

As Introduced

**131st General Assembly
Regular Session
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S. B. No. 97

**Senators Hughes, LaRose
Senators Eklund, Patton**

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Violent felony offense" means any of the following: 212

(a) A violation of section 2903.01, 2903.02, 2903.03, 213
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 214
2911.01, 2911.02, or 2911.11 of the Revised Code; 215

(b) A violation of division (A)(1) or (2) of section 216
2911.12 of the Revised Code; 217

(c) A felony violation of section 2907.02, 2907.03, 218
2907.04, or 2907.05 of the Revised Code; 219

(d) A felony violation of section 2909.24 of the Revised 220
Code or a violation of section 2919.25 of the Revised Code that 221
is a felony of the third degree; 222

(e) A felony violation of any existing or former ordinance 223
or law of this state, another state, or the United States that 224
is or was substantially equivalent to any offense listed or 225
described in divisions (A)(2)(a) to (e) of this section; 226

(f) A conspiracy or attempt to commit, or complicity in 227
committing, any of the offenses listed or described in divisions 228

(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or 229
complicity is a felony of the first or second degree. 230

(3) "Dangerous ordnance" and "firearm" have the same 231
meanings as in section 2923.11 of the Revised Code. 232

(4) "Community control sanction" has the same meaning as 233
in section 2929.01 of the Revised Code. 234

(5) "Post-release control sanction" has the same meaning 235
as in section 2967.01 of the Revised Code. 236

(6) "Supervised release" has the same meaning as in 237
section 2950.01 of the Revised Code. 238

(B) No violent career criminal shall knowingly acquire, 239
have, carry, or use any firearm or dangerous ordnance. 240

(C) Whoever violates this section is guilty of unlawful 241
possession or use of a weapon by a violent career criminal, a 242
felony of the first degree, and, notwithstanding division (A) (1) 243
of section 2929.14 of the Revised Code, the court shall impose 244
upon the offender a mandatory prison term of two, three, four, 245
five, six, seven, eight, nine, ten, or eleven years. 246

Sec. 2923.14. (A) ~~Any~~ (1) Except as otherwise provided in 247
division (A) (2) of this section, any person who is prohibited 248
from acquiring, having, carrying, or using firearms may apply to 249
the court of common pleas in the county in which the person 250
resides for relief from such prohibition. 251

(2) Division (A) (1) of this section does not apply to a 252
person who has been convicted of or pleaded guilty to a 253
violation of section 2923.132 of the Revised Code or to a person 254
who, two or more times, has been convicted of or pleaded guilty 255
to a felony and a specification of the type described in section 256

2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 257
of the Revised Code. 258

(B) The application shall recite the following: 259

(1) All indictments, convictions, or adjudications upon 260
which the applicant's disability is based, the sentence imposed 261
and served, and any release granted under a community control 262
sanction, post-release control sanction, or parole, any partial 263
or conditional pardon granted, or other disposition of each 264
case, or, if the disability is based upon a factor other than an 265
indictment, a conviction, or an adjudication, the factor upon 266
which the disability is based and all details related to that 267
factor; 268

(2) Facts showing the applicant to be a fit subject for 269
relief under this section. 270

(C) A copy of the application shall be served on the 271
county prosecutor. The county prosecutor shall cause the matter 272
to be investigated and shall raise before the court any 273
objections to granting relief that the investigation reveals. 274

(D) Upon hearing, the court may grant the applicant relief 275
pursuant to this section, if all of the following apply: 276

(1) One of the following applies: 277

(a) If the disability is based upon an indictment, a 278
conviction, or an adjudication, the applicant has been fully 279
discharged from imprisonment, community control, post-release 280
control, and parole, or, if the applicant is under indictment, 281
has been released on bail or recognizance. 282

(b) If the disability is based upon a factor other than an 283
indictment, a conviction, or an adjudication, that factor no 284

longer is applicable to the applicant.	285
(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.	286 287
(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.	288 289
(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.	290 291
(F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:	292 293 294 295
(1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability;	296 297 298
(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;	299 300
(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant;	301 302
(4) Is automatically void upon commission by the applicant of any offense set forth in division (A) (2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of that section.	303 304 305 306 307
(G) As used in this section:	308
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	309 310
(2) "Post-release control" and "post-release control	311

sanction" have the same meanings as in section 2967.01 of the Revised Code.

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

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

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

(1) For a fourth degree felony OVI offense for which 342
sentence is imposed under division (G) (1) of this section, an 343
additional community control sanction or combination of 344
community control sanctions under section 2929.16 or 2929.17 of 345
the Revised Code. If the court imposes upon the offender a 346
community control sanction and the offender violates any 347
condition of the community control sanction, the court may take 348
any action prescribed in division (B) of section 2929.15 of the 349
Revised Code relative to the offender, including imposing a 350
prison term on the offender pursuant to that division. 351

(2) For a third or fourth degree felony OVI offense for 352
which sentence is imposed under division (G) (2) of this section, 353
an additional prison term as described in division (B) (4) of 354
section 2929.14 of the Revised Code or a community control 355
sanction as described in division (G) (2) of this section. 356

(B) (1) (a) Except as provided in division (B) (1) (b) of this 357
section, if an offender is convicted of or pleads guilty to a 358
felony of the fourth or fifth degree that is not an offense of 359
violence or that is a qualifying assault offense, the court 360
shall sentence the offender to a community control sanction of 361
at least one year's duration if all of the following apply: 362

(i) The offender previously has not been convicted of or 363
pleaded guilty to a felony offense. 364

(ii) The most serious charge against the offender at the 365
time of sentencing is a felony of the fourth or fifth degree. 366

(iii) If the court made a request of the department of 367
rehabilitation and correction pursuant to division (B) (1) (c) of 368
this section, the department, within the forty-five-day period 369
specified in that division, provided the court with the names 370

of, contact information for, and program details of one or more 371
community control sanctions of at least one year's duration that 372
are available for persons sentenced by the court. 373

(iv) The offender previously has not been convicted of or 374
pleaded guilty to a misdemeanor offense of violence that the 375
offender committed within two years prior to the offense for 376
which sentence is being imposed. 377

(b) The court has discretion to impose a prison term upon 378
an offender who is convicted of or pleads guilty to a felony of 379
the fourth or fifth degree that is not an offense of violence or 380
that is a qualifying assault offense if any of the following 381
apply: 382

(i) The offender committed the offense while having a 383
firearm on or about the offender's person or under the 384
offender's control. 385

(ii) If the offense is a qualifying assault offense, the 386
offender caused serious physical harm to another person while 387
committing the offense, and, if the offense is not a qualifying 388
assault offense, the offender caused physical harm to another 389
person while committing the offense. 390

(iii) The offender violated a term of the conditions of 391
bond as set by the court. 392

(iv) The court made a request of the department of 393
rehabilitation and correction pursuant to division (B)(1)(c) of 394
this section, and the department, within the forty-five-day 395
period specified in that division, did not provide the court 396
with the name of, contact information for, and program details 397
of any community control sanction of at least one year's 398
duration that is available for persons sentenced by the court. 399

(v) 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.

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

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

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

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

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

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

(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and

purposes of sentencing, the court shall contact the department 429
of rehabilitation and correction and ask the department to 430
provide the court with the names of, contact information for, 431
and program details of one or more community control sanctions 432
of at least one year's duration that are available for persons 433
sentenced by the court. Not later than forty-five days after 434
receipt of a request from a court under this division, the 435
department shall provide the court with the names of, contact 436
information for, and program details of one or more community 437
control sanctions of at least one year's duration that are 438
available for persons sentenced by the court, if any. Upon 439
making a request under this division that relates to a 440
particular offender, a court shall defer sentencing of that 441
offender until it receives from the department the names of, 442
contact information for, and program details of one or more 443
community control sanctions of at least one year's duration that 444
are available for persons sentenced by the court or for forty- 445
five days, whichever is the earlier. 446

If the department provides the court with the names of, 447
contact information for, and program details of one or more 448
community control sanctions of at least one year's duration that 449
are available for persons sentenced by the court within the 450
forty-five-day period specified in this division, the court 451
shall impose upon the offender a community control sanction 452
under division (B) (1) (a) of this section, except that the court 453
may impose a prison term under division (B) (1) (b) of this 454
section if a factor described in division (B) (1) (b) (i) or (ii) 455
of this section applies. If the department does not provide the 456
court with the names of, contact information for, and program 457
details of one or more community control sanctions of at least 458
one year's duration that are available for persons sentenced by 459

the court within the forty-five-day period specified in this 460
division, the court may impose upon the offender a prison term 461
under division (B) (1) (b) (iv) of this section. 462

(d) A sentencing court may impose an additional penalty 463
under division (B) of section 2929.15 of the Revised Code upon 464
an offender sentenced to a community control sanction under 465
division (B) (1) (a) of this section if the offender violates the 466
conditions of the community control sanction, violates a law, or 467
leaves the state without the permission of the court or the 468
offender's probation officer. 469

(2) If division (B) (1) of this section does not apply, 470
except as provided in division (E), (F), or (G) of this section, 471
in determining whether to impose a prison term as a sanction for 472
a felony of the fourth or fifth degree, the sentencing court 473
shall comply with the purposes and principles of sentencing 474
under section 2929.11 of the Revised Code and with section 475
2929.12 of the Revised Code. 476

(C) Except as provided in division (D), (E), (F), or (G) 477
of this section, in determining whether to impose a prison term 478
as a sanction for a felony of the third degree or a felony drug 479
offense that is a violation of a provision of Chapter 2925. of 480
the Revised Code and that is specified as being subject to this 481
division for purposes of sentencing, the sentencing court shall 482
comply with the purposes and principles of sentencing under 483
section 2929.11 of the Revised Code and with section 2929.12 of 484
the Revised Code. 485

(D) (1) Except as provided in division (E) or (F) of this 486
section, for a felony of the first or second degree, for a 487
felony drug offense that is a violation of any provision of 488
Chapter 2925., 3719., or 4729. of the Revised Code for which a 489

presumption in favor of a prison term is specified as being 490
applicable, and for a violation of division (A) (4) or (B) of 491
section 2907.05 of the Revised Code for which a presumption in 492
favor of a prison term is specified as being applicable, it is 493
presumed that a prison term is necessary in order to comply with 494
the purposes and principles of sentencing under section 2929.11 495
of the Revised Code. Division (D) (2) of this section does not 496
apply to a presumption established under this division for a 497
violation of division (A) (4) of section 2907.05 of the Revised 498
Code. 499

(2) Notwithstanding the presumption established under 500
division (D) (1) of this section for the offenses listed in that 501
division other than a violation of division (A) (4) or (B) of 502
section 2907.05 of the Revised Code, the sentencing court may 503
impose a community control sanction or a combination of 504
community control sanctions instead of a prison term on an 505
offender for a felony of the first or second degree or for a 506
felony drug offense that is a violation of any provision of 507
Chapter 2925., 3719., or 4729. of the Revised Code for which a 508
presumption in favor of a prison term is specified as being 509
applicable if it makes both of the following findings: 510

(a) A community control sanction or a combination of 511
community control sanctions would adequately punish the offender 512
and protect the public from future crime, because the applicable 513
factors under section 2929.12 of the Revised Code indicating a 514
lesser likelihood of recidivism outweigh the applicable factors 515
under that section indicating a greater likelihood of 516
recidivism. 517

(b) A community control sanction or a combination of 518
community control sanctions would not demean the seriousness of 519

the offense, because one or more factors under section 2929.12 520
of the Revised Code that indicate that the offender's conduct 521
was less serious than conduct normally constituting the offense 522
are applicable, and they outweigh the applicable factors under 523
that section that indicate that the offender's conduct was more 524
serious than conduct normally constituting the offense. 525

(E) (1) Except as provided in division (F) of this section, 526
for any drug offense that is a violation of any provision of 527
Chapter 2925. of the Revised Code and that is a felony of the 528
third, fourth, or fifth degree, the applicability of a 529
presumption under division (D) of this section in favor of a 530
prison term or of division (B) or (C) of this section in 531
determining whether to impose a prison term for the offense 532
shall be determined as specified in section 2925.02, 2925.03, 533
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 534
2925.36, or 2925.37 of the Revised Code, whichever is applicable 535
regarding the violation. 536

(2) If an offender who was convicted of or pleaded guilty 537
to a felony violates the conditions of a community control 538
sanction imposed for the offense solely by reason of producing 539
positive results on a drug test, the court, as punishment for 540
the violation of the sanction, shall not order that the offender 541
be imprisoned unless the court determines on the record either 542
of the following: 543

(a) The offender had been ordered as a sanction for the 544
felony to participate in a drug treatment program, in a drug 545
education program, or in narcotics anonymous or a similar 546
program, and the offender continued to use illegal drugs after a 547
reasonable period of participation in the program. 548

(b) The imprisonment of the offender for the violation is 549

consistent with the purposes and principles of sentencing set 550
forth in section 2929.11 of the Revised Code. 551

(3) A court that sentences an offender for a drug abuse 552
offense that is a felony of the third, fourth, or fifth degree 553
may require that the offender be assessed by a properly 554
credentialed professional within a specified period of time. The 555
court shall require the professional to file a written 556
assessment of the offender with the court. If the offender is 557
eligible for a community control sanction and after considering 558
the written assessment, the court may impose a community control 559
sanction that includes treatment and recovery support services 560
authorized by section 3793.02 of the Revised Code. If the court 561
imposes treatment and recovery support services as a community 562
control sanction, the court shall direct the level and type of 563
treatment and recovery support services after considering the 564
assessment and recommendation of treatment and recovery support 565
services providers. 566

(F) Notwithstanding divisions (A) to (E) of this section, 567
the court shall impose a prison term or terms under sections 568
2929.02 to 2929.06, section 2929.14, section 2929.142, or 569
section 2971.03 of the Revised Code and except as specifically 570
provided in section 2929.20, divisions (C) to (I) of section 571
2967.19, or section 2967.191 of the Revised Code or when parole 572
is authorized for the offense under section 2967.13 of the 573
Revised Code shall not reduce the term or terms pursuant to 574
section 2929.20, section 2967.19, section 2967.193, or any other 575
provision of Chapter 2967. or Chapter 5120. of the Revised Code 576
for any of the following offenses: 577

(1) Aggravated murder when death is not imposed or murder; 578

(2) Any rape, regardless of whether force was involved and 579

regardless of the age of the victim, or an attempt to commit 580
rape if, had the offender completed the rape that was attempted, 581
the offender would have been guilty of a violation of division 582
(A) (1) (b) of section 2907.02 of the Revised Code and would be 583
sentenced under section 2971.03 of the Revised Code; 584

(3) Gross sexual imposition or sexual battery, if the 585
victim is less than thirteen years of age and if any of the 586
following applies: 587

(a) Regarding gross sexual imposition, the offender 588
previously was convicted of or pleaded guilty to rape, the 589
former offense of felonious sexual penetration, gross sexual 590
imposition, or sexual battery, and the victim of the previous 591
offense was less than thirteen years of age; 592

(b) Regarding gross sexual imposition, the offense was 593
committed on or after August 3, 2006, and evidence other than 594
the testimony of the victim was admitted in the case 595
corroborating the violation. 596

(c) Regarding sexual battery, either of the following 597
applies: 598

(i) The offense was committed prior to August 3, 2006, the 599
offender previously was convicted of or pleaded guilty to rape, 600
the former offense of felonious sexual penetration, or sexual 601
battery, and the victim of the previous offense was less than 602
thirteen years of age. 603

(ii) The offense was committed on or after August 3, 2006. 604

(4) A felony violation of section 2903.04, 2903.06, 605
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, ~~or~~ 2907.07, or 606
2923.132 of the Revised Code if the section requires the 607
imposition of a prison term; 608

(5) A first, second, or third degree felony drug offense 609
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 610
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 611
or 4729.99 of the Revised Code, whichever is applicable 612
regarding the violation, requires the imposition of a mandatory 613
prison term; 614

(6) Any offense that is a first or second degree felony 615
and that is not set forth in division (F) (1), (2), (3), or (4) 616
of this section, if the offender previously was convicted of or 617
pleaded guilty to aggravated murder, murder, any first or second 618
degree felony, or an offense under an existing or former law of 619
this state, another state, or the United States that is or was 620
substantially equivalent to one of those offenses; 621

(7) Any offense that is a third degree felony and either 622
is a violation of section 2903.04 of the Revised Code or an 623
attempt to commit a felony of the second degree that is an 624
offense of violence and involved an attempt to cause serious 625
physical harm to a person or that resulted in serious physical 626
harm to a person if the offender previously was convicted of or 627
pleaded guilty to any of the following offenses: 628

(a) Aggravated murder, murder, involuntary manslaughter, 629
rape, felonious sexual penetration as it existed under section 630
2907.12 of the Revised Code prior to September 3, 1996, a felony 631
of the first or second degree that resulted in the death of a 632
person or in physical harm to a person, or complicity in or an 633
attempt to commit any of those offenses; 634

(b) An offense under an existing or former law of this 635
state, another state, or the United States that is or was 636
substantially equivalent to an offense listed in division (F) (7) 637
(a) of this section that resulted in the death of a person or in 638

physical harm to a person. 639

(8) Any offense, other than a violation of section 2923.12 640
of the Revised Code, that is a felony, if the offender had a 641
firearm on or about the offender's person or under the 642
offender's control while committing the felony, with respect to 643
a portion of the sentence imposed pursuant to division (B)(1)(a) 644
of section 2929.14 of the Revised Code for having the firearm; 645

(9) Any offense of violence that is a felony, if the 646
offender wore or carried body armor while committing the felony 647
offense of violence, with respect to the portion of the sentence 648
imposed pursuant to division (B)(1)(d) of section 2929.14 of the 649
Revised Code for wearing or carrying the body armor; 650

(10) Corrupt activity in violation of section 2923.32 of 651
the Revised Code when the most serious offense in the pattern of 652
corrupt activity that is the basis of the offense is a felony of 653
the first degree; 654

(11) Any violent sex offense or designated homicide, 655
assault, or kidnapping offense if, in relation to that offense, 656
the offender is adjudicated a sexually violent predator; 657

(12) A violation of division (A)(1) or (2) of section 658
2921.36 of the Revised Code, or a violation of division (C) of 659
that section involving an item listed in division (A)(1) or (2) 660
of that section, if the offender is an officer or employee of 661
the department of rehabilitation and correction; 662

(13) A violation of division (A)(1) or (2) of section 663
2903.06 of the Revised Code if the victim of the offense is a 664
peace officer, as defined in section 2935.01 of the Revised 665
Code, or an investigator of the bureau of criminal 666
identification and investigation, as defined in section 2903.11 667

of the Revised Code, with respect to the portion of the sentence 668
imposed pursuant to division (B) (5) of section 2929.14 of the 669
Revised Code; 670

(14) A violation of division (A) (1) or (2) of section 671
2903.06 of the Revised Code if the offender has been convicted 672
of or pleaded guilty to three or more violations of division (A) 673
or (B) of section 4511.19 of the Revised Code or an equivalent 674
offense, as defined in section 2941.1415 of the Revised Code, or 675
three or more violations of any combination of those divisions 676
and offenses, with respect to the portion of the sentence 677
imposed pursuant to division (B) (6) of section 2929.14 of the 678
Revised Code; 679

(15) Kidnapping, in the circumstances specified in section 680
2971.03 of the Revised Code and when no other provision of 681
division (F) of this section applies; 682

(16) Kidnapping, abduction, compelling prostitution, 683
promoting prostitution, engaging in a pattern of corrupt 684
activity, illegal use of a minor in a nudity-oriented material 685
or performance in violation of division (A) (1) or (2) of section 686
2907.323 of the Revised Code, or endangering children in 687
violation of division (B) (1), (2), (3), (4), or (5) of section 688
2919.22 of the Revised Code, if the offender is convicted of or 689
pleads guilty to a specification as described in section 690
2941.1422 of the Revised Code that was included in the 691
indictment, count in the indictment, or information charging the 692
offense; 693

(17) A felony violation of division (A) or (B) of section 694
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 695
that section, and division (D) (6) of that section, require the 696
imposition of a prison term; 697

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

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

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

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

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

Code. The court that imposes a mandatory term of local 728
incarceration under this division shall specify whether the term 729
is to be served in a jail, a community-based correctional 730
facility, a halfway house, or an alternative residential 731
facility, and the offender shall serve the term in the type of 732
facility specified by the court. A mandatory term of local 733
incarceration imposed under division (G)(1) of this section is 734
not subject to any other Revised Code provision that pertains to 735
a prison term except as provided in division (A)(1) of this 736
section. 737

(2) If the offender is being sentenced for a third degree 738
felony OVI offense, or if the offender is being sentenced for a 739
fourth degree felony OVI offense and the court does not impose a 740
mandatory term of local incarceration under division (G)(1) of 741
this section, the court shall impose upon the offender a 742
mandatory prison term of one, two, three, four, or five years if 743
the offender also is convicted of or also pleads guilty to a 744
specification of the type described in section 2941.1413 of the 745
Revised Code or shall impose upon the offender a mandatory 746
prison term of sixty days or one hundred twenty days as 747
specified in division (G)(1)(d) or (e) of section 4511.19 of the 748
Revised Code if the offender has not been convicted of and has 749
not pleaded guilty to a specification of that type. Subject to 750
divisions (C) to (I) of section 2967.19 of the Revised Code, the 751
court shall not reduce the term pursuant to section 2929.20, 752
2967.19, 2967.193, or any other provision of the Revised Code. 753
The offender shall serve the one-, two-, three-, four-, or five- 754
year mandatory prison term consecutively to and prior to the 755
prison term imposed for the underlying offense and consecutively 756
to any other mandatory prison term imposed in relation to the 757
offense. In no case shall an offender who once has been 758

sentenced to a mandatory term of local incarceration pursuant to 759
division (G)(1) of this section for a fourth degree felony OVI 760
offense be sentenced to another mandatory term of local 761
incarceration under that division for any violation of division 762
(A) of section 4511.19 of the Revised Code. In addition to the 763
mandatory prison term described in division (G)(2) of this 764
section, the court may sentence the offender to a community 765
control sanction under section 2929.16 or 2929.17 of the Revised 766
Code, but the offender shall serve the prison term prior to 767
serving the community control sanction. The department of 768
rehabilitation and correction may place an offender sentenced to 769
a mandatory prison term under this division in an intensive 770
program prison established pursuant to section 5120.033 of the 771
Revised Code if the department gave the sentencing judge prior 772
notice of its intent to place the offender in an intensive 773
program prison established under that section and if the judge 774
did not notify the department that the judge disapproved the 775
placement. Upon the establishment of the initial intensive 776
program prison pursuant to section 5120.033 of the Revised Code 777
that is privately operated and managed by a contractor pursuant 778
to a contract entered into under section 9.06 of the Revised 779
Code, both of the following apply: 780

(a) The department of rehabilitation and correction shall 781
make a reasonable effort to ensure that a sufficient number of 782
offenders sentenced to a mandatory prison term under this 783
division are placed in the privately operated and managed prison 784
so that the privately operated and managed prison has full 785
occupancy. 786

(b) Unless the privately operated and managed prison has 787
full occupancy, the department of rehabilitation and correction 788
shall not place any offender sentenced to a mandatory prison 789

term under this division in any intensive program prison 790
established pursuant to section 5120.033 of the Revised Code 791
other than the privately operated and managed prison. 792

(H) If an offender is being sentenced for a sexually 793
oriented offense or child-victim oriented offense that is a 794
felony committed on or after January 1, 1997, the judge shall 795
require the offender to submit to a DNA specimen collection 796
procedure pursuant to section 2901.07 of the Revised Code. 797

(I) If an offender is being sentenced for a sexually 798
oriented offense or a child-victim oriented offense committed on 799
or after January 1, 1997, the judge shall include in the 800
sentence a summary of the offender's duties imposed under 801
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 802
Code and the duration of the duties. The judge shall inform the 803
offender, at the time of sentencing, of those duties and of 804
their duration. If required under division (A) (2) of section 805
2950.03 of the Revised Code, the judge shall perform the duties 806
specified in that section, or, if required under division (A) (6) 807
of section 2950.03 of the Revised Code, the judge shall perform 808
the duties specified in that division. 809

(J) (1) Except as provided in division (J) (2) of this 810
section, when considering sentencing factors under this section 811
in relation to an offender who is convicted of or pleads guilty 812
to an attempt to commit an offense in violation of section 813
2923.02 of the Revised Code, the sentencing court shall consider 814
the factors applicable to the felony category of the violation 815
of section 2923.02 of the Revised Code instead of the factors 816
applicable to the felony category of the offense attempted. 817

(2) When considering sentencing factors under this section 818
in relation to an offender who is convicted of or pleads guilty 819

to an attempt to commit a drug abuse offense for which the 820
penalty is determined by the amount or number of unit doses of 821
the controlled substance involved in the drug abuse offense, the 822
sentencing court shall consider the factors applicable to the 823
felony category that the drug abuse offense attempted would be 824
if that drug abuse offense had been committed and had involved 825
an amount or number of unit doses of the controlled substance 826
that is within the next lower range of controlled substance 827
amounts than was involved in the attempt. 828

(K) As used in this section: 829

(1) "Drug abuse offense" has the same meaning as in 830
section 2925.01 of the Revised Code. 831

(2) "Qualifying assault offense" means a violation of 832
section 2903.13 of the Revised Code for which the penalty 833
provision in division (C) (8) (b) or (C) (9) (b) of that section 834
applies. 835

(L) At the time of sentencing an offender for any sexually 836
oriented offense, if the offender is a tier III sex 837
offender/child-victim offender relative to that offense and the 838
offender does not serve a prison term or jail term, the court 839
may require that the offender be monitored by means of a global 840
positioning device. If the court requires such monitoring, the 841
cost of monitoring shall be borne by the offender. If the 842
offender is indigent, the cost of compliance shall be paid by 843
the crime victims reparations fund. 844

Sec. 2929.14. (A) Except as provided in division (B) (1), 845
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 846
(G), (H), ~~or~~ (J), or (K) of this section or in division (D) (6) 847
of section 2919.25 of the Revised Code and except in relation to 848

an offense for which a sentence of death or life imprisonment is 849
to be imposed, if the court imposing a sentence upon an offender 850
for a felony elects or is required to impose a prison term on 851
the offender pursuant to this chapter, the court shall impose a 852
definite prison term that shall be one of the following: 853

(1) For a felony of the first degree, the prison term 854
shall be three, four, five, six, seven, eight, nine, ten, or 855
eleven years. 856

(2) For a felony of the second degree, the prison term 857
shall be two, three, four, five, six, seven, or eight years. 858

(3) (a) For a felony of the third degree that is a 859
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 860
2907.05 of the Revised Code or that is a violation of section 861
2911.02 or 2911.12 of the Revised Code if the offender 862
previously has been convicted of or pleaded guilty in two or 863
more separate proceedings to two or more violations of section 864
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 865
prison term shall be twelve, eighteen, twenty-four, thirty, 866
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 867

(b) For a felony of the third degree that is not an 868
offense for which division (A) (3) (a) of this section applies, 869
the prison term shall be nine, twelve, eighteen, twenty-four, 870
thirty, or thirty-six months. 871

(4) For a felony of the fourth degree, the prison term 872
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 873
fourteen, fifteen, sixteen, seventeen, or eighteen months. 874

(5) For a felony of the fifth degree, the prison term 875
shall be six, seven, eight, nine, ten, eleven, or twelve months. 876

(B) (1) (a) Except as provided in division (B) (1) (e) of this 877

section, if an offender who is convicted of or pleads guilty to 878
a felony also is convicted of or pleads guilty to a 879
specification of the type described in section 2941.141, 880
2941.144, or 2941.145 of the Revised Code, the court shall 881
impose on the offender one of the following prison terms: 882

(i) A prison term of six years if the specification is of 883
the type described in division (A) of section 2941.144 of the 884
Revised Code that charges the offender with having a firearm 885
that is an automatic firearm or that was equipped with a firearm 886
muffler or ~~silencer~~-suppressor on or about the offender's person 887
or under the offender's control while committing the 888
felonyoffense; 889

(ii) A prison term of three years if the specification is 890
of the type described in division (A) of section 2941.145 of the 891
Revised Code that charges the offender with having a firearm on 892
or about the offender's person or under the offender's control 893
while committing the offense and displaying the firearm, 894
brandishing the firearm, indicating that the offender possessed 895
the firearm, or using it to facilitate the offense; 896

(iii) A prison term of one year if the specification is of 897
the type described in division (A) of section 2941.141 of the 898
Revised Code that charges the offender with having a firearm on 899
or about the offender's person or under the offender's control 900
while committing the felonyoffense; 901

(iv) A prison term of nine years if the specification is 902
of the type described in division (D) of section 2941.144 of the 903
Revised Code that charges the offender with having a firearm 904
that is an automatic firearm or that was equipped with a firearm 905
muffler or suppressor on or about the offender's person or under 906
the offender's control while committing the offense and 907

specifies that the offender previously has been convicted of or 908
pleaded guilty to a specification of the type described in 909
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 910
the Revised Code; 911

(v) A prison term of fifty-four months if the 912
specification is of the type described in division (D) of 913
section 2941.145 of the Revised Code that charges the offender 914
with having a firearm on or about the offender's person or under 915
the offender's control while committing the offense and 916
displaying the firearm, brandishing the firearm, indicating that 917
the offender possessed the firearm, or using the firearm to 918
facilitate the offense and that the offender previously has been 919
convicted of or pleaded guilty to a specification of the type 920
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 921
2941.1412 of the Revised Code; 922

(vi) A prison term of eighteen months if the specification 923
is of the type described in division (D) of section 2941.141 of 924
the Revised Code that charges the offender with having a firearm 925
on or about the offender's person or under the offender's 926
control while committing the offense and that the offender 927
previously has been convicted of or pleaded guilty to a 928
specification of the type described in section 2941.141, 929
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 930

(b) If a court imposes a prison term on an offender under 931
division (B) (1) (a) of this section, the prison term shall not be 932
reduced pursuant to section 2967.19, section 2929.20, section 933
2967.193, or any other provision of Chapter 2967. or Chapter 934
5120. of the Revised Code. Except as provided in division (B) (1) 935
(g) of this section, a court shall not impose more than one 936
prison term on an offender under division (B) (1) (a) of this 937

section for felonies committed as part of the same act or 938
transaction. 939

(c) (i) Except as provided in division (B) (1) (e) of this 940
section, if an offender who is convicted of or pleads guilty to 941
a violation of section 2923.161 of the Revised Code or to a 942
felony that includes, as an essential element, purposely or 943
knowingly causing or attempting to cause the death of or 944
physical harm to another, also is convicted of or pleads guilty 945
to a specification of the type described in division (A) of 946
section 2941.146 of the Revised Code that charges the offender 947
with committing the offense by discharging a firearm from a 948
motor vehicle other than a manufactured home, the court, after 949
imposing a prison term on the offender for the violation of 950
section 2923.161 of the Revised Code or for the other felony 951
offense under division (A), (B) (2), or (B) (3) of this section, 952
shall impose an additional prison term of five years upon the 953
offender that shall not be reduced pursuant to section 2929.20, 954
section 2967.19, section 2967.193, or any other provision of 955
Chapter 2967. or Chapter 5120. of the Revised Code. ~~A~~ 956

(ii) Except as provided in division (B) (1) (e) of this 957
section, if an offender who is convicted of or pleads guilty to 958
a violation of section 2923.161 of the Revised Code or to a 959
felony that includes, as an essential element, purposely or 960
knowingly causing or attempting to cause the death of or 961
physical harm to another, also is convicted of or pleads guilty 962
to a specification of the type described in division (C) of 963
section 2941.146 of the Revised Code that charges the offender 964
with committing the offense by discharging a firearm from a 965
motor vehicle other than a manufactured home and that the 966
offender previously has been convicted of or pleaded guilty to a 967
specification of the type described in section 2941.141, 968

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 969
the court, after imposing a prison term on the offender for the 970
violation of section 2923.161 of the Revised Code or for the 971
other felony offense under division (A), (B) (2), or (3) of this 972
section, shall impose an additional prison term of ninety months 973
upon the offender that shall not be reduced pursuant to section 974
2929.20, 2967.19, 2967.193, or any other provision of Chapter 975
2967. or Chapter 5120. of the Revised Code. 976

(iii) A court shall not impose more than one additional 977
prison term on an offender under division (B) (1) (c) of this 978
section for felonies committed as part of the same act or 979
transaction. If a court imposes an additional prison term on an 980
offender under division (B) (1) (c) of this section relative to an 981
offense, the court also shall impose a prison term under 982
division (B) (1) (a) of this section relative to the same offense, 983
provided the criteria specified in that division for imposing an 984
additional prison term are satisfied relative to the offender 985
and the offense. 986

(d) If an offender who is convicted of or pleads guilty to 987
an offense of violence that is a felony also is convicted of or 988
pleads guilty to a specification of the type described in 989
section 2941.1411 of the Revised Code that charges the offender 990
with wearing or carrying body armor while committing the felony 991
offense of violence, the court shall impose on the offender a 992
prison term of two years. The prison term so imposed, subject to 993
divisions (C) to (I) of section 2967.19 of the Revised Code, 994
shall not be reduced pursuant to section 2929.20, section 995
2967.19, section 2967.193, or any other provision of Chapter 996
2967. or Chapter 5120. of the Revised Code. A court shall not 997
impose more than one prison term on an offender under division 998
(B) (1) (d) of this section for felonies committed as part of the 999

same act or transaction. If a court imposes an additional prison term under division (B) (1) (a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B) (1) (d) of this section.

(e) The court shall not impose any of the prison terms described in division (B) (1) (a) of this section or any of the additional prison terms described in division (B) (1) (c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B) (1) (a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B) (1) (a) of this section or any of the additional prison terms described in division (B) (1) (c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

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

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

(f) (i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the

offense by discharging a firearm at a peace officer as defined 1030
in section 2935.01 of the Revised Code or a corrections officer, 1031
as defined in section 2941.1412 of the Revised Code, the court, 1032
after imposing a prison term on the offender for the felony 1033
offense under division (A), (B) (2), or (B) (3) of this section, 1034
shall impose an additional prison term of seven years upon the 1035
offender that shall not be reduced pursuant to section 2929.20, 1036
section 2967.19, section 2967.193, or any other provision of 1037
Chapter 2967. or Chapter 5120. of the Revised Code. ~~If~~ 1038

(ii) If an offender is convicted of or pleads guilty to a 1039
felony that includes, as an essential element, causing or 1040
attempting to cause the death of or physical harm to another and 1041
also is convicted of or pleads guilty to a specification of the 1042
type described in division (B) of section 2941.1412 of the 1043
Revised Code that charges the offender with committing the 1044
offense by discharging a firearm at a peace officer, as defined 1045
in section 2935.01 of the Revised Code, or a corrections 1046
officer, as defined in section 2941.1412 of the Revised Code, 1047
and that the offender previously has been convicted of or 1048
pleaded guilty to a specification of the type described in 1049
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1050
the Revised Code, the court, after imposing a prison term on the 1051
offender for the felony offense under division (A), (B) (2), or 1052
(3) of this section, shall impose an additional prison term of 1053
one hundred twenty-six months upon the offender that shall not 1054
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1055
any other provision of Chapter 2967. or 5120. of the Revised 1056
Code. 1057

(iii) If an offender is convicted of or pleads guilty to 1058
two or more felonies that include, as an essential element, 1059
causing or attempting to cause the death or physical harm to 1060

another and also is convicted of or pleads guilty to a 1061
specification of the type described under division (B) (1) (f) of 1062
this section in connection with two or more of the felonies of 1063
which the offender is convicted or to which the offender pleads 1064
guilty, the sentencing court shall impose on the offender the 1065
prison term specified under division (B) (1) (f) of this section 1066
for each of two of the specifications of which the offender is 1067
convicted or to which the offender pleads guilty and, in its 1068
discretion, also may impose on the offender the prison term 1069
specified under that division for any or all of the remaining 1070
specifications. If a court imposes an additional prison term on 1071
an offender under division (B) (1) (f) of this section relative to 1072
an offense, the court shall not impose a prison term under 1073
division (B) (1) (a) or (c) of this section relative to the same 1074
offense. 1075

(g) If an offender is convicted of or pleads guilty to two 1076
or more felonies, if one or more of those felonies are 1077
aggravated murder, murder, attempted aggravated murder, 1078
attempted murder, aggravated robbery, felonious assault, or 1079
rape, and if the offender is convicted of or pleads guilty to a 1080
specification of the type described under division (B) (1) (a) of 1081
this section in connection with two or more of the felonies, the 1082
sentencing court shall impose on the offender the prison term 1083
specified under division (B) (1) (a) of this section for each of 1084
the two most serious specifications of which the offender is 1085
convicted or to which the offender pleads guilty and, in its 1086
discretion, also may impose on the offender the prison term 1087
specified under that division for any or all of the remaining 1088
specifications. 1089

(2) (a) If division (B) (2) (b) of this section does not 1090
apply, the court may impose on an offender, in addition to the 1091

longest prison term authorized or required for the offense, an 1092
additional definite prison term of one, two, three, four, five, 1093
six, seven, eight, nine, or ten years if all of the following 1094
criteria are met: 1095

(i) The offender is convicted of or pleads guilty to a 1096
specification of the type described in section 2941.149 of the 1097
Revised Code that the offender is a repeat violent offender. 1098

(ii) The offense of which the offender currently is 1099
convicted or to which the offender currently pleads guilty is 1100
aggravated murder and the court does not impose a sentence of 1101
death or life imprisonment without parole, murder, terrorism and 1102
the court does not impose a sentence of life imprisonment 1103
without parole, any felony of the first degree that is an 1104
offense of violence and the court does not impose a sentence of 1105
life imprisonment without parole, or any felony of the second 1106
degree that is an offense of violence and the trier of fact 1107
finds that the offense involved an attempt to cause or a threat 1108
to cause serious physical harm to a person or resulted in 1109
serious physical harm to a person. 1110

(iii) The court imposes the longest prison term for the 1111
offense that is not life imprisonment without parole. 1112

(iv) The court finds that the prison terms imposed 1113
pursuant to division (B) (2) (a) (iii) of this section and, if 1114
applicable, division (B) (1) or (3) of this section are 1115
inadequate to punish the offender and protect the public from 1116
future crime, because the applicable factors under section 1117
2929.12 of the Revised Code indicating a greater likelihood of 1118
recidivism outweigh the applicable factors under that section 1119
indicating a lesser likelihood of recidivism. 1120

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

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

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

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

(iii) The offense or offenses of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a

sentence of death or life imprisonment without parole, murder, 1151
terrorism and the court does not impose a sentence of life 1152
imprisonment without parole, any felony of the first degree that 1153
is an offense of violence and the court does not impose a 1154
sentence of life imprisonment without parole, or any felony of 1155
the second degree that is an offense of violence and the trier 1156
of fact finds that the offense involved an attempt to cause or a 1157
threat to cause serious physical harm to a person or resulted in 1158
serious physical harm to a person. 1159

(c) For purposes of division (B) (2) (b) of this section, 1160
two or more offenses committed at the same time or as part of 1161
the same act or event shall be considered one offense, and that 1162
one offense shall be the offense with the greatest penalty. 1163

(d) A sentence imposed under division (B) (2) (a) or (b) of 1164
this section shall not be reduced pursuant to section 2929.20, 1165
section 2967.19, or section 2967.193, or any other provision of 1166
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1167
shall serve an additional prison term imposed under this section 1168
consecutively to and prior to the prison term imposed for the 1169
underlying offense. 1170

(e) When imposing a sentence pursuant to division (B) (2) 1171
(a) or (b) of this section, the court shall state its findings 1172
explaining the imposed sentence. 1173

(3) Except when an offender commits a violation of section 1174
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1175
for the violation is life imprisonment or commits a violation of 1176
section 2903.02 of the Revised Code, if the offender commits a 1177
violation of section 2925.03 or 2925.11 of the Revised Code and 1178
that section classifies the offender as a major drug offender, 1179
if the offender commits a felony violation of section 2925.02, 1180

2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1181
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1182
division (C) of section 4729.51, or division (J) of section 1183
4729.54 of the Revised Code that includes the sale, offer to 1184
sell, or possession of a schedule I or II controlled substance, 1185
with the exception of marihuana, and the court imposing sentence 1186
upon the offender finds that the offender is guilty of a 1187
specification of the type described in section 2941.1410 of the 1188
Revised Code charging that the offender is a major drug 1189
offender, if the court imposing sentence upon an offender for a 1190
felony finds that the offender is guilty of corrupt activity 1191
with the most serious offense in the pattern of corrupt activity 1192
being a felony of the first degree, or if the offender is guilty 1193
of an attempted violation of section 2907.02 of the Revised Code 1194
and, had the offender completed the violation of section 2907.02 1195
of the Revised Code that was attempted, the offender would have 1196
been subject to a sentence of life imprisonment or life 1197
imprisonment without parole for the violation of section 2907.02 1198
of the Revised Code, the court shall impose upon the offender 1199
for the felony violation a mandatory prison term of the maximum 1200
prison term prescribed for a felony of the first degree that, 1201
subject to divisions (C) to (I) of section 2967.19 of the 1202
Revised Code, cannot be reduced pursuant to section 2929.20, 1203
section 2967.19, or any other provision of Chapter 2967. or 1204
5120. of the Revised Code. 1205

(4) If the offender is being sentenced for a third or 1206
fourth degree felony OVI offense under division (G) (2) of 1207
section 2929.13 of the Revised Code, the sentencing court shall 1208
impose upon the offender a mandatory prison term in accordance 1209
with that division. In addition to the mandatory prison term, if 1210
the offender is being sentenced for a fourth degree felony OVI 1211

offense, the court, notwithstanding division (A) (4) of this 1212
section, may sentence the offender to a definite prison term of 1213
not less than six months and not more than thirty months, and if 1214
the offender is being sentenced for a third degree felony OVI 1215
offense, the sentencing court may sentence the offender to an 1216
additional prison term of any duration specified in division (A) 1217
(3) of this section. In either case, the additional prison term 1218
imposed shall be reduced by the sixty or one hundred twenty days 1219
imposed upon the offender as the mandatory prison term. The 1220
total of the additional prison term imposed under division (B) 1221
(4) of this section plus the sixty or one hundred twenty days 1222
imposed as the mandatory prison term shall equal a definite term 1223
in the range of six months to thirty months for a fourth degree 1224
felony OVI offense and shall equal one of the authorized prison 1225
terms specified in division (A) (3) of this section for a third 1226
degree felony OVI offense. If the court imposes an additional 1227
prison term under division (B) (4) of this section, the offender 1228
shall serve the additional prison term after the offender has 1229
served the mandatory prison term required for the offense. In 1230
addition to the mandatory prison term or mandatory and 1231
additional prison term imposed as described in division (B) (4) 1232
of this section, the court also may sentence the offender to a 1233
community control sanction under section 2929.16 or 2929.17 of 1234
the Revised Code, but the offender shall serve all of the prison 1235
terms so imposed prior to serving the community control 1236
sanction. 1237

If the offender is being sentenced for a fourth degree 1238
felony OVI offense under division (G) (1) of section 2929.13 of 1239
the Revised Code and the court imposes a mandatory term of local 1240
incarceration, the court may impose a prison term as described 1241
in division (A) (1) of that section. 1242

(5) 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 2941.1414 of the Revised Code that charges that 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, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) 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) (5) of this section for felonies committed as part of the same act.

(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 1274
pursuant to section 2929.20, section 2967.19, section 2967.193, 1275
or any other provision of Chapter 2967. or Chapter 5120. of the 1276
Revised Code. A court shall not impose more than one prison term 1277
on an offender under division (B) (6) of this section for 1278
felonies committed as part of the same act. 1279

(7) (a) If an offender is convicted of or pleads guilty to 1280
a felony violation of section 2905.01, 2905.02, 2907.21, 1281
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1282
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1283
the Revised Code and also is convicted of or pleads guilty to a 1284
specification of the type described in section 2941.1422 of the 1285
Revised Code that charges that the offender knowingly committed 1286
the offense in furtherance of human trafficking, the court shall 1287
impose on the offender a mandatory prison term that is one of 1288
the following: 1289

(i) If the offense is a felony of the first degree, a 1290
definite prison term of not less than five years and not greater 1291
than ten years; 1292

(ii) If the offense is a felony of the second or third 1293
degree, a definite prison term of not less than three years and 1294
not greater than the maximum prison term allowed for the offense 1295
by division (A) of section 2929.14 of the Revised Code; 1296

(iii) If the offense is a felony of the fourth or fifth 1297
degree, a definite prison term that is the maximum prison term 1298
allowed for the offense by division (A) of section 2929.14 of 1299
the Revised Code. 1300

(b) Subject to divisions (C) to (I) of section 2967.19 of 1301
the Revised Code, the prison term imposed under division (B) (7) 1302

(a) of this section shall not be reduced pursuant to section 1303
2929.20, section 2967.19, section 2967.193, or any other 1304
provision of Chapter 2967. of the Revised Code. A court shall 1305
not impose more than one prison term on an offender under 1306
division (B) (7) (a) of this section for felonies committed as 1307
part of the same act, scheme, or plan. 1308

(8) If an offender is convicted of or pleads guilty to a 1309
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1310
Revised Code and also is convicted of or pleads guilty to a 1311
specification of the type described in section 2941.1423 of the 1312
Revised Code that charges that the victim of the violation was a 1313
woman whom the offender knew was pregnant at the time of the 1314
violation, notwithstanding the range of prison terms prescribed 1315
in division (A) of this section for felonies of the same degree 1316
as the violation, the court shall impose on the offender a 1317
mandatory prison term that is either a definite prison term of 1318
six months or one of the prison terms prescribed in section 1319
2929.14 of the Revised Code for felonies of the same degree as 1320
the violation. 1321

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1322
if a mandatory prison term is imposed upon an offender pursuant 1323
to division (B) (1) (a) of this section for having a firearm on or 1324
about the offender's person or under the offender's control 1325
while committing a felony, if a mandatory prison term is imposed 1326
upon an offender pursuant to division (B) (1) (c) of this section 1327
for committing a felony specified in that division by 1328
discharging a firearm from a motor vehicle, or if both types of 1329
mandatory prison terms are imposed, the offender shall serve any 1330
mandatory prison term imposed under either division 1331
consecutively to any other mandatory prison term imposed under 1332
either division or under division (B) (1) (d) of this section, 1333

consecutively to and prior to any prison term imposed for the 1334
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1335
this section or any other section of the Revised Code, and 1336
consecutively to any other prison term or mandatory prison term 1337
previously or subsequently imposed upon the offender. 1338

(b) If a mandatory prison term is imposed upon an offender 1339
pursuant to division (B) (1) (d) of this section for wearing or 1340
carrying body armor while committing an offense of violence that 1341
is a felony, the offender shall serve the mandatory term so 1342
imposed consecutively to any other mandatory prison term imposed 1343
under that division or under division (B) (1) (a) or (c) of this 1344
section, consecutively to and prior to any prison term imposed 1345
for the underlying felony under division (A), (B) (2), or (B) (3) 1346
of this section or any other section of the Revised Code, and 1347
consecutively to any other prison term or mandatory prison term 1348
previously or subsequently imposed upon the offender. 1349

(c) If a mandatory prison term is imposed upon an offender 1350
pursuant to division (B) (1) (f) of this section, the offender 1351
shall serve the mandatory prison term so imposed consecutively 1352
to and prior to any prison term imposed for the underlying 1353
felony under division (A), (B) (2), or (B) (3) of this section or 1354
any other section of the Revised Code, and consecutively to any 1355
other prison term or mandatory prison term previously or 1356
subsequently imposed upon the offender. 1357

(d) If a mandatory prison term is imposed upon an offender 1358
pursuant to division (B) (7) or (8) of this section, the offender 1359
shall serve the mandatory prison term so imposed consecutively 1360
to any other mandatory prison term imposed under that division 1361
or under any other provision of law and consecutively to any 1362
other prison term or mandatory prison term previously or 1363

subsequently imposed upon the offender. 1364

(2) If an offender who is an inmate in a jail, prison, or 1365
other residential detention facility violates section 2917.02, 1366
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1367
(2) of section 2921.34 of the Revised Code, if an offender who 1368
is under detention at a detention facility commits a felony 1369
violation of section 2923.131 of the Revised Code, or if an 1370
offender who is an inmate in a jail, prison, or other 1371
residential detention facility or is under detention at a 1372
detention facility commits another felony while the offender is 1373
an escapee in violation of division (A) (1) or (2) of section 1374
2921.34 of the Revised Code, any prison term imposed upon the 1375
offender for one of those violations shall be served by the 1376
offender consecutively to the prison term or term of 1377
imprisonment the offender was serving when the offender 1378
committed that offense and to any other prison term previously 1379
or subsequently imposed upon the offender. 1380

(3) If a prison term is imposed for a violation of 1381
division (B) of section 2911.01 of the Revised Code, a violation 1382
of division (A) of section 2913.02 of the Revised Code in which 1383
the stolen property is a firearm or dangerous ordnance, or a 1384
felony violation of division (B) of section 2921.331 of the 1385
Revised Code, the offender shall serve that prison term 1386
consecutively to any other prison term or mandatory prison term 1387
previously or subsequently imposed upon the offender. 1388

(4) If multiple prison terms are imposed on an offender 1389
for convictions of multiple offenses, the court may require the 1390
offender to serve the prison terms consecutively if the court 1391
finds that the consecutive service is necessary to protect the 1392
public from future crime or to punish the offender and that 1393

consecutive sentences are not disproportionate to the 1394
seriousness of the offender's conduct and to the danger the 1395
offender poses to the public, and if the court also finds any of 1396
the following: 1397

(a) The offender committed one or more of the multiple 1398
offenses while the offender was awaiting trial or sentencing, 1399
was under a sanction imposed pursuant to section 2929.16, 1400
2929.17, or 2929.18 of the Revised Code, or was under post- 1401
release control for a prior offense. 1402

(b) At least two of the multiple offenses were committed 1403
as part of one or more courses of conduct, and the harm caused 1404
by two or more of the multiple offenses so committed was so 1405
great or unusual that no single prison term for any of the 1406
offenses committed as part of any of the courses of conduct 1407
adequately reflects the seriousness of the offender's conduct. 1408

(c) The offender's history of criminal conduct 1409
demonstrates that consecutive sentences are necessary to protect 1410
the public from future crime by the offender. 1411

(5) If a mandatory prison term is imposed upon an offender 1412
pursuant to division (B) (5) or (6) of this section, the offender 1413
shall serve the mandatory prison term consecutively to and prior 1414
to any prison term imposed for the underlying violation of 1415
division (A) (1) or (2) of section 2903.06 of the Revised Code 1416
pursuant to division (A) of this section or section 2929.142 of 1417
the Revised Code. If a mandatory prison term is imposed upon an 1418
offender pursuant to division (B) (5) of this section, and if a 1419
mandatory prison term also is imposed upon the offender pursuant 1420
to division (B) (6) of this section in relation to the same 1421
violation, the offender shall serve the mandatory prison term 1422
imposed pursuant to division (B) (5) of this section 1423

consecutively to and prior to the mandatory prison term imposed 1424
pursuant to division (B) (6) of this section and consecutively to 1425
and prior to any prison term imposed for the underlying 1426
violation of division (A) (1) or (2) of section 2903.06 of the 1427
Revised Code pursuant to division (A) of this section or section 1428
2929.142 of the Revised Code. 1429

(6) When consecutive prison terms are imposed pursuant to 1430
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1431
of this section, the term to be served is the aggregate of all 1432
of the terms so imposed. 1433

(D) (1) If a court imposes a prison term for a felony of 1434
the first degree, for a felony of the second degree, for a 1435
felony sex offense, or for a felony of the third degree that is 1436
not a felony sex offense and in the commission of which the 1437
offender caused or threatened to cause physical harm to a 1438
person, it shall include in the sentence a requirement that the 1439
offender be subject to a period of post-release control after 1440
the offender's release from imprisonment, in accordance with 1441
that division. If a court imposes a sentence including a prison 1442
term of a type described in this division on or after July 11, 1443
2006, the failure of a court to include a post-release control 1444
requirement in the sentence pursuant to this division does not 1445
negate, limit, or otherwise affect the mandatory period of post- 1446
release control that is required for the offender under division 1447
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1448
the Revised Code applies if, prior to July 11, 2006, a court 1449
imposed a sentence including a prison term of a type described 1450
in this division and failed to include in the sentence pursuant 1451
to this division a statement regarding post-release control. 1452

(2) If a court imposes a prison term for a felony of the 1453

third, fourth, or fifth degree that is not subject to division 1454
(D) (1) of this section, it shall include in the sentence a 1455
requirement that the offender be subject to a period of post- 1456
release control after the offender's release from imprisonment, 1457
in accordance with that division, if the parole board determines 1458
that a period of post-release control is necessary. Section 1459
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1460
a court imposed a sentence including a prison term of a type 1461
described in this division and failed to include in the sentence 1462
pursuant to this division a statement regarding post-release 1463
control. 1464

(E) The court shall impose sentence upon the offender in 1465
accordance with section 2971.03 of the Revised Code, and Chapter 1466
2971. of the Revised Code applies regarding the prison term or 1467
term of life imprisonment without parole imposed upon the 1468
offender and the service of that term of imprisonment if any of 1469
the following apply: 1470

(1) A person is convicted of or pleads guilty to a violent 1471
sex offense or a designated homicide, assault, or kidnapping 1472
offense, and, in relation to that offense, the offender is 1473
adjudicated a sexually violent predator. 1474

(2) A person is convicted of or pleads guilty to a 1475
violation of division (A) (1) (b) of section 2907.02 of the 1476
Revised Code committed on or after January 2, 2007, and either 1477
the court does not impose a sentence of life without parole when 1478
authorized pursuant to division (B) of section 2907.02 of the 1479
Revised Code, or division (B) of section 2907.02 of the Revised 1480
Code provides that the court shall not sentence the offender 1481
pursuant to section 2971.03 of the Revised Code. 1482

(3) A person is convicted of or pleads guilty to attempted 1483

rape committed on or after January 2, 2007, and a specification 1484
of the type described in section 2941.1418, 2941.1419, or 1485
2941.1420 of the Revised Code. 1486

(4) A person is convicted of or pleads guilty to a 1487
violation of section 2905.01 of the Revised Code committed on or 1488
after January 1, 2008, and that section requires the court to 1489
sentence the offender pursuant to section 2971.03 of the Revised 1490
Code. 1491

(5) A person is convicted of or pleads guilty to 1492
aggravated murder committed on or after January 1, 2008, and 1493
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1494
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1495
(d) of section 2929.03, or division (A) or (B) of section 1496
2929.06 of the Revised Code requires the court to sentence the 1497
offender pursuant to division (B) (3) of section 2971.03 of the 1498
Revised Code. 1499

(6) A person is convicted of or pleads guilty to murder 1500
committed on or after January 1, 2008, and division (B) (2) of 1501
section 2929.02 of the Revised Code requires the court to 1502
sentence the offender pursuant to section 2971.03 of the Revised 1503
Code. 1504

(F) If a person who has been convicted of or pleaded 1505
guilty to a felony is sentenced to a prison term or term of 1506
imprisonment under this section, sections 2929.02 to 2929.06 of 1507
the Revised Code, section 2929.142 of the Revised Code, section 1508
2971.03 of the Revised Code, or any other provision of law, 1509
section 5120.163 of the Revised Code applies regarding the 1510
person while the person is confined in a state correctional 1511
institution. 1512

(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 1543
a specification of the type described in section 2941.1421 of 1544
the Revised Code regarding one or more of those violations, an 1545
additional prison term of one, two, three, four, five, six, 1546
seven, eight, nine, ten, eleven, or twelve months. 1547

(b) In lieu of imposing an additional prison term under 1548
division (H)(2)(a) of this section, the court may directly 1549
impose on the offender a sanction that requires the offender to 1550
wear a real-time processing, continual tracking electronic 1551
monitoring device during the period of time specified by the 1552
court. The period of time specified by the court shall equal the 1553
duration of an additional prison term that the court could have 1554
imposed upon the offender under division (H)(2)(a) of this 1555
section. A sanction imposed under this division shall commence 1556
on the date specified by the court, provided that the sanction 1557
shall not commence until after the offender has served the 1558
prison term imposed for the felony violation of section 2907.22, 1559
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1560
residential sanction imposed for the violation under section 1561
2929.16 of the Revised Code. A sanction imposed under this 1562
division shall be considered to be a community control sanction 1563
for purposes of section 2929.15 of the Revised Code, and all 1564
provisions of the Revised Code that pertain to community control 1565
sanctions shall apply to a sanction imposed under this division, 1566
except to the extent that they would by their nature be clearly 1567
inapplicable. The offender shall pay all costs associated with a 1568
sanction imposed under this division, including the cost of the 1569
use of the monitoring device. 1570

(I) At the time of sentencing, the court may recommend the 1571
offender for placement in a program of shock incarceration under 1572
section 5120.031 of the Revised Code or for placement in an 1573

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

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

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

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

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

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

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

(K) (1) The court shall impose an additional mandatory
prison term of two, three, four, five, six, seven, eight, nine,
ten, or eleven years on an offender who is convicted of or
pleads guilty to a violent felony offense if the offender also
is convicted of or pleads guilty to a specification of the type
described in section 2941.1424 of the Revised Code that charges
that the offender is a violent career criminal and had a firearm
on or about the offender's person or under the offender's
control while committing the presently charged violent felony
offense. 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. 1635

(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. 1636
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Sec. 2929.20. (A) As used in this section: 1639

(1) (a) Except as provided in division (A) (1) (b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms. 1640
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(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state: 1644
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1646
1647

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code; 1648
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(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office; 1651
1652
1653
1654
1655

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) (b) (i) of this section; 1656
1657
1658
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(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in 1660
1661
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division (A) (1) (b) (ii) of this section, when the conduct 1663
constituting the violation was related to the duties of the 1664
offender's public office or to the offender's actions as a 1665
public official holding that public office; 1666

(v) A conspiracy to commit, attempt to commit, or 1667
complicity in committing any offense listed in division (A) (1) 1668
(b) (i) or described in division (A) (1) (b) (iii) of this section; 1669

(vi) A conspiracy to commit, attempt to commit, or 1670
complicity in committing any offense listed in division (A) (1) 1671
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 1672
if the conduct constituting the offense that was the subject of 1673
the conspiracy, that would have constituted the offense 1674
attempted, or constituting the offense in which the offender was 1675
complicit was or would have been related to the duties of the 1676
offender's public office or to the offender's actions as a 1677
public official holding that public office. 1678

(2) "Nonmandatory prison term" means a prison term that is 1679
not a mandatory prison term. 1680

(3) "Public office" means any elected federal, state, or 1681
local government office in this state. 1682

(4) "Victim's representative" has the same meaning as in 1683
section 2930.01 of the Revised Code. 1684

(B) On the motion of an eligible offender or upon its own 1685
motion, the sentencing court may reduce the eligible offender's 1686
aggregated nonmandatory prison term or terms through a judicial 1687
release under this section. 1688

(C) An eligible offender may file a motion for judicial 1689
release with the sentencing court within the following 1690
applicable periods: 1691

(1) If the aggregated nonmandatory prison term or terms is 1692
less than two years, the eligible offender may file the motion 1693
not earlier than thirty days after the offender is delivered to 1694
a state correctional institution or, if the prison term includes 1695
a mandatory prison term or terms, not earlier than thirty days 1696
after the expiration of all mandatory prison terms. 1697

(2) If the aggregated nonmandatory prison term or terms is 1698
at least two years but less than five years, the eligible 1699
offender may file the motion not earlier than one hundred eighty 1700
days after the offender is delivered to a state correctional 1701
institution or, if the prison term includes a mandatory prison 1702
term or terms, not earlier than one hundred eighty days after 1703
the expiration of all mandatory prison terms. 1704

(3) If the aggregated nonmandatory prison term or terms is 1705
five years, the eligible offender may file the motion not 1706
earlier than the date on which the eligible offender has served 1707
~~four years after the eligible offender is delivered to a state~~ 1708
~~correctional institution of the offender's stated prison term~~ 1709
or, if the prison term includes a mandatory prison term or 1710
terms, not earlier than four years after the expiration of all 1711
mandatory prison terms. 1712

(4) If the aggregated nonmandatory prison term or terms is 1713
more than five years but not more than ten years, the eligible 1714
offender may file the motion not earlier than the date on which 1715
the eligible offender has served five years ~~after the eligible~~ 1716
~~offender is delivered to a state correctional institution of the~~ 1717
offender's stated prison term or, if the prison term includes a 1718
mandatory prison term or terms, not earlier than five years 1719
after the expiration of all mandatory prison terms. 1720

(5) If the aggregated nonmandatory prison term or terms is 1721

more than ten years, the eligible offender may file the motion 1722
not earlier than the later of the date on which the offender has 1723
served one-half of the offender's stated prison term or the date 1724
specified in division (C) (4) of this section. 1725

(D) Upon receipt of a timely motion for judicial release 1726
filed by an eligible offender under division (C) of this section 1727
or upon the sentencing court's own motion made within the 1728
appropriate time specified in that division, the court may deny 1729
the motion without a hearing or schedule a hearing on the 1730
motion. The court shall not grant the motion without a hearing. 1731
If a court denies a motion without a hearing, the court later 1732
may consider judicial release for that eligible offender on a 1733
subsequent motion filed by that eligible offender unless the 1734
court denies the motion with prejudice. If a court denies a 1735
motion with prejudice, the court may later consider judicial 1736
release on its own motion. If a court denies a motion after a 1737
hearing, the court shall not consider a subsequent motion for 1738
that eligible offender. The court shall hold only one hearing 1739
for any eligible offender. 1740

A hearing under this section shall be conducted in open 1741
court not less than thirty or more than sixty days after the 1742
motion is filed, provided that the court may delay the hearing 1743
for one hundred eighty additional days. If the court holds a 1744
hearing, the court shall enter a ruling on the motion within ten 1745
days after the hearing. If the court denies the motion without a 1746
hearing, the court shall enter its ruling on the motion within 1747
sixty days after the motion is filed. 1748

(E) If a court schedules a hearing under division (D) of 1749
this section, the court shall notify the eligible offender and 1750
the head of the state correctional institution in which the 1751

eligible offender is confined prior to the hearing. The head of 1752
the state correctional institution immediately shall notify the 1753
appropriate person at the department of rehabilitation and 1754
correction of the hearing, and the department within twenty-four 1755
hours after receipt of the notice, shall post on the database it 1756
maintains pursuant to section 5120.66 of the Revised Code the 1757
offender's name and all of the information specified in division 1758
(A) (1) (c) (i) of that section. If the court schedules a hearing 1759
for judicial release, the court promptly shall give notice of 1760
the hearing to the prosecuting attorney of the county in which 1761
the eligible offender was indicted. Upon receipt of the notice 1762
from the court, the prosecuting attorney shall do whichever of 1763
the following is applicable: 1764

(1) Subject to division (E) (2) of this section, notify the 1765
victim of the offense or the victim's representative pursuant to 1766
division (B) of section 2930.16 of the Revised Code; 1767

(2) If the offense was an offense of violence that is a 1768
felony of the first, second, or third degree, except as 1769
otherwise provided in this division, notify the victim or the 1770
victim's representative of the hearing regardless of whether the 1771
victim or victim's representative has requested the 1772
notification. The notice of the hearing shall not be given under 1773
this division to a victim or victim's representative if the 1774
victim or victim's representative has requested pursuant to 1775
division (B) (2) of section 2930.03 of the Revised Code that the 1776
victim or the victim's representative not be provided the 1777
notice. If notice is to be provided to a victim or victim's 1778
representative under this division, the prosecuting attorney may 1779
give the notice by any reasonable means, including regular mail, 1780
telephone, and electronic mail, in accordance with division (D) 1781
(1) of section 2930.16 of the Revised Code. If the notice is 1782

based on an offense committed prior to March 22, 2013, the 1783
notice also shall include the opt-out information described in 1784
division (D) (1) of section 2930.16 of the Revised Code. The 1785
prosecuting attorney, in accordance with division (D) (2) of 1786
section 2930.16 of the Revised Code, shall keep a record of all 1787
attempts to provide the notice, and of all notices provided, 1788
under this division. Division (E) (2) of this section, and the 1789
notice-related provisions of division (K) of this section, 1790
division (D) (1) of section 2930.16, division (H) of section 1791
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 1792
(b) of section 2967.26, division (D) (1) of section 2967.28, and 1793
division (A) (2) of section 5149.101 of the Revised Code enacted 1794
in the act in which division (E) (2) of this section was enacted, 1795
shall be known as "Roberta's Law." 1796

(F) Upon an offender's successful completion of 1797
rehabilitative activities, the head of the state correctional 1798
institution may notify the sentencing court of the successful 1799
completion of the activities. 1800

(G) Prior to the date of the hearing on a motion for 1801
judicial release under this section, the head of the state 1802
correctional institution in which the eligible offender is 1803
confined shall send to the court an institutional summary report 1804
on the eligible offender's conduct in the institution and in any 1805
institution from which the eligible offender may have been 1806
transferred. Upon the request of the prosecuting attorney of the 1807
county in which the eligible offender was indicted or of any law 1808
enforcement agency, the head of the state correctional 1809
institution, at the same time the person sends the institutional 1810
summary report to the court, also shall send a copy of the 1811
report to the requesting prosecuting attorney and law 1812
enforcement agencies. The institutional summary report shall 1813

cover the eligible offender's participation in school, 1814
vocational training, work, treatment, and other rehabilitative 1815
activities and any disciplinary action taken against the 1816
eligible offender. The report shall be made part of the record 1817
of the hearing. A presentence investigation report is not 1818
required for judicial release. 1819

(H) If the court grants a hearing on a motion for judicial 1820
release under this section, the eligible offender shall attend 1821
the hearing if ordered to do so by the court. Upon receipt of a 1822
copy of the journal entry containing the order, the head of the 1823
state correctional institution in which the eligible offender is 1824
incarcerated shall deliver the eligible offender to the sheriff 1825
of the county in which the hearing is to be held. The sheriff 1826
shall convey the eligible offender to and from the hearing. 1827

(I) At the hearing on a motion for judicial release under 1828
this section, the court shall afford the eligible offender and 1829
the eligible offender's attorney an opportunity to present 1830
written and, if present, oral information relevant to the 1831
motion. The court shall afford a similar opportunity to the 1832
prosecuting attorney, the victim or the victim's representative, 1833
and any other person the court determines is likely to present 1834
additional relevant information. The court shall consider any 1835
statement of a victim made pursuant to section 2930.14 or 1836
2930.17 of the Revised Code, any victim impact statement 1837
prepared pursuant to section 2947.051 of the Revised Code, and 1838
any report made under division (G) of this section. The court 1839
may consider any written statement of any person submitted to 1840
the court pursuant to division (L) of this section. After ruling 1841
on the motion, the court shall notify the victim of the ruling 1842
in accordance with sections 2930.03 and 2930.16 of the Revised 1843
Code. 1844

(J) (1) A court shall not grant a judicial release under 1845
this section to an eligible offender who is imprisoned for a 1846
felony of the first or second degree, or to an eligible offender 1847
who committed an offense under Chapter 2925. or 3719. of the 1848
Revised Code and for whom there was a presumption under section 1849
2929.13 of the Revised Code in favor of a prison term, unless 1850
the court, with reference to factors under section 2929.12 of 1851
the Revised Code, finds both of the following: 1852

(a) That a sanction other than a prison term would 1853
adequately punish the offender and protect the public from 1854
future criminal violations by the eligible offender because the 1855
applicable factors indicating a lesser likelihood of recidivism 1856
outweigh the applicable factors indicating a greater likelihood 1857
of recidivism; 1858

(b) That a sanction other than a prison term would not 1859
demean the seriousness of the offense because factors indicating 1860
that the eligible offender's conduct in committing the offense 1861
was less serious than conduct normally constituting the offense 1862
outweigh factors indicating that the eligible offender's conduct 1863
was more serious than conduct normally constituting the offense. 1864

(2) A court that grants a judicial release to an eligible 1865
offender under division (J) (1) of this section shall specify on 1866
the record both findings required in that division and also 1867
shall list all the factors described in that division that were 1868
presented at the hearing. 1869

(K) If the court grants a motion for judicial release 1870
under this section, the court shall order the release of the 1871
eligible offender, shall place the eligible offender under an 1872
appropriate community control sanction, under appropriate 1873
conditions, and under the supervision of the department of 1874

probation serving the court and shall reserve the right to 1875
reimpose the sentence that it reduced if the offender violates 1876
the sanction. If the court reimposes the reduced sentence, it 1877
may do so either concurrently with, or consecutive to, any new 1878
sentence imposed upon the eligible offender as a result of the 1879
violation that is a new offense. The period of community control 1880
shall be no longer than five years. The court, in its 1881
discretion, may reduce the period of community control by the 1882
amount of time the eligible offender spent in jail or prison for 1883
the offense and in prison. If the court made any findings 1884
pursuant to division (J) (1) of this section, the court shall 1885
serve a copy of the findings upon counsel for the parties within 1886
fifteen days after the date on which the court grants the motion 1887
for judicial release. 1888

If the court grants a motion for judicial release, the 1889
court shall notify the appropriate person at the department of 1890
rehabilitation and correction, and the department shall post 1891
notice of the release on the database it maintains pursuant to 1892
section 5120.66 of the Revised Code. The court also shall notify 1893
the prosecuting attorney of the county in which the eligible 1894
offender was indicted that the motion has been granted. Unless 1895
the victim or the victim's representative has requested pursuant 1896
to division (B) (2) of section 2930.03 of the Revised Code that 1897
the victim or victim's representative not be provided the 1898
notice, the prosecuting attorney shall notify the victim or the 1899
victim's representative of the judicial release in any manner, 1900
and in accordance with the same procedures, pursuant to which 1901
the prosecuting attorney is authorized to provide notice of the 1902
hearing pursuant to division (E) (2) of this section. If the 1903
notice is based on an offense committed prior to March 22, 2013, 1904
the notice to the victim or victim's representative also shall 1905

include the opt-out information described in division (D) (1) of 1906
section 2930.16 of the Revised Code. 1907

(L) In addition to and independent of the right of a 1908
victim to make a statement pursuant to section 2930.14, 2930.17, 1909
or 2946.051 of the Revised Code and any right of a person to 1910
present written information or make a statement pursuant to 1911
division (I) of this section, any person may submit to the 1912
court, at any time prior to the hearing on the offender's motion 1913
for judicial release, a written statement concerning the effects 1914
of the offender's crime or crimes, the circumstances surrounding 1915
the crime or crimes, the manner in which the crime or crimes 1916
were perpetrated, and the person's opinion as to whether the 1917
offender should be released. 1918

(M) The changes to this section that are made on September 1919
30, 2011, apply to any judicial release decision made on or 1920
after September 30, 2011, for any eligible offender. 1921

Sec. 2929.201. Notwithstanding the time limitation for 1922
filing a motion under former section 2947.061 of the Revised 1923
Code, an offender whose offense was committed before July 1, 1924
1996, and who otherwise satisfies the eligibility criteria for 1925
shock probation under that section as it existed immediately 1926
prior to July 1, 1996, may apply to the offender's sentencing 1927
court for shock probation under that section on or after ~~the~~ 1928
~~effective date of this section~~ September 15, 2014. Not more than 1929
one motion may be filed by an offender under this section. 1930
Division (C) of former section 2947.061 of the Revised Code does 1931
not apply to a motion filed under this section. A presentence 1932
investigation report is not required for shock probation to be 1933
granted by reason of this section. 1934

Sec. 2941.144. (A) Imposition of a six-year mandatory 1935

prison term upon an offender under division (B) (1) (a) (i) of 1936
section 2929.14 of the Revised Code is precluded unless the 1937
indictment, count in the indictment, or information charging the 1938
offense specifies that the offender had a firearm that is an 1939
automatic firearm or that was equipped with a firearm muffler or 1940
~~silencer~~ suppressor on or about the offender's person or under 1941
the offender's control while committing the offense. The 1942
specification shall be stated at the end of the body of the 1943
indictment, count, or information and shall be stated in 1944
substantially the following form: 1945

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1946
Grand Jurors (or insert the person's or the prosecuting 1947
attorney's name when appropriate) further find and specify that 1948
(set forth that the offender had a firearm that is an automatic 1949
firearm or that was equipped with a firearm muffler or ~~silencer~~ 1950
suppressor on or about the offender's person or under the 1951
offender's control while committing the offense)." 1952

(B) Imposition of a six-year mandatory prison term upon an 1953
offender under division (B) (1) (a) (i) of section 2929.14 of the 1954
Revised Code is precluded if a court imposes a ~~three-year or~~ 1955
one-year, eighteen-month, three-year, fifty-four-month, or nine- 1956
year mandatory prison term on the offender under ~~that~~ division 1957
(B) (1) (a) (ii), (iii), (iv), (v), or (vi) of that section 1958
relative to the same felony. 1959

(C) The specification described in division (A) of this 1960
section may be used in a delinquent child proceeding in the 1961
manner and for the purpose described in section 2152.17 of the 1962
Revised Code. 1963

(D) Imposition of a nine-year mandatory prison term upon 1964
an offender under division (B) (1) (a) (iv) of section 2929.14 of 1965

the Revised Code is precluded unless the indictment, count in 1966
the indictment, or information charging the offense specifies 1967
that the offender had a firearm that is an automatic firearm or 1968
that was equipped with a firearm muffler or suppressor on or 1969
about the offender's person or under the offender's control 1970
while committing the offense and that the offender previously 1971
has been convicted of or pleaded guilty to a firearm 1972
specification of the type described in section 2941.141, 1973
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1974
The specification shall be stated at the end of the body of the 1975
indictment, count, or information, and shall be in substantially 1976
the following form: 1977

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1978
Grand Jurors (or insert the person's or the prosecuting 1979
attorney's name when appropriate) further find and specify that 1980
(set forth that the offender had a firearm that is an automatic 1981
firearm or that was equipped with a firearm muffler or 1982
suppressor on or about the offender's person or under the 1983
offender's control while committing the offense and that the 1984
offender previously has been convicted of or pleaded guilty to a 1985
firearm specification of the type described in section 2941.141, 1986
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 1987
Code.)" 1988

(E) Imposition of a nine-year mandatory prison term upon 1989
an offender under division (B) (1) (a) (iv) of section 2929.14 of 1990
the Revised Code is precluded if the court imposes a one-year, 1991
eighteen-month, three-year, fifty-four-month, or six-year 1992
mandatory prison term on the offender under division (B) (1) (a) 1993
(i), (ii), (iii), (v), or (vi) of that section relative to the 1994
same felony. 1995

(F) As used in this section, "firearm" and "automatic firearm" have the same meanings as in section 2923.11 of the Revised Code. 1996
1997
1998

Sec. 2941.141. (A) Imposition of a one-year mandatory prison term upon an offender under division (B) (1) (a) (iii) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form: 1999
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense.)" 2008
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(B) Imposition of a one-year mandatory prison term upon an offender under division (B) (1) (a) (iii) of section 2929.14 of the Revised Code is precluded if a court imposes ~~an eighteen-month, three-year or, fifty-four-month, six-year, or nine-year~~ mandatory prison term on the offender under ~~that~~ division (B) (1) (a) (i), (ii), (iv), (v), or (vi) of that section relative to the same felony. 2014
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(C) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 2021
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(D) Imposition of an eighteen-month mandatory prison term upon an offender under division (B) (1) (a) (vi) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender previously had been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form:

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

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

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

Sec. 2941.145. (A) Imposition of a three-year mandatory 2055
prison term upon an offender under division (B) (1) (a) (ii) of 2056
section 2929.14 of the Revised Code is precluded unless the 2057
indictment, count in the indictment, or information charging the 2058
offense specifies that the offender had a firearm on or about 2059
the offender's person or under the offender's control while 2060
committing the offense and displayed the firearm, brandished the 2061
firearm, indicated that the offender possessed the firearm, or 2062
used it to facilitate the offense. The specification shall be 2063
stated at the end of the body of the indictment, count, or 2064
information, and shall be stated in substantially the following 2065
form: 2066

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2067
Grand Jurors (or insert the person's or the prosecuting 2068
attorney's name when appropriate) further find and specify that 2069
(set forth that the offender had a firearm on or about the 2070
offender's person or under the offender's control while 2071
committing the offense and displayed the firearm, brandished the 2072
firearm, indicated that the offender possessed the firearm, or 2073
used it to facilitate the offense)." 2074

(B) Imposition of a three-year mandatory prison term upon 2075
an offender under division (B) (1) (a) (ii) of section 2929.14 of 2076
the Revised Code is precluded if a court imposes a one-year-~~or,~~ 2077
eighteen-month, six-year, fifty-four-month, or nine-year 2078
mandatory prison term on the offender under ~~that~~ division (B) (1) 2079
(a) (i), (iii), (iv), (v), or (vi) of that section relative to 2080
the same felony. 2081

(C) The specification described in division (A) of this 2082
section may be used in a delinquent child proceeding in the 2083
manner and for the purpose described in section 2152.17 of the 2084

Revised Code. 2085

(D) Imposition of a mandatory prison term of fifty-four 2086
months upon an offender under division (B)(1)(a)(v) of section 2087
2929.14 of the Revised Code is precluded unless the indictment, 2088
count in the indictment, or information charging the offense 2089
specifies that the offender had a firearm on or about the 2090
offender's person or under the offender's control while 2091
committing the offense and displayed the firearm, brandished the 2092
firearm, indicated that the offender possessed a firearm, or 2093
used the firearm to facilitate the offense and that the offender 2094
previously has been convicted of or pleaded guilty to a firearm 2095
specification of the type described in section 2941.141, 2096
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2097
The specification shall be stated at the end of the body of the 2098
indictment, count, or information, and shall be in substantially 2099
the following form: 2100

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2101
Grand Jurors (or insert the person's or the prosecuting 2102
attorney's name when appropriate) further find and specify that 2103
(set forth that the offender had a firearm on or about the 2104
offender's person or under the offender's control while 2105
committing the offense and displayed the firearm, brandished the 2106
firearm, indicated that the offender possessed a firearm, or 2107
used the firearm to facilitate the offense and that the offender 2108
previously has been convicted of or pleaded guilty to a firearm 2109
specification of the type described in section 2941.141, 2110
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 2111
Code.)" 2112

(E) Imposition of a mandatory prison term of fifty-four 2113
months upon an offender under division (B)(1)(a)(v) of section 2114

2929.14 of the Revised Code is precluded if the court imposes a 2115
one-year, eighteen-month, three-year, or nine-year mandatory 2116
prison term on the offender under division (B)(1)(a)(i), (ii), 2117
(iii), (iv), or (vi) of that section relative to the same 2118
felony. 2119

(F) As used in this section, "firearm" has the same 2120
meaning as in section 2923.11 of the Revised Code. 2121

Sec. 2941.146. (A) Imposition of a mandatory five-year 2122
prison term upon an offender under division (B)(1)(c)(i) of 2123
section 2929.14 of the Revised Code for committing a violation 2124
of section 2923.161 of the Revised Code or for committing a 2125
felony that includes, as an essential element, purposely or 2126
knowingly causing or attempting to cause the death of or 2127
physical harm to another and that was committed by discharging a 2128
firearm from a motor vehicle other than a manufactured home is 2129
precluded unless the indictment, count in the indictment, or 2130
information charging the offender specifies that the offender 2131
committed the offense by discharging a firearm from a motor 2132
vehicle other than a manufactured home. The specification shall 2133
be stated at the end of the body of the indictment, count, or 2134
information, and shall be stated in substantially the following 2135
form: 2136

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2137
Grand Jurors (or insert the person's or prosecuting attorney's 2138
name when appropriate) further find and specify that (set forth 2139
that the offender committed the violation of section 2923.161 of 2140
the Revised Code or the felony that includes, as an essential 2141
element, purposely or knowingly causing or attempting to cause 2142
the death of or physical harm to another and that was committed 2143
by discharging a firearm from a motor vehicle other than a 2144

manufactured home)." 2145

(B) The specification described in division (A) of this 2146
section may be used in a delinquent child proceeding in the 2147
manner and for the purpose described in section 2152.17 of the 2148
Revised Code. 2149

(C) Imposition of a ninety-month mandatory prison term 2150
under division (B) (1) (c) (ii) of section 2929.14 of the Revised 2151
Code for committing a violation of section 2923.161 of the 2152
Revised Code or for committing a felony that includes, as an 2153
essential element, purposely or knowingly causing or attempting 2154
to cause the death of or physical harm to another and that was 2155
committed by discharging a firearm from a motor vehicle other 2156
than a manufactured home is precluded unless the indictment, 2157
count in the indictment, or information charging the offender 2158
specifies that the offender committed the offense by discharging 2159
a firearm from a motor vehicle other than a manufactured home 2160
and that the offender previously has been convicted of or 2161
pleaded guilty to a firearm specification of the type described 2162
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 2163
of the Revised Code. The specification shall be stated at the 2164
end of the body of the indictment, count, or information, and 2165
shall be stated in substantially the following form: 2166

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2167
Grand Jurors (or insert the person's or prosecuting attorney's 2168
name where appropriate) further find and specify that (set forth 2169
that the offender committed the violation of section 2923.161 of 2170
the Revised Code or the felony that includes, as an essential 2171
element, purposely or knowingly causing or attempting to cause 2172
the death of or physical harm to another and that was committed 2173
by discharging a firearm from a motor vehicle other than a 2174

manufactured home and that the offender previously has been 2175
convicted of or pleaded guilty to a firearm specification of the 2176
type described in section 2941.141, 2941.144, 2941.145, 2177
2941.146, or 2941.1412 of the Revised Code)." 2178

(D) As used in this section: 2179

(1) "Firearm" has the same meaning as in section 2923.11 2180
of the Revised Code; 2181

(2) "Motor vehicle" and "manufactured home" have the same 2182
meanings as in section 4501.01 of the Revised Code. 2183

Sec. 2941.1412. (A) Imposition of a seven-year mandatory 2184
prison term upon an offender under division (B) (1) (f) (i) of 2185
section 2929.14 of the Revised Code is precluded unless the 2186
indictment, count in the indictment, or information charging the 2187
offense specifies that the offender discharged a firearm at a 2188
peace officer or a corrections officer while committing the 2189
offense. The specification shall be stated at the end of the 2190
body of the indictment, count, or information and shall be in 2191
substantially the following form: 2192

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2193

The Grand Jurors (or insert the person's or the 2194
prosecuting attorney's name when appropriate) further find and 2195
specify that (set forth that the offender discharged a firearm 2196
at a peace officer or a corrections officer while committing the 2197
offense)." 2198

(B) Imposition of a mandatory prison term of one hundred 2199
twenty-six months upon an offender under division (B) (1) (f) (ii) 2200
of section 2929.14 of the Revised Code is precluded unless the 2201
indictment, count in the indictment, or information charging the 2202
offense specifies that the offender discharged a firearm at a 2203

peace officer or a corrections officer while committing the 2204
offense and that the offender previously has been convicted of 2205
or pleaded guilty to a firearm specification of the type 2206
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2207
2941.1412 of the Revised Code. The specification shall be stated 2208
at the end of the body of the indictment, count, or information, 2209
and shall be substantially in the following form: 2210

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2211

The Grand Jurors (or insert the person's or the 2212
prosecuting attorney's name when appropriate) further find and 2213
specify that (set forth that the offender discharged a firearm 2214
at a peace officer or corrections officer while committing the 2215
offense and that the offender previously has been convicted of 2216
or pleaded guilty to a firearm specification of the type 2217
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2218
2941.1412 of the Revised Code)." 2219

(C) As used in this section: 2220

(1) "Firearm" has the same meaning as in section 2923.11 2221
of the Revised Code. 2222

(2) "Peace officer" has the same meaning as in section 2223
2935.01 of the Revised Code. 2224

(3) "Corrections officer" means a person employed by a 2225
detention facility as a corrections officer. 2226

(4) "Detention facility" has the same meaning as in 2227
section 2921.01 of the Revised Code. 2228

Sec. 2941.1424. (A) The imposition of a mandatory prison 2229
term of two, three, four, five, six, seven, eight, nine, ten, or 2230
eleven years upon an offender under division (K) of section 2231

2929.14 of the Revised Code is precluded unless the offender is 2232
convicted of or pleads guilty to committing a violent felony 2233
offense and unless the indictment, count in the indictment, or 2234
information charging the offense specifies that the offender is 2235
a violent career criminal and had a firearm on or about the 2236
offender's person or under the offender's control while 2237
committing the presently charged violent felony offense. The 2238
specification shall be stated at the end of the body of the 2239
indictment, count, or information and shall be stated in 2240
substantially the following form: 2241

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2242

The Grand Jurors (or insert the person's or the 2243
prosecuting attorney's name when appropriate) further find and 2244
specify that (set forth that the offender is a violent career 2245
criminal and did have a firearm on or about the offender's 2246
person or under the offender's control while committing the 2247
presently charged violent felony offense.)" 2248

(B) A court may not impose more than one sentence under 2249
division (C) of section 2923.132 of the Revised Code and 2250
division (K) of section 2929.14 of the Revised Code for acts 2251
committed as part of the same act or transaction. 2252

(C) As used in this section: 2253

(1) "Firearm" has the same meaning as in section 2923.11 2254
of the Revised Code. 2255

(2) "Violent career criminal" and "violent felony offense" 2256
have the same meanings as in section 2923.132 of the Revised 2257
Code. 2258

Section 2. That existing sections 2152.17, 2901.08, 2259
2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2260

2941.144, 2941.145, 2941.146, and 2941.1412 of the Revised Code
are hereby repealed.

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