or any other provision of 526
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 527

shall serve an additional prison term imposed under division (B) 528
(2) (a) or (b) of this section consecutively to and prior to the 529
prison term imposed for the underlying offense. 530

(e) When imposing a sentence pursuant to division (B) (2) 531
(a) or (b) of this section, the court shall state its findings 532
explaining the imposed sentence. 533

(3) Except when an offender commits a violation of section 534
2903.01 or 2907.02 of the Revised Code and the penalty imposed 535
for the violation is life imprisonment or commits a violation of 536
section 2903.02 of the Revised Code, if the offender commits a 537
violation of section 2925.03 or 2925.11 of the Revised Code and 538
that section classifies the offender as a major drug offender, 539
if the offender commits a violation of section 2925.05 of the 540
Revised Code and division (E) (1) of that section classifies the 541
offender as a major drug offender, if the offender commits a 542
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 543
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 544
division (C) or (D) of section 3719.172, division (E) of section 545
4729.51, or division (J) of section 4729.54 of the Revised Code 546
that includes the sale, offer to sell, or possession of a 547
schedule I or II controlled substance, with the exception of 548
marihuana, and the court imposing sentence upon the offender 549
finds that the offender is guilty of a specification of the type 550
described in division (A) of section 2941.1410 of the Revised 551
Code charging that the offender is a major drug offender, if the 552
court imposing sentence upon an offender for a felony finds that 553
the offender is guilty of corrupt activity with the most serious 554
offense in the pattern of corrupt activity being a felony of the 555
first degree, or if the offender is guilty of an attempted 556
violation of section 2907.02 of the Revised Code and, had the 557
offender completed the violation of section 2907.02 of the 558

Revised Code that was attempted, the offender would have been 559
subject to a sentence of life imprisonment or life imprisonment 560
without parole for the violation of section 2907.02 of the 561
Revised Code, the court shall impose upon the offender for the 562
felony violation a mandatory prison term determined as described 563
in this division that, subject to divisions (C) to (I) of 564
section 2967.19 of the Revised Code, cannot be reduced pursuant 565
to section 2929.20, section 2967.19, or any other provision of 566
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 567
term shall be the maximum definite prison term prescribed in 568
division (A) (1) (b) of this section for a felony of the first 569
degree, except that for offenses for which division (A) (1) (a) of 570
this section applies, the mandatory prison term shall be the 571
longest minimum prison term prescribed in that division for the 572
offense. 573

(4) If the offender is being sentenced for a third or 574
fourth degree felony OVI offense under division (G) (2) of 575
section 2929.13 of the Revised Code, the sentencing court shall 576
impose upon the offender a mandatory prison term in accordance 577
with that division. In addition to the mandatory prison term, if 578
the offender is being sentenced for a fourth degree felony OVI 579
offense, the court, notwithstanding division (A) (4) of this 580
section, may sentence the offender to a definite prison term of 581
not less than six months and not more than thirty months, and if 582
the offender is being sentenced for a third degree felony OVI 583
offense, the sentencing court may sentence the offender to an 584
additional prison term of any duration specified in division (A) 585
(3) of this section. In either case, the additional prison term 586
imposed shall be reduced by the sixty or one hundred twenty days 587
imposed upon the offender as the mandatory prison term. The 588
total of the additional prison term imposed under division (B) 589

(4) of this section plus the sixty or one hundred twenty days 590
imposed as the mandatory prison term shall equal a definite term 591
in the range of six months to thirty months for a fourth degree 592
felony OVI offense and shall equal one of the authorized prison 593
terms specified in division (A) (3) of this section for a third 594
degree felony OVI offense. If the court imposes an additional 595
prison term under division (B) (4) of this section, the offender 596
shall serve the additional prison term after the offender has 597
served the mandatory prison term required for the offense. In 598
addition to the mandatory prison term or mandatory and 599
additional prison term imposed as described in division (B) (4) 600
of this section, the court also may sentence the offender to a 601
community control sanction under section 2929.16 or 2929.17 of 602
the Revised Code, but the offender shall serve all of the prison 603
terms so imposed prior to serving the community control 604
sanction. 605

If the offender is being sentenced for a fourth degree 606
felony OVI offense under division (G) (1) of section 2929.13 of 607
the Revised Code and the court imposes a mandatory term of local 608
incarceration, the court may impose a prison term as described 609
in division (A) (1) of that section. 610

(5) If an offender is convicted of or pleads guilty to a 611
violation of division (A) (1) or (2) of section 2903.06 of the 612
Revised Code and also is convicted of or pleads guilty to a 613
specification of the type described in section 2941.1414 of the 614
Revised Code that charges that the victim of the offense is a 615
peace officer, as defined in section 2935.01 of the Revised 616
Code, or an investigator of the bureau of criminal 617
identification and investigation, as defined in section 2903.11 618
of the Revised Code, the court shall impose on the offender a 619
prison term of five years. If a court imposes a prison term on 620

an offender under division (B) (5) of this section, the prison 621
term, subject to divisions (C) to (I) of section 2967.19 of the 622
Revised Code, shall not be reduced pursuant to section 2929.20, 623
section 2967.19, section 2967.193, or any other provision of 624
Chapter 2967. or Chapter 5120. of the Revised Code. A court 625
shall not impose more than one prison term on an offender under 626
division (B) (5) of this section for felonies committed as part 627
of the same act. 628

(6) If an offender is convicted of or pleads guilty to a 629
violation of division (A) (1) or (2) of section 2903.06 of the 630
Revised Code and also is convicted of or pleads guilty to a 631
specification of the type described in section 2941.1415 of the 632
Revised Code that charges that the offender previously has been 633
convicted of or pleaded guilty to three or more violations of 634
division (A) or (B) of section 4511.19 of the Revised Code or an 635
equivalent offense, as defined in section 2941.1415 of the 636
Revised Code, or three or more violations of any combination of 637
those divisions and offenses, the court shall impose on the 638
offender a prison term of three years. If a court imposes a 639
prison term on an offender under division (B) (6) of this 640
section, the prison term, subject to divisions (C) to (I) of 641
section 2967.19 of the Revised Code, shall not be reduced 642
pursuant to section 2929.20, section 2967.19, section 2967.193, 643
or any other provision of Chapter 2967. or Chapter 5120. of the 644
Revised Code. A court shall not impose more than one prison term 645
on an offender under division (B) (6) of this section for 646
felonies committed as part of the same act. 647

(7) (a) If an offender is convicted of or pleads guilty to 648
a felony violation of section 2905.01, 2905.02, 2907.21, 649
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 650
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 651

section 2919.22 of the Revised Code and also is convicted of or 652
pleads guilty to a specification of the type described in 653
section 2941.1422 of the Revised Code that charges that the 654
offender knowingly committed the offense in furtherance of human 655
trafficking, the court shall impose on the offender a mandatory 656
prison term that is one of the following: 657

(i) If the offense is a felony of the first degree, a 658
definite prison term of not less than five years and not greater 659
than eleven years, except that if the offense is a felony of the 660
first degree committed on or after ~~the effective date of this~~ 661
~~amendment~~ March 22, 2019, the court shall impose as the minimum 662
prison term a mandatory term of not less than five years and not 663
greater than eleven years; 664

(ii) If the offense is a felony of the second or third 665
degree, a definite prison term of not less than three years and 666
not greater than the maximum prison term allowed for the offense 667
by division (A) (2) (b) or (3) of this section, except that if the 668
offense is a felony of the second degree committed on or after 669
~~the effective date of this amendment~~ March 22, 2019, the court 670
shall impose as the minimum prison term a mandatory term of not 671
less than three years and not greater than eight years; 672

(iii) If the offense is a felony of the fourth or fifth 673
degree, a definite prison term that is the maximum prison term 674
allowed for the offense by division (A) of section 2929.14 of 675
the Revised Code. 676

(b) Subject to divisions (C) to (I) of section 2967.19 of 677
the Revised Code, the prison term imposed under division (B) (7) 678
(a) of this section shall not be reduced pursuant to section 679
2929.20, section 2967.19, section 2967.193, or any other 680
provision of Chapter 2967. of the Revised Code. A court shall 681

not impose more than one prison term on an offender under 682
division (B) (7) (a) of this section for felonies committed as 683
part of the same act, scheme, or plan. 684

(8) If an offender is convicted of or pleads guilty to a 685
felony violation of section 2903.11, 2903.12, or 2903.13 of the 686
Revised Code and also is convicted of or pleads guilty to a 687
specification of the type described in section 2941.1423 of the 688
Revised Code that charges that the victim of the violation was a 689
woman whom the offender knew was pregnant at the time of the 690
violation, notwithstanding the range prescribed in division (A) 691
of this section as the definite prison term or minimum prison 692
term for felonies of the same degree as the violation, the court 693
shall impose on the offender a mandatory prison term that is 694
either a definite prison term of six months or one of the prison 695
terms prescribed in division (A) of this section for felonies of 696
the same degree as the violation, except that if the violation 697
is a felony of the first or second degree committed on or after 698
~~the effective date of this amendment~~ March 22, 2019, the court 699
shall impose as the minimum prison term under division (A) (1) (a) 700
or (2) (a) of this section a mandatory term that is one of the 701
terms prescribed in that division, whichever is applicable, for 702
the offense. 703

(9) (a) If an offender is convicted of or pleads guilty to 704
a violation of division (A) (1) or (2) of section 2903.11 of the 705
Revised Code and also is convicted of or pleads guilty to a 706
specification of the type described in section 2941.1425 of the 707
Revised Code, the court shall impose on the offender a mandatory 708
prison term of six years if either of the following applies: 709

(i) The violation is a violation of division (A) (1) of 710
section 2903.11 of the Revised Code and the specification 711

charges that the offender used an accelerant in committing the 712
violation and the serious physical harm to another or to 713
another's unborn caused by the violation resulted in a 714
permanent, serious disfigurement or permanent, substantial 715
incapacity; 716

(ii) The violation is a violation of division (A)(2) of 717
section 2903.11 of the Revised Code and the specification 718
charges that the offender used an accelerant in committing the 719
violation, that the violation caused physical harm to another or 720
to another's unborn, and that the physical harm resulted in a 721
permanent, serious disfigurement or permanent, substantial 722
incapacity. 723

(b) If a court imposes a prison term on an offender under 724
division (B)(9)(a) of this section, the prison term shall not be 725
reduced pursuant to section 2929.20, section 2967.19, section 726
2967.193, or any other provision of Chapter 2967. or Chapter 727
5120. of the Revised Code. A court shall not impose more than 728
one prison term on an offender under division (B)(9) of this 729
section for felonies committed as part of the same act. 730

(c) The provisions of divisions (B)(9) and (C)(6) of this 731
section and of division (D)(2) of section 2903.11, division (F) 732
(20) of section 2929.13, and section 2941.1425 of the Revised 733
Code shall be known as "Judy's Law." 734

(10) If an offender is convicted of or pleads guilty to a 735
violation of division (A) of section 2903.11 of the Revised Code 736
and also is convicted of or pleads guilty to a specification of 737
the type described in section 2941.1426 of the Revised Code that 738
charges that the victim of the offense suffered permanent 739
disabling harm as a result of the offense and that the victim 740
was under ten years of age at the time of the offense, 741

regardless of whether the offender knew the age of the victim, 742
the court shall impose upon the offender an additional definite 743
prison term of six years. A prison term imposed on an offender 744
under division (B) (10) of this section shall not be reduced 745
pursuant to section 2929.20, section 2967.193, or any other 746
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 747
If a court imposes an additional prison term on an offender 748
under this division relative to a violation of division (A) of 749
section 2903.11 of the Revised Code, the court shall not impose 750
any other additional prison term on the offender relative to the 751
same offense. 752

(11) If an offender is convicted of or pleads guilty to a 753
felony violation of section 2925.03 or 2925.05 of the Revised 754
Code or a felony violation of section 2925.11 of the Revised 755
Code for which division (C) (11) of that section applies in 756
determining the sentence for the violation, if the drug involved 757
in the violation is a fentanyl-related compound or a compound, 758
mixture, preparation, or substance containing a fentanyl-related 759
compound, and if the offender also is convicted of or pleads 760
guilty to a specification of the type described in division (B) 761
of section 2941.1410 of the Revised Code that charges that the 762
offender is a major drug offender, in addition to any other 763
penalty imposed for the violation, the court shall impose on the 764
offender a mandatory prison term of three, four, five, six, 765
seven, or eight years. If a court imposes a prison term on an 766
offender under division (B) (11) of this section, the prison 767
term, subject to divisions (C) to (I) of section 2967.19 of the 768
Revised Code, shall not be reduced pursuant to section 2929.20, 769
2967.19, or 2967.193, or any other provision of Chapter 2967. or 770
5120. of the Revised Code. A court shall not impose more than 771
one prison term on an offender under division (B) (11) of this 772

section for felonies committed as part of the same act. 773

(C) (1) (a) Subject to division (C) (1) (b) of this section, 774
if a mandatory prison term is imposed upon an offender pursuant 775
to division (B) (1) (a) of this section for having a firearm on or 776
about the offender's person or under the offender's control 777
while committing a felony, if a mandatory prison term is imposed 778
upon an offender pursuant to division (B) (1) (c) of this section 779
for committing a felony specified in that division by 780
discharging a firearm from a motor vehicle, or if both types of 781
mandatory prison terms are imposed, the offender shall serve any 782
mandatory prison term imposed under either division 783
consecutively to any other mandatory prison term imposed under 784
either division or under division (B) (1) (d) of this section, 785
consecutively to and prior to any prison term imposed for the 786
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 787
this section or any other section of the Revised Code, and 788
consecutively to any other prison term or mandatory prison term 789
previously or subsequently imposed upon the offender. 790

(b) If a mandatory prison term is imposed upon an offender 791
pursuant to division (B) (1) (d) of this section for wearing or 792
carrying body armor while committing an offense of violence that 793
is a felony, the offender shall serve the mandatory term so 794
imposed consecutively to any other mandatory prison term imposed 795
under that division or under division (B) (1) (a) or (c) of this 796
section, consecutively to and prior to any prison term imposed 797
for the underlying felony under division (A), (B) (2), or (B) (3) 798
of this section or any other section of the Revised Code, and 799
consecutively to any other prison term or mandatory prison term 800
previously or subsequently imposed upon the offender. 801

(c) If a mandatory prison term is imposed upon an offender 802

pursuant to division (B)(1)(f) of this section, the offender 803
shall serve the mandatory prison term so imposed consecutively 804
to and prior to any prison term imposed for the underlying 805
felony under division (A), (B)(2), or (B)(3) of this section or 806
any other section of the Revised Code, and consecutively to any 807
other prison term or mandatory prison term previously or 808
subsequently imposed upon the offender. 809

(d) If a mandatory prison term is imposed upon an offender 810
pursuant to division (B)(7) or (8) of this section, the offender 811
shall serve the mandatory prison term so imposed consecutively 812
to any other mandatory prison term imposed under that division 813
or under any other provision of law and consecutively to any 814
other prison term or mandatory prison term previously or 815
subsequently imposed upon the offender. 816

(e) If a mandatory prison term is imposed upon an offender 817
pursuant to division (B)(11) of this section, the offender shall 818
serve the mandatory prison term consecutively to any other 819
mandatory prison term imposed under that division, consecutively 820
to and prior to any prison term imposed for the underlying 821
felony, and consecutively to any other prison term or mandatory 822
prison term previously or subsequently imposed upon the 823
offender. 824

(2) If an offender who is an inmate in a jail, prison, or 825
other residential detention facility violates section 2917.02, 826
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 827
(2) of section 2921.34 of the Revised Code, if an offender who 828
is under detention at a detention facility commits a felony 829
violation of section 2923.131 of the Revised Code, or if an 830
offender who is an inmate in a jail, prison, or other 831
residential detention facility or is under detention at a 832

detention facility commits another felony while the offender is 833
an escapee in violation of division (A) (1) or (2) of section 834
2921.34 of the Revised Code, any prison term imposed upon the 835
offender for one of those violations shall be served by the 836
offender consecutively to the prison term or term of 837
imprisonment the offender was serving when the offender 838
committed that offense and to any other prison term previously 839
or subsequently imposed upon the offender. 840

(3) If a prison term is imposed for a violation of 841
division (B) of section 2911.01 of the Revised Code, a violation 842
of division (A) of section 2913.02 of the Revised Code in which 843
the stolen property is a firearm or dangerous ordnance, or a 844
felony violation of division (B) of section 2921.331 of the 845
Revised Code, the offender shall serve that prison term 846
consecutively to any other prison term or mandatory prison term 847
previously or subsequently imposed upon the offender. 848

(4) If multiple prison terms are imposed on an offender 849
for convictions of multiple offenses, the court may require the 850
offender to serve the prison terms consecutively if the court 851
finds that the consecutive service is necessary to protect the 852
public from future crime or to punish the offender and that 853
consecutive sentences are not disproportionate to the 854
seriousness of the offender's conduct and to the danger the 855
offender poses to the public, and if the court also finds any of 856
the following: 857

(a) The offender committed one or more of the multiple 858
offenses while the offender was awaiting trial or sentencing, 859
was under a sanction imposed pursuant to section 2929.16, 860
2929.17, or 2929.18 of the Revised Code, or was under post- 861
release control for a prior offense. 862

(b) At least two of the multiple offenses were committed 863
as part of one or more courses of conduct, and the harm caused 864
by two or more of the multiple offenses so committed was so 865
great or unusual that no single prison term for any of the 866
offenses committed as part of any of the courses of conduct 867
adequately reflects the seriousness of the offender's conduct. 868

(c) The offender's history of criminal conduct 869
demonstrates that consecutive sentences are necessary to protect 870
the public from future crime by the offender. 871

(5) If a mandatory prison term is imposed upon an offender 872
pursuant to division (B) (5) or (6) of this section, the offender 873
shall serve the mandatory prison term consecutively to and prior 874
to any prison term imposed for the underlying violation of 875
division (A) (1) or (2) of section 2903.06 of the Revised Code 876
pursuant to division (A) of this section or section 2929.142 of 877
the Revised Code. If a mandatory prison term is imposed upon an 878
offender pursuant to division (B) (5) of this section, and if a 879
mandatory prison term also is imposed upon the offender pursuant 880
to division (B) (6) of this section in relation to the same 881
violation, the offender shall serve the mandatory prison term 882
imposed pursuant to division (B) (5) of this section 883
consecutively to and prior to the mandatory prison term imposed 884
pursuant to division (B) (6) of this section and consecutively to 885
and prior to any prison term imposed for the underlying 886
violation of division (A) (1) or (2) of section 2903.06 of the 887
Revised Code pursuant to division (A) of this section or section 888
2929.142 of the Revised Code. 889

(6) If a mandatory prison term is imposed on an offender 890
pursuant to division (B) (9) of this section, the offender shall 891
serve the mandatory prison term consecutively to and prior to 892

any prison term imposed for the underlying violation of division 893
(A) (1) or (2) of section 2903.11 of the Revised Code and 894
consecutively to and prior to any other prison term or mandatory 895
prison term previously or subsequently imposed on the offender. 896

(7) If a mandatory prison term is imposed on an offender 897
pursuant to division (B) (10) of this section, the offender shall 898
serve that mandatory prison term consecutively to and prior to 899
any prison term imposed for the underlying felonious assault. 900
Except as otherwise provided in division (C) of this section, 901
any other prison term or mandatory prison term previously or 902
subsequently imposed upon the offender may be served 903
concurrently with, or consecutively to, the prison term imposed 904
pursuant to division (B) (10) of this section. 905

(8) Any prison term imposed for a violation of section 906
2903.04 of the Revised Code that is based on a violation of 907
section 2925.03 or 2925.11 of the Revised Code or on a violation 908
of section 2925.05 of the Revised Code that is not funding of 909
marihuana trafficking shall run consecutively to any prison term 910
imposed for the violation of section 2925.03 or 2925.11 of the 911
Revised Code or for the violation of section 2925.05 of the 912
Revised Code that is not funding of marihuana trafficking. 913

(9) When consecutive prison terms are imposed pursuant to 914
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 915
division (H) (1) or (2) of this section, subject to division (C) 916
(10) of this section, the term to be served is the aggregate of 917
all of the terms so imposed. 918

(10) When a court sentences an offender to a non-life 919
felony indefinite prison term, any definite prison term or 920
mandatory definite prison term previously or subsequently 921
imposed on the offender in addition to that indefinite sentence 922

that is required to be served consecutively to that indefinite 923
sentence shall be served prior to the indefinite sentence. 924

(11) If a court is sentencing an offender for a felony of 925
the first or second degree, if division (A) (1) (a) or (2) (a) of 926
this section applies with respect to the sentencing for the 927
offense, and if the court is required under the Revised Code 928
section that sets forth the offense or any other Revised Code 929
provision to impose a mandatory prison term for the offense, the 930
court shall impose the required mandatory prison term as the 931
minimum term imposed under division (A) (1) (a) or (2) (a) of this 932
section, whichever is applicable. 933

(D) (1) If a court imposes a prison term, other than a term 934
of life imprisonment, for a felony of the first degree, for a 935
felony of the second degree, for a felony sex offense, or for a 936
felony of the third degree that is an offense of violence and 937
that is not a felony sex offense, it shall include in the 938
sentence a requirement that the offender be subject to a period 939
of post-release control after the offender's release from 940
imprisonment, in accordance with section 2967.28 of the Revised 941
Code. If a court imposes a sentence including a prison term of a 942
type described in this division on or after July 11, 2006, the 943
failure of a court to include a post-release control requirement 944
in the sentence pursuant to this division does not negate, 945
limit, or otherwise affect the mandatory period of post-release 946
control that is required for the offender under division (B) of 947
section 2967.28 of the Revised Code. Section 2929.191 of the 948
Revised Code applies if, prior to July 11, 2006, a court imposed 949
a sentence including a prison term of a type described in this 950
division and failed to include in the sentence pursuant to this 951
division a statement regarding post-release control. 952

(2) If a court imposes a prison term for a felony of the 953
third, fourth, or fifth degree that is not subject to division 954
(D) (1) of this section, it shall include in the sentence a 955
requirement that the offender be subject to a period of post- 956
release control after the offender's release from imprisonment, 957
in accordance with that division, if the parole board determines 958
that a period of post-release control is necessary. Section 959
2929.191 of the Revised Code applies if, prior to July 11, 2006, 960
a court imposed a sentence including a prison term of a type 961
described in this division and failed to include in the sentence 962
pursuant to this division a statement regarding post-release 963
control. 964

(E) The court shall impose sentence upon the offender in 965
accordance with section 2971.03 of the Revised Code, and Chapter 966
2971. of the Revised Code applies regarding the prison term or 967
term of life imprisonment without parole imposed upon the 968
offender and the service of that term of imprisonment if any of 969
the following apply: 970

(1) A person is convicted of or pleads guilty to a violent 971
sex offense or a designated homicide, assault, or kidnapping 972
offense, and, in relation to that offense, the offender is 973
adjudicated a sexually violent predator. 974

(2) A person is convicted of or pleads guilty to a 975
violation of division (A) (1) (b) of section 2907.02 of the 976
Revised Code committed on or after January 2, 2007, and either 977
the court does not impose a sentence of life without parole when 978
authorized pursuant to division (B) of section 2907.02 of the 979
Revised Code, or division (B) of section 2907.02 of the Revised 980
Code provides that the court shall not sentence the offender 981
pursuant to section 2971.03 of the Revised Code. 982

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.	983 984 985 986
(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	987 988 989 990 991
(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.	992 993 994 995 996 997 998 999
(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	1000 1001 1002 1003 1004
(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.	1005 1006 1007 1008 1009 1010 1011 1012

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

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

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

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

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

the Revised Code and also was convicted of or pleaded guilty to 1043
a specification of the type described in section 2941.1421 of 1044
the Revised Code regarding one or more of those violations, an 1045
additional prison term of one, two, three, four, five, six, 1046
seven, eight, nine, ten, eleven, or twelve months. 1047

(b) In lieu of imposing an additional prison term under 1048
division (H)(2)(a) of this section, the court may directly 1049
impose on the offender a sanction that requires the offender to 1050
wear a real-time processing, continual tracking electronic 1051
monitoring device during the period of time specified by the 1052
court. The period of time specified by the court shall equal the 1053
duration of an additional prison term that the court could have 1054
imposed upon the offender under division (H)(2)(a) of this 1055
section. A sanction imposed under this division shall commence 1056
on the date specified by the court, provided that the sanction 1057
shall not commence until after the offender has served the 1058
prison term imposed for the felony violation of section 2907.22, 1059
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1060
residential sanction imposed for the violation under section 1061
2929.16 of the Revised Code. A sanction imposed under this 1062
division shall be considered to be a community control sanction 1063
for purposes of section 2929.15 of the Revised Code, and all 1064
provisions of the Revised Code that pertain to community control 1065
sanctions shall apply to a sanction imposed under this division, 1066
except to the extent that they would by their nature be clearly 1067
inapplicable. The offender shall pay all costs associated with a 1068
sanction imposed under this division, including the cost of the 1069
use of the monitoring device. 1070

(I) At the time of sentencing, the court may recommend the 1071
offender for placement in a program of shock incarceration under 1072
section 5120.031 of the Revised Code or for placement in an 1073

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

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

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

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

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

the department shall screen the offender and determine if there 1104
is an available program of shock incarceration or an intensive 1105
program prison for which the offender is suited. If there is an 1106
available program of shock incarceration or an intensive program 1107
prison for which the offender is suited, the department shall 1108
notify the court of the proposed placement of the offender as 1109
specified in section 5120.031 or 5120.032 of the Revised Code 1110
and shall include with the notice a brief description of the 1111
placement. The court shall have ten days from receipt of the 1112
notice to disapprove the placement. 1113

(J) If a person is convicted of or pleads guilty to 1114
aggravated vehicular homicide in violation of division (A) (1) of 1115
section 2903.06 of the Revised Code and division (B) (2) (c) of 1116
that section applies, the person shall be sentenced pursuant to 1117
section 2929.142 of the Revised Code. 1118

(K) (1) The court shall impose an additional mandatory 1119
prison term of two, three, four, five, six, seven, eight, nine, 1120
ten, or eleven years on an offender who is convicted of or 1121
pleads guilty to a violent felony offense if the offender also 1122
is convicted of or pleads guilty to a specification of the type 1123
described in section 2941.1424 of the Revised Code that charges 1124
that the offender is a violent career criminal and had a firearm 1125
on or about the offender's person or under the offender's 1126
control while committing the presently charged violent felony 1127
offense and displayed or brandished the firearm, indicated that 1128
the offender possessed a firearm, or used the firearm to 1129
facilitate the offense. The offender shall serve the prison term 1130
imposed under this division consecutively to and prior to the 1131
prison term imposed for the underlying offense. The prison term 1132
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1133
any other provision of Chapter 2967. or 5120. of the Revised 1134

Code. A court may not impose more than one sentence under 1135
division (B) (2) (a) of this section and this division for acts 1136
committed as part of the same act or transaction. 1137

(2) As used in division (K) (1) of this section, "violent 1138
career criminal" and "violent felony offense" have the same 1139
meanings as in section 2923.132 of the Revised Code. 1140

(L) If an offender receives or received a sentence of life 1141
imprisonment without parole, a sentence of life imprisonment, a 1142
definite sentence, or a sentence to an indefinite prison term 1143
under this chapter for a felony offense that was committed when 1144
the offender was under eighteen years of age, the offender's 1145
parole eligibility shall be determined under section 2967.132 of 1146
the Revised Code. 1147

Section 2. That existing sections 2919.25 and 2929.14 of 1148
the Revised Code are hereby repealed. 1149

Section 3. Section 2929.14 of the Revised Code is 1150
presented in this act as a composite of the section as amended 1151
by both H.B. 136 and S.B. 256 of the 133rd General Assembly. The 1152
General Assembly, applying the principle stated in division (B) 1153
of section 1.52 of the Revised Code that amendments are to be 1154
harmonized if reasonably capable of simultaneous operation, 1155
finds that the composite is the resulting version of the section 1156
in effect prior to the effective date of the section as 1157
presented in this act. 1158