

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 43**

**Senators Kunze, Antonio**

**Cosponsors: Senators Maharath, Thomas, Sykes, Fedor**

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**A BILL**

To amend sections 2903.13, 2919.25, 2919.26, 1  
2923.13, 2923.14, 2929.13, 2929.14, and 3113.31 2  
and to enact sections 2923.133, 2923.134, and 3  
2935.082 of the Revised Code to address domestic 4  
violence by means of firearms restrictions, 5  
penalty enhancements, and a prohibition against 6  
strangulation, and to make an appropriation. 7

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

**Section 1.** That sections 2903.13, 2919.25, 2919.26, 8  
2923.13, 2923.14, 2929.13, 2929.14, and 3113.31 be amended and 9  
sections 2923.133, 2923.134, and 2935.082 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 2903.13.** (A) No person shall knowingly cause or 12  
attempt to cause physical harm to another or to another's 13  
unborn. 14

(B) No person shall recklessly cause serious physical harm 15  
to another or to another's unborn. 16

(C) (1) Whoever violates this section is guilty of assault, 17  
and the court shall sentence the offender as provided in this 18

division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 19  
(8), (9), and (10) of this section. Except as otherwise provided 20  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 21  
section, assault is a misdemeanor of the first degree. 22

(2) Except as otherwise provided in this division, if the 23  
offense is committed by a caretaker against a functionally 24  
impaired person under the caretaker's care, assault is a felony 25  
of the fourth degree. If the offense is committed by a caretaker 26  
against a functionally impaired person under the caretaker's 27  
care, if the offender previously has been convicted of or 28  
pleaded guilty to a violation of this section or section 2903.11 29  
or 2903.16 of the Revised Code, and if in relation to the 30  
previous conviction the offender was a caretaker and the victim 31  
was a functionally impaired person under the offender's care, 32  
assault is a felony of the third degree. 33

(3) If the offense occurs in or on the grounds of a state 34  
correctional institution or an institution of the department of 35  
youth services, the victim of the offense is an employee of the 36  
department of rehabilitation and correction or the department of 37  
youth services, and the offense is committed by a person 38  
incarcerated in the state correctional institution or by a 39  
person institutionalized in the department of youth services 40  
institution pursuant to a commitment to the department of youth 41  
services, assault is a felony of the third degree. 42

(4) If the offense is committed in any of the following 43  
circumstances, assault is a felony of the fifth degree: 44

(a) The offense occurs in or on the grounds of a local 45  
correctional facility, the victim of the offense is an employee 46  
of the local correctional facility or a probation department or 47  
is on the premises of the facility for business purposes or as a 48

visitor, and the offense is committed by a person who is under 49  
custody in the facility subsequent to the person's arrest for 50  
any crime or delinquent act, subsequent to the person's being 51  
charged with or convicted of any crime, or subsequent to the 52  
person's being alleged to be or adjudicated a delinquent child. 53

(b) The offense occurs off the grounds of a state 54  
correctional institution and off the grounds of an institution 55  
of the department of youth services, the victim of the offense 56  
is an employee of the department of rehabilitation and 57  
correction, the department of youth services, or a probation 58  
department, the offense occurs during the employee's official 59  
work hours and while the employee is engaged in official work 60  
responsibilities, and the offense is committed by a person 61  
incarcerated in a state correctional institution or 62  
institutionalized in the department of youth services who 63  
temporarily is outside of the institution for any purpose, by a 64  
parolee, by an offender under transitional control, under a 65  
community control sanction, or on an escorted visit, by a person 66  
under post-release control, or by an offender under any other 67  
type of supervision by a government agency. 68

(c) The offense occurs off the grounds of a local 69  
correctional facility, the victim of the offense is an employee 70  
of the local correctional facility or a probation department, 71  
the offense occurs during the employee's official work hours and 72  
while the employee is engaged in official work responsibilities, 73  
and the offense is committed by a person who is under custody in 74  
the facility subsequent to the person's arrest for any crime or 75  
delinquent act, subsequent to the person being charged with or 76  
convicted of any crime, or subsequent to the person being 77  
alleged to be or adjudicated a delinquent child and who 78  
temporarily is outside of the facility for any purpose or by a 79

parolee, by an offender under transitional control, under a 80  
community control sanction, or on an escorted visit, by a person 81  
under post-release control, or by an offender under any other 82  
type of supervision by a government agency. 83

(d) The victim of the offense is a school teacher or 84  
administrator or a school bus operator, and the offense occurs 85  
in a school, on school premises, in a school building, on a 86  
school bus, or while the victim is outside of school premises or 87  
a school bus and is engaged in duties or official 88  
responsibilities associated with the victim's employment or 89  
position as a school teacher or administrator or a school bus 90  
operator, including, but not limited to, driving, accompanying, 91  
or chaperoning students at or on class or field trips, athletic 92  
events, or other school extracurricular activities or functions 93  
outside of school premises. 94

(5) If the victim of the offense is a peace officer or an 95  
investigator of the bureau of criminal identification and 96  
investigation, a firefighter, or a person performing emergency 97  
medical service, while in the performance of their official 98  
duties, assault is a felony of the fourth degree. 99

(6) If the victim of the offense is a peace officer or an 100  
investigator of the bureau of criminal identification and 101  
investigation and if the victim suffered serious physical harm 102  
as a result of the commission of the offense, assault is a 103  
felony of the fourth degree, and the court, pursuant to division 104  
(F) of section 2929.13 of the Revised Code, shall impose as a 105  
mandatory prison term one of the prison terms prescribed for a 106  
felony of the fourth degree that is at least twelve months in 107  
duration. 108

(7) If the victim of the offense is an officer or employee 109

of a public children services agency or a private child placing 110  
agency and the offense relates to the officer's or employee's 111  
performance or anticipated performance of official 112  
responsibilities or duties, assault is either a felony of the 113  
fifth degree or, if the offender previously has been convicted 114  
of or pleaded guilty to an offense of violence, the victim of 115  
that prior offense was an officer or employee of a public 116  
children services agency or private child placing agency, and 117  
that prior offense related to the officer's or employee's 118  
performance or anticipated performance of official 119  
responsibilities or duties, a felony of the fourth degree. 120

(8) If the victim of the offense is a health care 121  
professional of a hospital, a health care worker of a hospital, 122  
or a security officer of a hospital whom the offender knows or 123  
has reasonable cause to know is a health care professional of a 124  
hospital, a health care worker of a hospital, or a security 125  
officer of a hospital, if the victim is engaged in the 126  
performance of the victim's duties, and if the hospital offers 127  
de-escalation or crisis intervention training for such 128  
professionals, workers, or officers, assault is one of the 129  
following: 130

(a) Except as otherwise provided in division (C) (8) (b) of 131  
this section, assault committed in the specified circumstances 132  
is a misdemeanor of the first degree. Notwithstanding the fine 133  
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 134  
Revised Code for a misdemeanor of the first degree, in 135  
sentencing the offender under this division and if the court 136  
decides to impose a fine, the court may impose upon the offender 137  
a fine of not more than five thousand dollars. 138

(b) If the offender previously has been convicted of or 139

pleaded guilty to one or more assault or homicide offenses 140  
committed against hospital personnel, assault committed in the 141  
specified circumstances is a felony of the fifth degree. 142

(9) If the victim of the offense is a judge, magistrate, 143  
prosecutor, or court official or employee whom the offender 144  
knows or has reasonable cause to know is a judge, magistrate, 145  
prosecutor, or court official or employee, and if the victim is 146  
engaged in the performance of the victim's duties, assault is 147  
one of the following: 148

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 149  
of this section, assault committed in the specified 150  
circumstances is a misdemeanor of the first degree. In 151  
sentencing the offender under this division, if the court 152  
decides to impose a fine, notwithstanding the fine specified in 153  
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 154  
for a misdemeanor of the first degree, the court may impose upon 155  
the offender a fine of not more than five thousand dollars. 156

(b) If the offender previously has been convicted of or 157  
pleaded guilty to one or more assault or homicide offenses 158  
committed against justice system personnel, assault committed in 159  
the specified circumstances is a felony of the fifth degree. 160

(10) If an offender who is convicted of or pleads guilty 161  
to assault when it is a misdemeanor also is convicted of or 162  
pleads guilty to a specification as described in section 163  
2941.1423 of the Revised Code that was included in the 164  
indictment, count in the indictment, or information charging the 165  
offense, the court shall sentence the offender to a mandatory 166  
jail term as provided in division (G) of section 2929.24 of the 167  
Revised Code. 168

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C) (6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code.

(D) Upon a person's conviction of a violation of this section, the court shall determine whether, as a result of the violation, it is unlawful for the offender to possess or purchase a firearm under section 2923.13 of the Revised Code or 18 U.S.C. 922(g) (9). If the court determines that the offender is prohibited from possessing or purchasing a firearm, the court shall order the offender to transfer all firearms in the offender's possession or control in accordance with section 2923.133 of the Revised Code.

(E) As used in this section:

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

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another

county, multicounty, municipal, municipal-county, or 198  
multicounty-municipal facility used for the custody of persons 199  
arrested for any crime or delinquent act, persons charged with 200  
or convicted of any crime, or persons alleged to be or 201  
adjudicated a delinquent child. 202

(5) "Employee of a local correctional facility" means a 203  
person who is an employee of the political subdivision or of one 204  
or more of the affiliated political subdivisions that operates 205  
the local correctional facility and who operates or assists in 206  
the operation of the facility. 207

(6) "School teacher or administrator" means either of the 208  
following: 209

(a) A person who is employed in the public schools of the 210  
state under a contract described in section 3311.77 or 3319.08 211  
of the Revised Code in a position in which the person is 212  
required to have a certificate issued pursuant to sections 213  
3319.22 to 3319.311 of the Revised Code. 214

(b) A person who is employed by a nonpublic school for 215  
which the state board of education prescribes minimum standards 216  
under section 3301.07 of the Revised Code and who is 217  
certificated in accordance with section 3301.071 of the Revised 218  
Code. 219

(7) "Community control sanction" has the same meaning as 220  
in section 2929.01 of the Revised Code. 221

(8) "Escorted visit" means an escorted visit granted under 222  
section 2967.27 of the Revised Code. 223

(9) "Post-release control" and "transitional control" have 224  
the same meanings as in section 2967.01 of the Revised Code. 225

(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	226 227 228
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	229 230 231
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	232 233 234 235 236
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	237 238 239
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	240 241 242 243
(c) The victim was engaged in the performance of the victim's duties.	244 245
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	246 247 248
(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.	249 250 251 252 253 254

(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.	255 256 257 258 259 260 261 262 263
(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.	264 265 266
(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.	267 268 269
(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this state who has similar powers and functions.	270 271 272 273 274 275
(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	276 277
(19) (a) "Hospital" means, subject to division <del>(D)</del> <u>(E)</u> (19) (b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.	278 279 280 281 282 283

(b) "Hospital" does not include any of the following:	284
(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;	285 286 287 288 289 290 291
(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.	292 293 294 295 296 297 298 299 300 301
(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.	302 303
<b>Sec. 2919.25.</b> (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member <u>or dating partner</u> .	304 305 306
(B) No person shall recklessly cause serious physical harm to a family or household member <u>or dating partner</u> .	307 308
(C) No person, by threat of force, shall knowingly cause a family or household member <u>or dating partner</u> to believe that the offender will cause imminent physical harm to the family or household member <u>or dating partner</u> .	309 310 311 312

(D) No person shall knowingly impede the normal breathing 313  
or circulation of the blood of a family or household member or 314  
dating partner by applying pressure to the throat or neck, or by 315  
blocking the nose or mouth, of the family or household member or 316  
dating partner. 317

(E) (1) Whoever violates this section is guilty of domestic 318  
violence, and the court shall sentence the offender as provided 319  
in divisions ~~(D)~~ (E) (2) to ~~(6)~~ (8) of this section. 320

(2) Except as otherwise provided in divisions ~~(D)~~ (E) (3) to 321  
(5) of this section, a violation of division (C) of this section 322  
is a misdemeanor of the fourth degree, and a violation of 323  
division (A) or (B) of this section is a misdemeanor of the 324  
first degree. 325

(3) Except as otherwise provided in division ~~(D)~~ (E) (4) of 326  
this section, if the offender previously has pleaded guilty to 327  
or been convicted of domestic violence, a violation of an 328  
existing or former municipal ordinance or law of this or any 329  
other state or the United States that is substantially similar 330  
to domestic violence, a violation of section 2903.14, 2909.06, 331  
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 332  
the victim of the violation was a family or household member or 333  
dating partner at the time of the violation, a violation of an 334  
existing or former municipal ordinance or law of this or any 335  
other state or the United States that is substantially similar 336  
to any of those sections if the victim of the violation was a 337  
family or household member or dating partner at the time of the 338  
commission of the violation, or any offense of violence if the 339  
victim of the offense was a family or household member or dating 340  
partner at the time of the commission of the offense, a 341  
violation of division (A) or (B) of this section is a felony of 342

the fourth degree, and, if the offender knew that the victim of 343  
the violation was pregnant at the time of the violation, the 344  
court shall impose a mandatory prison term on the offender 345  
pursuant to division ~~(D) (6)~~ (E) (8) of this section, and a 346  
violation of division (C) of this section is a misdemeanor of 347  
the second degree. 348

(4) If the offender previously has pleaded guilty to or 349  
been convicted of two or more offenses of domestic violence or 350  
two or more violations or offenses of the type described in 351  
division ~~(D)~~ (E) (3) of this section involving a person who was a 352  
family or household member or dating partner at the time of the 353  
violations or offenses, a violation of division (A) or (B) of 354  
this section is a felony of the third degree, and, if the 355  
offender knew that the victim of the violation was pregnant at 356  
the time of the violation, the court shall impose a mandatory 357  
prison term on the offender pursuant to division ~~(D) (6)~~ (E) (8) 358  
of this section, and a violation of division (C) of this section 359  
is a misdemeanor of the first degree. 360

(5) Except as otherwise provided in division ~~(D)~~ (E) (3) or 361  
(4) of this section, if the offender knew that the victim of the 362  
violation was pregnant at the time of the violation, a violation 363  
of division (A) or (B) of this section is a felony of the fifth 364  
degree, and the court shall impose a mandatory prison term on 365  
the offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, 366  
and a violation of division (C) of this section is a misdemeanor 367  
of the third degree. 368

(6) Except as otherwise provided in division (E) (7) of 369  
this section, a violation of division (D) of this section is a 370  
felony of the third degree, and the court shall impose a 371  
mandatory prison term on the offender pursuant to division (E) 372

(8) of this section. 373

(7) If the offender previously has pleaded guilty to or 374  
been convicted of a violation of this section, or if the 375  
offender previously has pleaded guilty to or been convicted of 376  
two or more offenses of violence, a violation of division (D) of 377  
this section is a felony of the second degree, and the court 378  
shall impose a mandatory prison term on the offender pursuant to 379  
division (E) (8) of this section. 380

(8) If division ~~(D)~~(E) (3), (4), ~~or~~ (5), (6), or (7) of 381  
this section requires the court that sentences an offender for a 382  
violation of division (A) ~~or~~, (B), or (D) of this section to 383  
impose a mandatory prison term on the offender pursuant to this 384  
division, the court shall impose the mandatory prison term as 385  
follows: 386

(a) If the violation of division (A) or (B) of this 387  
section is a felony of the fourth or fifth degree, except as 388  
otherwise provided in division ~~(D)~~(E) (8) (b) or (c) of this 389  
section, the court shall impose a mandatory prison term on the 390  
offender of at least six months. 391

(b) If the violation of division (A) or (B) of this 392  
section is a felony of the fifth degree and the offender, in 393  
committing the violation, caused serious physical harm to the 394  
pregnant woman's unborn or caused the termination of the 395  
pregnant woman's pregnancy, the court shall impose a mandatory 396  
prison term on the offender of twelve months. 397

(c) If the violation of division (A) or (B) of this 398  
section is a felony of the fourth degree and the offender, in 399  
committing the violation, caused serious physical harm to the 400  
pregnant woman's unborn or caused the termination of the 401

pregnant woman's pregnancy, the court shall impose a mandatory 402  
prison term on the offender of at least twelve months. 403

(d) If the violation of division (A) ~~or~~, (B), or (D) of 404  
this section is a felony of the third degree, except as 405  
otherwise provided in division ~~(D) (6)~~ (E) (8) (e) of this section 406  
and notwithstanding the range of definite prison terms 407  
prescribed in division (A) (3) of section 2929.14 of the Revised 408  
Code for a felony of the third degree, the court shall impose a 409  
mandatory prison term on the offender of either a definite term 410  
of ~~six~~ twelve months or one of the prison terms prescribed in 411  
division (A) (3) ~~(b)~~ (a) of section 2929.14 of the Revised Code 412  
for felonies of the third degree. 413

(e) If the violation of division (A) ~~or~~, (B), or (D) of 414  
this section is a felony of the third degree and the offender, 415  
in committing the violation, caused serious physical harm to the 416  
pregnant woman's unborn or caused the termination of the 417  
pregnant woman's pregnancy, notwithstanding the range of 418  
definite prison terms prescribed in division (A) (3) of section 419  
2929.14 of the Revised Code for a felony of the third degree, 420  
the court shall impose a mandatory prison term on the offender 421  
of either a definite term of ~~one year~~ eighteen months or one of 422  
the prison terms prescribed in division (A) (3) ~~(b)~~ (a) of section 423  
2929.14 of the Revised Code for felonies of the third degree. 424

~~(E)~~ (f) If the violation of division (D) of this section 425  
is a felony of the second degree, the court shall impose as the 426  
minimum prison term for the offense a mandatory prison term that 427  
is one of the minimum terms prescribed in division (A) (2) (a) of 428  
section 2929.14 of the Revised Code for felonies of the second 429  
degree. 430

(F) Notwithstanding any provision of law to the contrary, 431

no court or unit of state or local government shall charge any 432  
fee, cost, deposit, or money in connection with the filing of 433  
charges against a person alleging that the person violated this 434  
section or a municipal ordinance substantially similar to this 435  
section or in connection with the prosecution of any charges so 436  
filed. 437

~~(F)~~ (G) It is not required in a prosecution under division 438  
(D) of this section to allege or prove that the family or 439  
household member or dating partner who is the victim suffered 440  
physical harm or serious physical harm or visible injury. 441

(H) It is an affirmative defense to a charge under 442  
division (D) of this section that the act was done to the family 443  
or household member or dating partner as part of a medical or 444  
other procedure undertaken to aid or benefit the victim. 445

(I) Upon a person's conviction of a violation of this 446  
section, the court shall determine whether, as a result of the 447  
violation, it is unlawful for the offender to possess or 448  
purchase a firearm under section 2923.13 of the Revised Code or 449  
18 U.S.C. 922(g)(9). If the court determines that the offender 450  
is prohibited from possessing or purchasing a firearm, the court 451  
shall order the offender to transfer all firearms in the 452  
offender's possession or control in accordance with section 453  
2923.133 of the Revised Code. 454

(J) As used in this section and sections 2919.251 and 455  
2919.26 of the Revised Code: 456

(1) "Family or household member" means any of the 457  
following: 458

(a) Any of the following who is residing or has resided 459  
with the offender: 460

(i) A spouse, a person living as a spouse, or a former spouse of the offender;	461 462
(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;	463 464 465
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.	466 467 468 469
(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.	470 471 472
(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.	473 474 475 476 477 478
(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.	479 480 481 482 483 484 485 486
(4) "Termination of the pregnant woman's pregnancy" has the same meaning as "unlawful termination of another's pregnancy," as set forth in section 2903.09 of the Revised Code,	487 488 489

as it relates to the pregnant woman. Division (C) of that 490  
section applies regarding the use of the term in this section, 491  
except that the second and third sentences of division (C) (1) of 492  
that section shall be construed for purposes of this section as 493  
if they included a reference to this section in the listing of 494  
Revised Code sections they contain. 495

(5) "Dating partner" means a person with whom the offender 496  
is or was in a dating relationship, as defined in section 497  
3113.31 of the Revised Code. 498

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 499  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 500  
2911.211 of the Revised Code if the alleged victim of the 501  
violation was a family or household member at the time of the 502  
violation, a violation of a municipal ordinance that is 503  
substantially similar to any of those sections if the alleged 504  
victim of the violation was a family or household member at the 505  
time of the violation, any offense of violence if the alleged 506  
victim of the offense was a family or household member at the 507  
time of the commission of the offense, or any sexually oriented 508  
offense if the alleged victim of the offense was a family or 509  
household member at the time of the commission of the offense, 510  
the complainant, the alleged victim, or a family or household 511  
member of an alleged victim may file, or, if in an emergency the 512  
alleged victim is unable to file, a person who made an arrest 513  
for the alleged violation or offense under section 2935.03 of 514  
the Revised Code may file on behalf of the alleged victim, a 515  
motion that requests the issuance of a temporary protection 516  
order as a pretrial condition of release of the alleged 517  
offender, in addition to any bail set under Criminal Rule 46. 518  
The motion shall be filed with the clerk of the court that has 519  
jurisdiction of the case at any time after the filing of the 520

complaint.	521
(2) For purposes of section 2930.09 of the Revised Code,	522
all stages of a proceeding arising out of a complaint alleging	523
the commission of a violation, offense of violence, or sexually	524
oriented offense described in division (A)(1) of this section,	525
including all proceedings on a motion for a temporary protection	526
order, are critical stages of the case, and a victim may be	527
accompanied by a victim advocate or another person to provide	528
support to the victim as provided in that section.	529
(B) <u>(1)</u> The motion shall be prepared on a form that is	530
provided by the clerk of the court, which form shall be	531
substantially as follows:	532
"MOTION FOR TEMPORARY PROTECTION ORDER	533
..... Court	534
Name and address of court	535
State of Ohio	536
v. No. ....	537
.....	538
Name of Defendant	539
(name of person), moves the court to issue a temporary	540
protection order containing terms designed to ensure the safety	541
and protection of the complainant, alleged victim, and other	542
family or household members, in relation to the named defendant,	543
pursuant to its authority to issue such an order under section	544
2919.26 of the Revised Code.	545
A complaint, a copy of which has been attached to this	546
motion, has been filed in this court charging the named	547

defendant with ..... (name of the specified 548  
violation, the offense of violence, or sexually oriented offense 549  
charged) in circumstances in which the victim was a family or 550  
household member in violation of (section of the Revised Code 551  
designating the specified violation, offense of violence, or 552  
sexually oriented offense charged), or charging the named 553  
defendant with a violation of a municipal ordinance that is 554  
substantially similar to ..... (section of 555  
the Revised Code designating the specified violation, offense of 556  
violence, or sexually oriented offense charged) involving a 557  
family or household member. 558

I understand that I must appear before the court, at a 559  
time set by the court within twenty-four hours after the filing 560  
of this motion, for a hearing on the motion or that, if I am 561  
unable to appear because of hospitalization or a medical 562  
condition resulting from the offense alleged in the complaint, a 563  
person who can provide information about my need for a temporary 564  
protection order must appear before the court in lieu of my 565  
appearing in court. I understand that any temporary protection 566  
order granted pursuant to this motion is a pretrial condition of 567  
release and is effective only until the disposition of the 568  
criminal proceeding arising out of the attached complaint, or 569  
the issuance of a civil protection order or the approval of a 570  
consent agreement, arising out of the same activities as those 571  
that were the basis of the complaint, under section 3113.31 of 572  
the Revised Code. 573

..... 574

Signature of person 575

(or signature of the arresting officer who filed the motion on 576  
behalf of the alleged victim) 577

.....	578
Address of person (or office address of the arresting officer who filed the motion on behalf of the alleged victim)"	579 580
<u>(2) The petitioner may attach a document to the form that describes the number, types, and locations of any firearms that the petitioner knows to be in the possession or control of the defendant.</u>	581 582 583 584
(C) (1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include	585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607

within a protection order issued under this section a term 608  
requiring that the alleged offender not remove, damage, hide, 609  
harm, or dispose of any companion animal owned or possessed by 610  
the complainant, alleged victim, or any other family or 611  
household member of the alleged victim, and may include within 612  
the order a term authorizing the complainant, alleged victim, or 613  
other family or household member of the alleged victim to remove 614  
a companion animal owned by the complainant, alleged victim, or 615  
other family or household member from the possession of the 616  
alleged offender. 617

(2) (a) If the court issues a temporary protection order 618  
that includes a requirement that the alleged offender refrain 619  
from entering the residence, school, business, or place of 620  
employment of the complainant, the alleged victim, or the family 621  
or household member, the order shall state clearly that the 622  
order cannot be waived or nullified by an invitation to the 623  
alleged offender from the complainant, alleged victim, or family 624  
or household member to enter the residence, school, business, or 625  
place of employment or by the alleged offender's entry into one 626  
of those places otherwise upon the consent of the complainant, 627  
alleged victim, or family or household member. 628

(b) Division (C) (2) (a) of this section does not limit any 629  
discretion of a court to determine that an alleged offender 630  
charged with a violation of section 2919.27 of the Revised Code, 631  
with a violation of a municipal ordinance substantially 632  
equivalent to that section, or with contempt of court, which 633  
charge is based on an alleged violation of a temporary 634  
protection order issued under this section, did not commit the 635  
violation or was not in contempt of court. 636

(D) (1) Upon the filing of a complaint that alleges a 637

violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 638  
the Revised Code if the alleged victim of the violation was a 639  
family or household member at the time of the violation, a 640  
violation of a municipal ordinance that is substantially similar 641  
to any of those sections if the alleged victim of the violation 642  
was a family or household member at the time of the violation, 643  
any offense of violence if the alleged victim of the offense was 644  
a family or household member at the time of the commission of 645  
the offense, or any sexually oriented offense if the alleged 646  
victim of the offense was a family or household member at the 647  
time of the commission of the offense, the court, upon its own 648  
motion, may issue a temporary protection order as a pretrial 649  
condition of release if it finds that the safety and protection 650  
of the complainant, alleged victim, or other family or household 651  
member of the alleged offender may be impaired by the continued 652  
presence of the alleged offender. 653

(2) If the court issues a temporary protection order under 654  
this section as an ex parte order, it shall conduct, as soon as 655  
possible after the issuance of the order, a hearing in the 656  
presence of the alleged offender not later than the next day on 657  
which the court is scheduled to conduct business after the day 658  
on which the alleged offender was arrested or at the time of the 659  
appearance of the alleged offender pursuant to summons to 660  
determine whether the order should remain in effect, be 661  
modified, or be revoked. The hearing shall be conducted under 662  
the standards set forth in division (C) of this section. 663

(3) An order issued under this section shall contain only 664  
those terms authorized in orders issued under division (C) of 665  
this section. 666

(4) If a municipal court or a county court issues a 667

temporary protection order under this section and if, subsequent 668  
to the issuance of the order, the alleged offender who is the 669  
subject of the order is bound over to the court of common pleas 670  
for prosecution of a felony arising out of the same activities 671  
as those that were the basis of the complaint upon which the 672  
order is based, notwithstanding the fact that the order was 673  
issued by a municipal court or county court, the order shall 674  
remain in effect, as though it were an order of the court of 675  
common pleas, while the charges against the alleged offender are 676  
pending in the court of common pleas, for the period of time 677  
described in division (E) (2) of this section, and the court of 678  
common pleas has exclusive jurisdiction to modify the order 679  
issued by the municipal court or county court. This division 680  
applies when the alleged offender is bound over to the court of 681  
common pleas as a result of the person waiving a preliminary 682  
hearing on the felony charge, as a result of the municipal court 683  
or county court having determined at a preliminary hearing that 684  
there is probable cause to believe that the felony has been 685  
committed and that the alleged offender committed it, as a 686  
result of the alleged offender having been indicted for the 687  
felony, or in any other manner. 688

(E) A temporary protection order that is issued as a 689  
pretrial condition of release under this section: 690

(1) Is in addition to, but shall not be construed as a 691  
part of, any bail set under Criminal Rule 46; 692

(2) Is effective only until the occurrence of either of 693  
the following: 694

(a) The disposition, by the court that issued the order 695  
or, in the circumstances described in division (D) (4) of this 696  
section, by the court of common pleas to which the alleged 697

offender is bound over for prosecution, of the criminal 698  
proceeding arising out of the complaint upon which the order is 699  
based; 700

(b) The issuance of a protection order or the approval of 701  
a consent agreement, arising out of the same activities as those 702  
that were the basis of the complaint upon which the order is 703  
based, under section 3113.31 of the Revised Code. 704

(3) Shall not be construed as a finding that the alleged 705  
offender committed the alleged offense, and shall not be 706  
introduced as evidence of the commission of the offense at the 707  
trial of the alleged offender on the complaint upon which the 708  
order is based. 709

(F) A person who meets the criteria for bail under 710  
Criminal Rule 46 and who, if required to do so pursuant to that 711  
rule, executes or posts bond or deposits cash or securities as 712  
bail, shall not be held in custody pending a hearing before the 713  
court on a motion requesting a temporary protection order. 714

(G) (1) A copy of any temporary protection order that is 715  
issued under this section shall be issued by the court to the 716  
complainant, to the alleged victim, to the person who requested 717  
the order, to the defendant, and to all law enforcement agencies 718  
that have jurisdiction to enforce the order. The court shall 719  
direct that a copy of the order be delivered to the defendant on 720  
the same day that the order is entered. If a municipal court or 721  
a county court issues a temporary protection order under this 722  
section and if, subsequent to the issuance of the order, the 723  
defendant who is the subject of the order is bound over to the 724  
court of common pleas for prosecution as described in division 725  
(D) (4) of this section, the municipal court or county court 726  
shall direct that a copy of the order be delivered to the court 727

of common pleas to which the defendant is bound over. 728

(2) Upon the issuance of a protection order under this 729  
section, the court shall determine whether, as a result of the 730  
order, it is unlawful for the defendant to possess or purchase a 731  
firearm under division (A) (7) of section 2923.13 of the Revised 732  
Code or 18 U.S.C. 922(g) (8). If the court determines that the 733  
defendant is prohibited from possessing or purchasing a firearm, 734  
the court shall order the defendant to transfer all firearms in 735  
the defendant's possession or control, and shall ensure that the 736  
transfer is made, in accordance with section 2923.134 of the 737  
Revised Code. If the defendant is so prohibited, the court shall 738  
provide the parties to the order with the following notice 739  
orally or by form: 740

"NOTICE 741

As a result of this protection order, it ~~may be~~ is 742  
unlawful for you, the defendant, to possess or purchase a 743  
firearm, including a rifle, pistol, or revolver, or ammunition 744  
pursuant to ~~federal law under section 2923.13 of the Revised~~ 745  
Code or 18 U.S.C. 922(g) (8) for the duration of this order. ~~If~~ 746  
~~you have any questions whether this law makes it illegal for you~~ 747  
~~to possess or purchase a firearm or ammunition, you should~~ 748  
~~consult an attorney.~~ You are required to transfer all firearms in 749  
your possession or control within twenty-four hours after 750  
service of this order in accordance with section 2923.134 of the 751  
Revised Code. You are required to file with this court a proof 752  
of transfer and an affidavit that you possess no firearms within 753  
forty-eight hours after service of this order." 754

(3) All law enforcement agencies shall establish and 755  
maintain an index for the temporary protection orders delivered 756  
to the agencies pursuant to division (G) (1) of this section. 757

With respect to each order delivered, each agency shall note on 758  
the index, the date and time of the receipt of the order by the 759  
agency. 760

(4) A complainant, alleged victim, or other person who 761  
obtains a temporary protection order under this section may 762  
provide notice of the issuance of the temporary protection order 763  
to the judicial and law enforcement officials in any county 764  
other than the county in which the order is issued by 765  
registering that order in the other county in accordance with 766  
division (N) of section 3113.31 of the Revised Code and filing a 767  
copy of the registered protection order with a law enforcement 768  
agency in the other county in accordance with that division. 769

(5) Any officer of a law enforcement agency shall enforce 770  
a temporary protection order issued by any court in this state 771  
in accordance with the provisions of the order, including 772  
removing the defendant from the premises, regardless of whether 773  
the order is registered in the county in which the officer's 774  
agency has jurisdiction as authorized by division (G) (4) of this 775  
section. 776

(H) Upon a violation of a temporary protection order, the 777  
court may issue another temporary protection order, as a 778  
pretrial condition of release, that modifies the terms of the 779  
order that was violated. 780

(I) (1) As used in divisions (I) (1) and (2) of this 781  
section, "defendant" means a person who is alleged in a 782  
complaint to have committed a violation, offense of violence, or 783  
sexually oriented offense of the type described in division (A) 784  
of this section. 785

(2) If a complaint is filed that alleges that a person 786

committed a violation, offense of violence, or sexually oriented 787  
offense of the type described in division (A) of this section, 788  
the court may not issue a temporary protection order under this 789  
section that requires the complainant, the alleged victim, or 790  
another family or household member of the defendant to do or 791  
refrain from doing an act that the court may require the 792  
defendant to do or refrain from doing under a temporary 793  
protection order unless both of the following apply: 794

(a) The defendant has filed a separate complaint that 795  
alleges that the complainant, alleged victim, or other family or 796  
household member in question who would be required under the 797  
order to do or refrain from doing the act committed a violation 798  
or offense of violence of the type described in division (A) of 799  
this section. 800

(b) The court determines that both the complainant, 801  
alleged victim, or other family or household member in question 802  
who would be required under the order to do or refrain from 803  
doing the act and the defendant acted primarily as aggressors, 804  
that neither the complainant, alleged victim, or other family or 805  
household member in question who would be required under the 806  
order to do or refrain from doing the act nor the defendant 807  
acted primarily in self-defense, and, in accordance with the 808  
standards and criteria of this section as applied in relation to 809  
the separate complaint filed by the defendant, that it should 810  
issue the order to require the complainant, alleged victim, or 811  
other family or household member in question to do or refrain 812  
from doing the act. 813

(J) (1) Subject to division (J) (2) of this section and 814  
regardless of whether a protection order is issued or a consent 815  
agreement is approved by a court of another county or a court of 816

another state, no court or unit of state or local government 817  
shall charge the movant any fee, cost, deposit, or money in 818  
connection with the filing of a motion pursuant to this section, 819  
in connection with the filing, issuance, registration, 820  
modification, enforcement, dismissal, withdrawal, or service of 821  
a protection order, consent agreement, or witness subpoena or 822  
for obtaining a certified copy of a protection order or consent 823  
agreement. 824

(2) Regardless of whether a protection order is issued or 825  
a consent agreement is approved pursuant to this section, if the 826  
defendant is convicted the court may assess costs against the 827  
defendant in connection with the filing, issuance, registration, 828  
modification, enforcement, dismissal, withdrawal, or service of 829  
a protection order, consent agreement, or witness subpoena or 830  
for obtaining a certified copy of a protection order or consent 831  
agreement. 832

(K) As used in this section: 833

(1) "Companion animal" has the same meaning as in section 834  
959.131 of the Revised Code. 835

(2) "Sexually oriented offense" has the same meaning as in 836  
section 2950.01 of the Revised Code. 837

(3) "Victim advocate" means a person who provides support 838  
and assistance for a victim of an offense during court 839  
proceedings. 840

**Sec. 2923.13.** (A) Unless relieved from disability under 841  
operation of law or legal process, no person shall knowingly 842  
acquire, have, carry, or use any firearm or dangerous ordnance, 843  
if any of the following apply: 844

(1) The person is a fugitive from justice. 845

(2) The person is under indictment for or has been 846  
convicted of any felony offense of violence or has been 847  
adjudicated a delinquent child for the commission of an offense 848  
that, if committed by an adult, would have been a felony offense 849  
of violence. 850

(3) The person is under indictment for or has been 851  
convicted of any felony offense involving the illegal 852  
possession, use, sale, administration, distribution, or 853  
trafficking in any drug of abuse or has been adjudicated a 854  
delinquent child for the commission of an offense that, if 855  
committed by an adult, would have been a felony offense 856  
involving the illegal possession, use, sale, administration, 857  
distribution, or trafficking in any drug of abuse. 858

(4) The person is drug dependent, in danger of drug 859  
dependence, or a chronic alcoholic. 860

(5) The person is under adjudication of mental 861  
incompetence, has been adjudicated as a mental defective, has 862  
been committed to a mental institution, has been found by a 863  
court to be a mentally ill person subject to court order, or is 864  
an involuntary patient other than one who is a patient only for 865  
purposes of observation. As used in this division, "mentally ill 866  
person subject to court order" and "patient" have the same 867  
meanings as in section 5122.01 of the Revised Code. 868

(6) The person has been convicted of either domestic 869  
violence or assault when the victim is a family or household 870  
member, whether the offense is classified as a felony or 871  
misdemeanor. 872

(7) The person is subject to a court order, granted after 873  
a full hearing for which the person received notice and an 874

opportunity to be heard, that restrains the person from 875  
harassing, stalking, threatening, or engaging in other conduct 876  
that would place a family or household member, or a person with 877  
whom the respondent is or was in a dating relationship, in 878  
reasonable fear of bodily injury, or is subject to a temporary 879  
protection order issued under section 2919.26 of the Revised 880  
Code. 881

(B) Whoever violates this section is guilty of having 882  
weapons while under disability, a felony of the third degree. 883

(C) For the purposes of this section, "under operation of 884  
law or legal process" shall not itself include mere completion, 885  
termination, or expiration of a sentence imposed as a result of 886  
a criminal conviction. 887

(D) As used in this section, "family or household member" 888  
and "person with whom the respondent is or was in a dating 889  
relationship" have the same meanings as in section 3113.31 of 890  
the Revised Code. 891

**Sec. 2923.133.** (A) Any offender who has been convicted of 892  
an offense described in division (A) (6) of section 2923.13 of 893  
the Revised Code and has been served with a court order 894  
requiring the offender to transfer all firearms in the 895  
offender's possession or control in accordance with this section 896  
shall transfer all firearms under the offender's possession or 897  
control as described in this division. 898

(1) Within twenty-four hours after being served with the 899  
court order, the offender shall transfer all firearms in the 900  
offender's possession or control to a law enforcement agency or 901  
federally licensed firearms dealer. The offender shall provide a 902  
copy of the court order to the law enforcement agency or 903

firearms dealer at the time of transfer. Prior to accepting a 904  
transfer of firearms from the offender, a law enforcement agency 905  
shall notify the offender that if the firearms are transferred 906  
to a law enforcement agency, the firearms shall be considered to 907  
be abandoned and are subject to disposal under division (A) (3) 908  
of this section. The law enforcement agency or federally 909  
licensed firearms dealer taking possession of the firearm or 910  
firearms shall issue a proof of transfer to the offender. The 911  
proof of transfer shall include the name of the offender, the 912  
date of transfer, and the serial number, make, and model of each 913  
transferred firearm. 914

(2) Within forty-eight hours after being served with the 915  
court order, the offender shall do one of the following: 916

(a) File a copy of proof of transfer with the court that 917  
issued the order and an affidavit that all firearms in the 918  
offender's possession or control at the time the offender was 919  
served with the court order have been transferred in accordance 920  
with this section and that the offender currently has no 921  
firearms in the offender's possession or control; 922

(b) File an affidavit with the court that issued the order 923  
that at the time the offender was served with the order the 924  
offender had no firearms in the offender's possession or control 925  
and that the offender currently has no firearms in the 926  
offender's possession or control. 927

(3) If the offender transfers the firearm to a law 928  
enforcement agency, the firearm shall be considered to be 929  
abandoned. The law enforcement agency may establish policies for 930  
disposal of abandoned firearms, provided such policies require 931  
that the offender be notified of the disposal and receive any 932  
financial value from the disposal less the costs to the law 933

enforcement agency associated with taking possession of, 934  
storing, and disposing of the firearms. 935

(B) Notwithstanding division (A) of this section, if the 936  
offender is incarcerated at the time the offender is served with 937  
the court order and is unable to comply with the order due to 938  
the offender's incarceration, the offender may file an affidavit 939  
with the court that these circumstances are applicable to the 940  
offender. 941

(C) An offender who recklessly violates the requirements 942  
of this section is guilty of a felony of the fifth degree. 943

(D) As used in this section, "law enforcement agency" 944  
means the state highway patrol, or a police department of a 945  
municipal corporation or sheriff's office under the court's 946  
jurisdiction. 947

**Sec. 2923.134.** (A) Any person who is subject to a court 948  
order described in division (A) (7) of section 2923.13 of the 949  
Revised Code and has been served with a court order requiring 950  
the person to transfer all firearms in the person's possession 951  
or control in accordance with this section shall transfer all 952  
firearms in the person's possession or control as described in 953  
this division. 954

(1) Within twenty-four hours after being served with the 955  
court order, the respondent shall transfer all firearms in the 956  
respondent's possession to a law enforcement agency or federally 957  
licensed firearms dealer. The respondent shall provide a copy of 958  
the court order to the law enforcement agency or federally 959  
licensed firearms dealer at the time of transfer, along with a 960  
copy of the protection order. The law enforcement agency or 961  
federally licensed firearms dealer shall issue a proof of 962

transfer to the respondent. The proof of transfer shall include 963  
the name of the respondent, the date of transfer, and the serial 964  
number, make, and model of each transferred firearm. 965

(2) Within forty-eight hours after being served with the 966  
court order, the respondent shall do one of the following: 967

(a) File a copy of the proof of transfer with the court 968  
that issued the order and an affidavit that all firearms in the 969  
respondent's possession or control at the time the respondent 970  
was served with the order have been transferred in accordance 971  
with this section and that the respondent currently has no 972  
firearms in the respondent's possession or control; 973

(b) File an affidavit with the court that issued the order 974  
that at the time the respondent was served with the order the 975  
respondent had no firearms in the respondent's possession or 976  
control and that the respondent currently has no firearms in the 977  
respondent's possession or control. 978

(3) (a) Upon the expiration of the court order, the law 979  
enforcement agency or federally licensed firearms dealer in 980  
possession of the respondent's firearms shall, at the 981  
respondent's request, return those firearms to the respondent, 982  
unless either of the following applies: 983

(i) The order is extended or another court order described 984  
in division (A) (7) of section 2923.13 of the Revised Code is in 985  
effect; 986

(ii) The respondent is prohibited from possessing a 987  
firearm under state or federal law. 988

(b) Before returning a firearm pursuant to this division, 989  
the law enforcement agency or federally licensed firearms dealer 990  
may require the respondent to sign a statement that the court 991

order has expired and has not been extended and that the 992  
respondent is not prohibited from possessing a firearm under 993  
state or federal law. 994

(4) (a) If the respondent is prohibited from possessing a 995  
firearm under state or federal law, the respondent shall have 996  
sixty days after the expiration of the court order and any 997  
extensions to the court order to make one sale to a federally 998  
licensed firearms dealer of any transferred firearms in the 999  
possession of a law enforcement agency. The law enforcement 1000  
agency shall transfer possession of the firearms to a federally 1001  
licensed firearms dealer at the request of the firearms dealer, 1002  
if the firearms dealer provides the law enforcement agency with 1003  
a copy of a bill of sale that indicates the respondent has sold 1004  
the firearms to the firearms dealer. If the law enforcement 1005  
agency accepts any proceeds from the sale on behalf of the 1006  
respondent, the law enforcement agency shall transfer the 1007  
proceeds of the sale to the respondent. 1008

(b) If the respondent or a federally licensed firearms 1009  
dealer does not provide a copy of a bill of sale for the 1010  
respondent's firearms to the law enforcement agency within sixty 1011  
days after the expiration of the court order and any extensions 1012  
to the court order, the firearms shall be considered to be 1013  
abandoned. The law enforcement agency may establish policies for 1014  
the disposal of abandoned firearms, provided the policies 1015  
require that the respondent be notified of the disposal and 1016  
receive any financial value from the disposal of the firearms. 1017

(5) A law enforcement agency or federally licensed 1018  
firearms dealer may charge a respondent a reasonable fee in 1019  
connection with the storage of any firearm pursuant to this 1020  
section. The fee charged by a law enforcement agency shall not 1021

exceed the costs associated with taking possession of, storing, 1022  
and disposing of the firearms. 1023

(B) A respondent who recklessly violates the requirements 1024  
of this section is guilty of a felony of the fifth degree. 1025

(C) As used in this section: 1026

(1) "Law enforcement agency" has the same meaning as in 1027  
section 2923.133 of the Revised Code. 1028

(2) "Respondent" includes a defendant who is subject to a 1029  
temporary protection order under section 2919.26 of the Revised 1030  
Code. 1031

**Sec. 2923.14.** (A) (1) Except as otherwise provided in 1032  
division (A) (2) of this section, any person who is prohibited 1033  
from acquiring, having, carrying, or using firearms may apply to 1034  
the court of common pleas in the county in which the person 1035  
resides for relief from such prohibition. 1036

(2) Division (A) (1) of this section does not apply to a 1037  
person who has been convicted of or pleaded guilty to a 1038  
violation of section 2923.132 of the Revised Code or to a person 1039  
who, two or more times, has been convicted of or pleaded guilty 1040  
to a felony and a specification of the type described in section 1041  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 1042  
of the Revised Code. 1043

(B) The application shall recite the following: 1044

(1) All indictments, convictions, or adjudications upon 1045  
which the applicant's disability is based, the sentence imposed 1046  
and served, and any release granted under a community control 1047  
sanction, post-release control sanction, or parole, any partial 1048  
or conditional pardon granted, or other disposition of each 1049

case, or, if the disability is based upon a factor other than an indictment, a conviction, or an adjudication, the factor upon which the disability is based and all details related to that factor;

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

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

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

(1) One of the following applies:

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

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

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

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

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

(F) Relief from disability granted pursuant to this 1077  
section restores the applicant to all civil firearm rights to 1078  
the full extent enjoyed by any citizen, and is subject to the 1079  
following conditions: 1080

(1) Applies only with respect to indictments, convictions, 1081  
or adjudications, or to the other factor, recited in the 1082  
application as the basis for the applicant's disability; 1083

(2) Applies only with respect to firearms lawfully 1084  
acquired, possessed, carried, or used by the applicant; 1085

(3) May be revoked by the court at any time for good cause 1086  
shown and upon notice to the applicant; 1087

(4) Is automatically void upon commission by the applicant 1088  
of any offense set forth in division (A) (2) ~~or~~, (3), or (6) of 1089  
section 2923.13 of the Revised Code, or upon the applicant's 1090  
becoming one of the class of persons named in division (A) (1), 1091  
(4), ~~or~~ (5), or (7) of that section. 1092

(G) As used in this section: 1093

(1) "Community control sanction" has the same meaning as 1094  
in section 2929.01 of the Revised Code. 1095

(2) "Post-release control" and "post-release control 1096  
sanction" have the same meanings as in section 2967.01 of the 1097  
Revised Code. 1098

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 1099  
or (G) of this section and unless a specific sanction is 1100  
required to be imposed or is precluded from being imposed 1101  
pursuant to law, a court that imposes a sentence upon an 1102  
offender for a felony may impose any sanction or combination of 1103  
sanctions on the offender that are provided in sections 2929.14 1104

to 2929.18 of the Revised Code. 1105

If the offender is eligible to be sentenced to community 1106  
control sanctions, the court shall consider the appropriateness 1107  
of imposing a financial sanction pursuant to section 2929.18 of 1108  
the Revised Code or a sanction of community service pursuant to 1109  
section 2929.17 of the Revised Code as the sole sanction for the 1110  
offense. Except as otherwise provided in this division, if the 1111  
court is required to impose a mandatory prison term for the 1112  
offense for which sentence is being imposed, the court also 1113  
shall impose any financial sanction pursuant to section 2929.18 1114  
of the Revised Code that is required for the offense and may 1115  
impose any other financial sanction pursuant to that section but 1116  
may not impose any additional sanction or combination of 1117  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 1118

If the offender is being sentenced for a fourth degree 1119  
felony OVI offense or for a third degree felony OVI offense, in 1120  
addition to the mandatory term of local incarceration or the 1121  
mandatory prison term required for the offense by division (G) 1122  
(1) or (2) of this section, the court shall impose upon the 1123  
offender a mandatory fine in accordance with division (B) (3) of 1124  
section 2929.18 of the Revised Code and may impose whichever of 1125  
the following is applicable: 1126

(1) For a fourth degree felony OVI offense for which 1127  
sentence is imposed under division (G) (1) of this section, an 1128  
additional community control sanction or combination of 1129  
community control sanctions under section 2929.16 or 2929.17 of 1130  
the Revised Code. If the court imposes upon the offender a 1131  
community control sanction and the offender violates any 1132  
condition of the community control sanction, the court may take 1133  
any action prescribed in division (B) of section 2929.15 of the 1134

Revised Code relative to the offender, including imposing a 1135  
prison term on the offender pursuant to that division. 1136

(2) For a third or fourth degree felony OVI offense for 1137  
which sentence is imposed under division (G)(2) of this section, 1138  
an additional prison term as described in division (B)(4) of 1139  
section 2929.14 of the Revised Code or a community control 1140  
sanction as described in division (G)(2) of this section. 1141

(B)(1)(a) Except as provided in division (B)(1)(b) of this 1142  
section, if an offender is convicted of or pleads guilty to a 1143  
felony of the fourth or fifth degree that is not an offense of 1144  
violence or that is a qualifying assault offense, the court 1145  
shall sentence the offender to a community control sanction or 1146  
combination of community control sanctions if all of the 1147  
following apply: 1148

(i) The offender previously has not been convicted of or 1149  
pleaded guilty to a felony offense. 1150

(ii) The most serious charge against the offender at the 1151  
time of sentencing is a felony of the fourth or fifth degree. 1152

(iii) If the court made a request of the department of 1153  
rehabilitation and correction pursuant to division (B)(1)(c) of 1154  
this section, the department, within the forty-five-day period 1155  
specified in that division, provided the court with the names 1156  
of, contact information for, and program details of one or more 1157  
community control sanctions that are available for persons 1158  
sentenced by the court. 1159

(iv) The offender previously has not been convicted of or 1160  
pleaded guilty to a misdemeanor offense of violence that the 1161  
offender committed within two years prior to the offense for 1162  
which sentence is being imposed. 1163

(b) The court has discretion to impose a prison term upon 1164  
an offender who is convicted of or pleads guilty to a felony of 1165  
the fourth or fifth degree that is not an offense of violence or 1166  
that is a qualifying assault offense if any of the following 1167  
apply: 1168

(i) The offender committed the offense while having a 1169  
firearm on or about the offender's person or under the 1170  
offender's control. 1171

(ii) If the offense is a qualifying assault offense, the 1172  
offender caused serious physical harm to another person while 1173  
committing the offense, and, if the offense is not a qualifying 1174  
assault offense, the offender caused physical harm to another 1175  
person while committing the offense. 1176

(iii) The offender violated a term of the conditions of 1177  
bond as set by the court. 1178

(iv) The court made a request of the department of 1179  
rehabilitation and correction pursuant to division (B)(1)(c) of 1180  
this section, and the department, within the forty-five-day 1181  
period specified in that division, did not provide the court 1182  
with the name of, contact information for, and program details 1183  
of any community control sanction that is available for persons 1184  
sentenced by the court. 1185

(v) The offense is a sex offense that is a fourth or fifth 1186  
degree felony violation of any provision of Chapter 2907. of the 1187  
Revised Code. 1188

(vi) In committing the offense, the offender attempted to 1189  
cause or made an actual threat of physical harm to a person with 1190  
a deadly weapon. 1191

(vii) In committing the offense, the offender attempted to 1192

cause or made an actual threat of physical harm to a person, and 1193  
the offender previously was convicted of an offense that caused 1194  
physical harm to a person. 1195

(viii) The offender held a public office or position of 1196  
trust, and the offense related to that office or position; the 1197  
offender's position obliged the offender to prevent the offense 1198  
or to bring those committing it to justice; or the offender's 1199  
professional reputation or position facilitated the offense or 1200  
was likely to influence the future conduct of others. 1201

(ix) The offender committed the offense for hire or as 1202  
part of an organized criminal activity. 1203

(x) The offender at the time of the offense was serving, 1204  
or the offender previously had served, a prison term. 1205

(xi) The offender committed the offense while under a 1206  
community control sanction, while on probation, or while 1207  
released from custody on a bond or personal recognizance. 1208

(c) If a court that is sentencing an offender who is 1209  
convicted of or pleads guilty to a felony of the fourth or fifth 1210  
degree that is not an offense of violence or that is a 1211  
qualifying assault offense believes that no community control 1212  
sanctions are available for its use that, if imposed on the 1213  
offender, will adequately fulfill the overriding principles and 1214  
purposes of sentencing, the court shall contact the department 1215  
of rehabilitation and correction and ask the department to 1216  
provide the court with the names of, contact information for, 1217  
and program details of one or more community control sanctions 1218  
that are available for persons sentenced by the court. Not later 1219  
than forty-five days after receipt of a request from a court 1220  
under this division, the department shall provide the court with 1221

the names of, contact information for, and program details of 1222  
one or more community control sanctions that are available for 1223  
persons sentenced by the court, if any. Upon making a request 1224  
under this division that relates to a particular offender, a 1225  
court shall defer sentencing of that offender until it receives 1226  
from the department the names of, contact information for, and 1227  
program details of one or more community control sanctions that 1228  
are available for persons sentenced by the court or for forty- 1229  
five days, whichever is the earlier. 1230

If the department provides the court with the names of, 1231  
contact information for, and program details of one or more 1232  
community control sanctions that are available for persons 1233  
sentenced by the court within the forty-five-day period 1234  
specified in this division, the court shall impose upon the 1235  
offender a community control sanction under division (B) (1) (a) 1236  
of this section, except that the court may impose a prison term 1237  
under division (B) (1) (b) of this section if a factor described 1238  
in division (B) (1) (b) (i) or (ii) of this section applies. If the 1239  
department does not provide the court with the names of, contact 1240  
information for, and program details of one or more community 1241  
control sanctions that are available for persons sentenced by 1242  
the court within the forty-five-day period specified in this 1243  
division, the court may impose upon the offender a prison term 1244  
under division (B) (1) (b) (iv) of this section. 1245

(d) A sentencing court may impose an additional penalty 1246  
under division (B) of section 2929.15 of the Revised Code upon 1247  
an offender sentenced to a community control sanction under 1248  
division (B) (1) (a) of this section if the offender violates the 1249  
conditions of the community control sanction, violates a law, or 1250  
leaves the state without the permission of the court or the 1251  
offender's probation officer. 1252

(2) If division (B) (1) of this section does not apply, 1253  
except as provided in division (E), (F), or (G) of this section, 1254  
in determining whether to impose a prison term as a sanction for 1255  
a felony of the fourth or fifth degree, the sentencing court 1256  
shall comply with the purposes and principles of sentencing 1257  
under section 2929.11 of the Revised Code and with section 1258  
2929.12 of the Revised Code. 1259

(C) Except as provided in division (D), (E), (F), or (G) 1260  
of this section, in determining whether to impose a prison term 1261  
as a sanction for a felony of the third degree or a felony drug 1262  
offense that is a violation of a provision of Chapter 2925. of 1263  
the Revised Code and that is specified as being subject to this 1264  
division for purposes of sentencing, the sentencing court shall 1265  
comply with the purposes and principles of sentencing under 1266  
section 2929.11 of the Revised Code and with section 2929.12 of 1267  
the Revised Code. 1268

(D) (1) Except as provided in division (E) or (F) of this 1269  
section, for a felony of the first or second degree, for a 1270  
felony drug offense that is a violation of any provision of 1271  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1272  
presumption in favor of a prison term is specified as being 1273  
applicable, and for a violation of division (A) (4) or (B) of 1274  
section 2907.05 of the Revised Code for which a presumption in 1275  
favor of a prison term is specified as being applicable, it is 1276  
presumed that a prison term is necessary in order to comply with 1277  
the purposes and principles of sentencing under section 2929.11 1278  
of the Revised Code. Division (D) (2) of this section does not 1279  
apply to a presumption established under this division for a 1280  
violation of division (A) (4) of section 2907.05 of the Revised 1281  
Code. 1282

(2) Notwithstanding the presumption established under 1283  
division (D) (1) of this section for the offenses listed in that 1284  
division other than a violation of division (A) (4) or (B) of 1285  
section 2907.05 of the Revised Code, the sentencing court may 1286  
impose a community control sanction or a combination of 1287  
community control sanctions instead of a prison term on an 1288  
offender for a felony of the first or second degree or for a 1289  
felony drug offense that is a violation of any provision of 1290  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1291  
presumption in favor of a prison term is specified as being 1292  
applicable if it makes both of the following findings: 1293

(a) A community control sanction or a combination of 1294  
community control sanctions would adequately punish the offender 1295  
and protect the public from future crime, because the applicable 1296  
factors under section 2929.12 of the Revised Code indicating a 1297  
lesser likelihood of recidivism outweigh the applicable factors 1298  
under that section indicating a greater likelihood of 1299  
recidivism. 1300

(b) A community control sanction or a combination of 1301  
community control sanctions would not demean the seriousness of 1302  
the offense, because one or more factors under section 2929.12 1303  
of the Revised Code that indicate that the offender's conduct 1304  
was less serious than conduct normally constituting the offense 1305  
are applicable, and they outweigh the applicable factors under 1306  
that section that indicate that the offender's conduct was more 1307  
serious than conduct normally constituting the offense. 1308

(E) (1) Except as provided in division (F) of this section, 1309  
for any drug offense that is a violation of any provision of 1310  
Chapter 2925. of the Revised Code and that is a felony of the 1311  
third, fourth, or fifth degree, the applicability of a 1312

presumption under division (D) of this section in favor of a 1313  
prison term or of division (B) or (C) of this section in 1314  
determining whether to impose a prison term for the offense 1315  
shall be determined as specified in section 2925.02, 2925.03, 1316  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1317  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 1318  
regarding the violation. 1319

(2) If an offender who was convicted of or pleaded guilty 1320  
to a felony violates the conditions of a community control 1321  
sanction imposed for the offense solely by reason of producing 1322  
positive results on a drug test or by acting pursuant to 1323  
division (B) (2) (b) of section 2925.11 of the Revised Code with 1324  
respect to a minor drug possession offense, the court, as 1325  
punishment for the violation of the sanction, shall not order 1326  
that the offender be imprisoned unless the court determines on 1327  
the record either of the following: 1328

(a) The offender had been ordered as a sanction for the 1329  
felony to participate in a drug treatment program, in a drug 1330  
education program, or in narcotics anonymous or a similar 1331  
program, and the offender continued to use illegal drugs after a 1332  
reasonable period of participation in the program. 1333

(b) The imprisonment of the offender for the violation is 1334  
consistent with the purposes and principles of sentencing set 1335  
forth in section 2929.11 of the Revised Code. 1336

(3) A court that sentences an offender for a drug abuse 1337  
offense that is a felony of the third, fourth, or fifth degree 1338  
may require that the offender be assessed by a properly 1339  
credentialed professional within a specified period of time. The 1340  
court shall require the professional to file a written 1341  
assessment of the offender with the court. If the offender is 1342

eligible for a community control sanction and after considering 1343  
the written assessment, the court may impose a community control 1344  
sanction that includes addiction services and recovery supports 1345  
included in a community-based continuum of care established 1346  
under section 340.032 of the Revised Code. If the court imposes 1347  
addiction services and recovery supports as a community control 1348  
sanction, the court shall direct the level and type of addiction 1349  
services and recovery supports after considering the assessment 1350  
and recommendation of community addiction services providers. 1351

(F) Notwithstanding divisions (A) to (E) of this section, 1352  
the court shall impose a prison term or terms under sections 1353  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 1354  
section 2971.03 of the Revised Code and except as specifically 1355  
provided in section 2929.20, divisions (C) to (I) of section 1356  
2967.19, or section 2967.191 of the Revised Code or when parole 1357  
is authorized for the offense under section 2967.13 of the 1358  
Revised Code shall not reduce the term or terms pursuant to 1359  
section 2929.20, section 2967.19, section 2967.193, or any other 1360  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 1361  
for any of the following offenses: 1362

(1) Aggravated murder when death is not imposed or murder; 1363

(2) Any rape, regardless of whether force was involved and 1364  
regardless of the age of the victim, or an attempt to commit 1365  
rape if, had the offender completed the rape that was attempted, 1366  
the offender would have been guilty of a violation of division 1367  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 1368  
sentenced under section 2971.03 of the Revised Code; 1369

(3) Gross sexual imposition or sexual battery, if the 1370  
victim is less than thirteen years of age and if any of the 1371  
following applies: 1372

(a) Regarding gross sexual imposition, the offender 1373  
previously was convicted of or pleaded guilty to rape, the 1374  
former offense of felonious sexual penetration, gross sexual 1375  
imposition, or sexual battery, and the victim of the previous 1376  
offense was less than thirteen years of age; 1377

(b) Regarding gross sexual imposition, the offense was 1378  
committed on or after August 3, 2006, and evidence other than 1379  
the testimony of the victim was admitted in the case 1380  
corroborating the violation. 1381

(c) Regarding sexual battery, either of the following 1382  
applies: 1383

(i) The offense was committed prior to August 3, 2006, the 1384  
offender previously was convicted of or pleaded guilty to rape, 1385  
the former offense of felonious sexual penetration, or sexual 1386  
battery, and the victim of the previous offense was less than 1387  
thirteen years of age. 1388

(ii) The offense was committed on or after August 3, 2006. 1389

(4) A felony violation of section 2903.04, 2903.06, 1390  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 1391  
or 2923.132 of the Revised Code if the section requires the 1392  
imposition of a prison term; 1393

(5) A first, second, or third degree felony drug offense 1394  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1395  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 1396  
or 4729.99 of the Revised Code, whichever is applicable 1397  
regarding the violation, requires the imposition of a mandatory 1398  
prison term; 1399

(6) Any offense that is a first or second degree felony 1400  
and that is not set forth in division (F) (1), (2), (3), or (4) 1401

of this section, if the offender previously was convicted of or 1402  
pleaded guilty to aggravated murder, murder, any first or second 1403  
degree felony, or an offense under an existing or former law of 1404  
this state, another state, or the United States that is or was 1405  
substantially equivalent to one of those offenses; 1406

(7) Any offense that is a third degree felony and either 1407  
is a violation of section 2903.04 of the Revised Code or an 1408  
attempt to commit a felony of the second degree that is an 1409  
offense of violence and involved an attempt to cause serious 1410  
physical harm to a person or that resulted in serious physical 1411  
harm to a person if the offender previously was convicted of or 1412  
pleaded guilty to any of the following offenses: 1413

(a) Aggravated murder, murder, involuntary manslaughter, 1414  
rape, felonious sexual penetration as it existed under section 1415  
2907.12 of the Revised Code prior to September 3, 1996, a felony 1416  
of the first or second degree that resulted in the death of a 1417  
person or in physical harm to a person, or complicity in or an 1418  
attempt to commit any of those offenses; 1419

(b) An offense under an existing or former law of this 1420  
state, another state, or the United States that is or was 1421  
substantially equivalent to an offense listed in division (F) (7) 1422  
(a) of this section that resulted in the death of a person or in 1423  
physical harm to a person. 1424

(8) Any offense, other than a violation of section 2923.12 1425  
of the Revised Code, that is a felony, if the offender had a 1426  
firearm on or about the offender's person or under the 1427  
offender's control while committing the felony, with respect to 1428  
a portion of the sentence imposed pursuant to division (B) (1) (a) 1429  
of section 2929.14 of the Revised Code for having the firearm; 1430

(9) Any offense of violence that is a felony, if the 1431  
offender wore or carried body armor while committing the felony 1432  
offense of violence, with respect to the portion of the sentence 1433  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 1434  
Revised Code for wearing or carrying the body armor; 1435

(10) Corrupt activity in violation of section 2923.32 of 1436  
the Revised Code when the most serious offense in the pattern of 1437  
corrupt activity that is the basis of the offense is a felony of 1438  
the first degree; 1439

(11) Any violent sex offense or designated homicide, 1440  
assault, or kidnapping offense if, in relation to that offense, 1441  
the offender is adjudicated a sexually violent predator; 1442

(12) A violation of division (A) (1) or (2) of section 1443  
2921.36 of the Revised Code, or a violation of division (C) of 1444  
that section involving an item listed in division (A) (1) or (2) 1445  
of that section, if the offender is an officer or employee of 1446  
the department of rehabilitation and correction; 1447

(13) A violation of division (A) (1) or (2) of section 1448  
2903.06 of the Revised Code if the victim of the offense is a 1449  
peace officer, as defined in section 2935.01 of the Revised 1450  
Code, or an investigator of the bureau of criminal 1451  
identification and investigation, as defined in section 2903.11 1452  
of the Revised Code, with respect to the portion of the sentence 1453  
imposed pursuant to division (B) (5) of section 2929.14 of the 1454  
Revised Code; 1455

(14) A violation of division (A) (1) or (2) of section 1456  
2903.06 of the Revised Code if the offender has been convicted 1457  
of or pleaded guilty to three or more violations of division (A) 1458  
or (B) of section 4511.19 of the Revised Code or an equivalent 1459

offense, as defined in section 2941.1415 of the Revised Code, or 1460  
three or more violations of any combination of those divisions 1461  
and offenses, with respect to the portion of the sentence 1462  
imposed pursuant to division (B) (6) of section 2929.14 of the 1463  
Revised Code; 1464

(15) Kidnapping, in the circumstances specified in section 1465  
2971.03 of the Revised Code and when no other provision of 1466  
division (F) of this section applies; 1467

(16) Kidnapping, abduction, compelling prostitution, 1468  
promoting prostitution, engaging in a pattern of corrupt 1469  
activity, a violation of division (A) (1) or (2) of section 1470  
2907.323 of the Revised Code that involves a minor, or 1471  
endangering children in violation of division (B) (1), (2), (3), 1472  
(4), or (5) of section 2919.22 of the Revised Code, if the 1473  
offender is convicted of or pleads guilty to a specification as 1474  
described in section 2941.1422 of the Revised Code that was 1475  
included in the indictment, count in the indictment, or 1476  
information charging the offense; 1477

(17) A felony violation of division (A) ~~or~~, (B), or (D) 1478  
of section 2919.25 of the Revised Code if division ~~(D)~~ (E) (3), 1479  
(4), ~~or~~ (5), (6), or (7) of that section, and division ~~(D)~~ (E) ~~(6)~~ 1480  
(8) of that section, require the imposition of a prison term; 1481

(18) A felony violation of section 2903.11, 2903.12, or 1482  
2903.13 of the Revised Code, if the victim of the offense was a 1483  
woman that the offender knew was pregnant at the time of the 1484  
violation, with respect to a portion of the sentence imposed 1485  
pursuant to division (B) (8) of section 2929.14 of the Revised 1486  
Code; 1487

(19) (a) Any violent felony offense if the offender is a 1488

violent career criminal and had a firearm on or about the 1489  
offender's person or under the offender's control during the 1490  
commission of the violent felony offense and displayed or 1491  
brandished the firearm, indicated that the offender possessed a 1492  
firearm, or used the firearm to facilitate the offense, with 1493  
respect to the portion of the sentence imposed under division 1494  
(K) of section 2929.14 of the Revised Code. 1495

(b) As used in division (F) (19) (a) of this section, 1496  
"violent career criminal" and "violent felony offense" have the 1497  
same meanings as in section 2923.132 of the Revised Code; 1498

(20) Any violation of division (A) (1) of section 2903.11 1499  
of the Revised Code if the offender used an accelerant in 1500  
committing the violation and the serious physical harm to 1501  
another or another's unborn caused by the violation resulted in 1502  
a permanent, serious disfigurement or permanent, substantial 1503  
incapacity or any violation of division (A) (2) of that section 1504  
if the offender used an accelerant in committing the violation, 1505  
the violation caused physical harm to another or another's 1506  
unborn, and the physical harm resulted in a permanent, serious 1507  
disfigurement or permanent, substantial incapacity, with respect 1508  
to a portion of the sentence imposed pursuant to division (B) (9) 1509  
of section 2929.14 of the Revised Code. The provisions of this 1510  
division and of division (D) (2) of section 2903.11, divisions 1511  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 1512  
the Revised Code shall be known as "Judy's Law." 1513

(21) Any violation of division (A) of section 2903.11 of 1514  
the Revised Code if the victim of the offense suffered permanent 1515  
disabling harm as a result of the offense and the victim was 1516  
under ten years of age at the time of the offense, with respect 1517  
to a portion of the sentence imposed pursuant to division (B) 1518

(10) of section 2929.14 of the Revised Code. 1519

(22) A felony violation of section 2925.03, 2925.05, or 1520  
2925.11 of the Revised Code, if the drug involved in the 1521  
violation is a fentanyl-related compound or a compound, mixture, 1522  
preparation, or substance containing a fentanyl-related compound 1523  
and the offender is convicted of or pleads guilty to a 1524  
specification of the type described in division (B) of section 1525  
2941.1410 of the Revised Code that was included in the 1526  
indictment, count in the indictment, or information charging the 1527  
offense, with respect to the portion of the sentence imposed 1528  
under division (B) (9) of section 2929.14 of the Revised Code. 1529

(G) Notwithstanding divisions (A) to (E) of this section, 1530  
if an offender is being sentenced for a fourth degree felony OVI 1531  
offense or for a third degree felony OVI offense, the court 1532  
shall impose upon the offender a mandatory term of local 1533  
incarceration or a mandatory prison term in accordance with the 1534  
following: 1535

(1) If the offender is being sentenced for a fourth degree 1536  
felony OVI offense and if the offender has not been convicted of 1537  
and has not pleaded guilty to a specification of the type 1538  
described in section 2941.1413 of the Revised Code, the court 1539  
may impose upon the offender a mandatory term of local 1540  
incarceration of sixty days or one hundred twenty days as 1541  
specified in division (G) (1) (d) of section 4511.19 of the 1542  
Revised Code. The court shall not reduce the term pursuant to 1543  
section 2929.20, 2967.193, or any other provision of the Revised 1544  
Code. The court that imposes a mandatory term of local 1545  
incarceration under this division shall specify whether the term 1546  
is to be served in a jail, a community-based correctional 1547  
facility, a halfway house, or an alternative residential 1548

facility, and the offender shall serve the term in the type of 1549  
facility specified by the court. A mandatory term of local 1550  
incarceration imposed under division (G) (1) of this section is 1551  
not subject to any other Revised Code provision that pertains to 1552  
a prison term except as provided in division (A) (1) of this 1553  
section. 1554

(2) If the offender is being sentenced for a third degree 1555  
felony OVI offense, or if the offender is being sentenced for a 1556  
fourth degree felony OVI offense and the court does not impose a 1557  
mandatory term of local incarceration under division (G) (1) of 1558  
this section, the court shall impose upon the offender a 1559  
mandatory prison term of one, two, three, four, or five years if 1560  
the offender also is convicted of or also pleads guilty to a 1561  
specification of the type described in section 2941.1413 of the 1562  
Revised Code or shall impose upon the offender a mandatory 1563  
prison term of sixty days or one hundred twenty days as 1564  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 1565  
Revised Code if the offender has not been convicted of and has 1566  
not pleaded guilty to a specification of that type. Subject to 1567  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1568  
court shall not reduce the term pursuant to section 2929.20, 1569  
2967.19, 2967.193, or any other provision of the Revised Code. 1570  
The offender shall serve the one-, two-, three-, four-, or five- 1571  
year mandatory prison term consecutively to and prior to the 1572  
prison term imposed for the underlying offense and consecutively 1573  
to any other mandatory prison term imposed in relation to the 1574  
offense. In no case shall an offender who once has been 1575  
sentenced to a mandatory term of local incarceration pursuant to 1576  
division (G) (1) of this section for a fourth degree felony OVI 1577  
offense be sentenced to another mandatory term of local 1578  
incarceration under that division for any violation of division 1579

(A) of section 4511.19 of the Revised Code. In addition to the 1580  
mandatory prison term described in division (G)(2) of this 1581  
section, the court may sentence the offender to a community 1582  
control sanction under section 2929.16 or 2929.17 of the Revised 1583  
Code, but the offender shall serve the prison term prior to 1584  
serving the community control sanction. The department of 1585  
rehabilitation and correction may place an offender sentenced to 1586  
a mandatory prison term under this division in an intensive 1587  
program prison established pursuant to section 5120.033 of the 1588  
Revised Code if the department gave the sentencing judge prior 1589  
notice of its intent to place the offender in an intensive 1590  
program prison established under that section and if the judge 1591  
did not notify the department that the judge disapproved the 1592  
placement. Upon the establishment of the initial intensive 1593  
program prison pursuant to section 5120.033 of the Revised Code 1594  
that is privately operated and managed by a contractor pursuant 1595  
to a contract entered into under section 9.06 of the Revised 1596  
Code, both of the following apply: 1597

(a) The department of rehabilitation and correction shall 1598  
make a reasonable effort to ensure that a sufficient number of 1599  
offenders sentenced to a mandatory prison term under this 1600  
division are placed in the privately operated and managed prison 1601  
so that the privately operated and managed prison has full 1602  
occupancy. 1603

(b) Unless the privately operated and managed prison has 1604  
full occupancy, the department of rehabilitation and correction 1605  
shall not place any offender sentenced to a mandatory prison 1606  
term under this division in any intensive program prison 1607  
established pursuant to section 5120.033 of the Revised Code 1608  
other than the privately operated and managed prison. 1609

(H) If an offender is being sentenced for a sexually 1610  
oriented offense or child-victim oriented offense that is a 1611  
felony committed on or after January 1, 1997, the judge shall 1612  
require the offender to submit to a DNA specimen collection 1613  
procedure pursuant to section 2901.07 of the Revised Code. 1614

(I) If an offender is being sentenced for a sexually 1615  
oriented offense or a child-victim oriented offense committed on 1616  
or after January 1, 1997, the judge shall include in the 1617  
sentence a summary of the offender's duties imposed under 1618  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1619  
Code and the duration of the duties. The judge shall inform the 1620  
offender, at the time of sentencing, of those duties and of 1621  
their duration. If required under division (A)(2) of section 1622  
2950.03 of the Revised Code, the judge shall perform the duties 1623  
specified in that section, or, if required under division (A)(6) 1624  
of section 2950.03 of the Revised Code, the judge shall perform 1625  
the duties specified in that division. 1626

(J)(1) Except as provided in division (J)(2) of this 1627  
section, when considering sentencing factors under this section 1628  
in relation to an offender who is convicted of or pleads guilty 1629  
to an attempt to commit an offense in violation of section 1630  
2923.02 of the Revised Code, the sentencing court shall consider 1631  
the factors applicable to the felony category of the violation 1632  
of section 2923.02 of the Revised Code instead of the factors 1633  
applicable to the felony category of the offense attempted. 1634

(2) When considering sentencing factors under this section 1635  
in relation to an offender who is convicted of or pleads guilty 1636  
to an attempt to commit a drug abuse offense for which the 1637  
penalty is determined by the amount or number of unit doses of 1638  
the controlled substance involved in the drug abuse offense, the 1639

sentencing court shall consider the factors applicable to the 1640  
felony category that the drug abuse offense attempted would be 1641  
if that drug abuse offense had been committed and had involved 1642  
an amount or number of unit doses of the controlled substance 1643  
that is within the next lower range of controlled substance 1644  
amounts than was involved in the attempt. 1645

(K) As used in this section: 1646

(1) "Community addiction services provider" has the same 1647  
meaning as in section 5119.01 of the Revised Code. 1648

(2) "Drug abuse offense" has the same meaning as in 1649  
section 2925.01 of the Revised Code. 1650

(3) "Minor drug possession offense" has the same meaning 1651  
as in section 2925.11 of the Revised Code. 1652

(4) "Qualifying assault offense" means a violation of 1653  
section 2903.13 of the Revised Code for which the penalty 1654  
provision in division (C) (8) (b) or (C) (9) (b) of that section 1655  
applies. 1656

(L) At the time of sentencing an offender for any sexually 1657  
oriented offense, if the offender is a tier III sex 1658  
offender/child-victim offender relative to that offense and the 1659  
offender does not serve a prison term or jail term, the court 1660  
may require that the offender be monitored by means of a global 1661  
positioning device. If the court requires such monitoring, the 1662  
cost of monitoring shall be borne by the offender. If the 1663  
offender is indigent, the cost of compliance shall be paid by 1664  
the crime victims reparations fund. 1665

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 1666  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1667  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1668

in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code 1669  
and except in relation to an offense for which a sentence of 1670  
death or life imprisonment is to be imposed, if the court 1671  
imposing a sentence upon an offender for a felony elects or is 1672  
required to impose a prison term on the offender pursuant to 1673  
this chapter, the court shall impose a prison term that shall be 1674  
one of the following: 1675

(1) (a) For a felony of the first degree committed on or 1676  
after the effective date of this amendment, the prison term 1677  
shall be an indefinite prison term with a stated minimum term 1678  
selected by the court of three, four, five, six, seven, eight, 1679  
nine, ten, or eleven years and a maximum term that is determined 1680  
pursuant to section 2929.144 of the Revised Code, except that if 1681  
the section that criminalizes the conduct constituting the 1682  
felony specifies a different minimum term or penalty for the 1683  
offense, the specific language of that section shall control in 1684  
determining the minimum term or otherwise sentencing the 1685  
offender but the minimum term or sentence imposed under that 1686  
specific language shall be considered for purposes of the 1687  
Revised Code as if it had been imposed under this division. 1688

(b) For a felony of the first degree committed prior to 1689  
the effective date of this amendment, the prison term shall be a 1690  
definite prison term of three, four, five, six, seven, eight, 1691  
nine, ten, or eleven years. 1692

(2) (a) For a felony of the second degree committed on or 1693  
after the effective date of this amendment, the prison term 1694  
shall be an indefinite prison term with a stated minimum term 1695  
selected by the court of two, three, four, five, six, seven, or 1696  
eight years and a maximum term that is determined pursuant to 1697  
section 2929.144 of the Revised Code, except that if the section 1698

that criminalizes the conduct constituting the felony specifies 1699  
a different minimum term or penalty for the offense, the 1700  
specific language of that section shall control in determining 1701  
the minimum term or otherwise sentencing the offender but the 1702  
minimum term or sentence imposed under that specific language 1703  
shall be considered for purposes of the Revised Code as if it 1704  
had been imposed under this division. 1705

(b) For a felony of the second degree committed prior to 1706  
the effective date of this amendment, the prison term shall be a 1707  
definite term of two, three, four, five, six, seven, or eight 1708  
years. 1709

(3) (a) For a felony of the third degree that is a 1710  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1711  
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 1712  
the Revised Code or that is a violation of section 2911.02 or 1713  
2911.12 of the Revised Code if the offender previously has been 1714  
convicted of or pleaded guilty in two or more separate 1715  
proceedings to two or more violations of section 2911.01, 1716  
2911.02, 2911.11, or 2911.12 of the Revised Code, the prison 1717  
term shall be a definite term of twelve, eighteen, twenty-four, 1718  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1719  
months. 1720

(b) For a felony of the third degree that is not an 1721  
offense for which division (A) (3) (a) of this section applies, 1722  
the prison term shall be a definite term of nine, twelve, 1723  
eighteen, twenty-four, thirty, or thirty-six months. 1724

(4) For a felony of the fourth degree, the prison term 1725  
shall be a definite term of six, seven, eight, nine, ten, 1726  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1727  
or eighteen months. 1728

(5) For a felony of the fifth degree, the prison term 1729  
shall be a definite term of six, seven, eight, nine, ten, 1730  
eleven, or twelve months. 1731

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1732  
section, if an offender who is convicted of or pleads guilty to 1733  
a felony also is convicted of or pleads guilty to a 1734  
specification of the type described in section 2941.141, 1735  
2941.144, or 2941.145 of the Revised Code, the court shall 1736  
impose on the offender one of the following prison terms: 1737

(i) A prison term of six years if the specification is of 1738  
the type described in division (A) of section 2941.144 of the 1739  
Revised Code that charges the offender with having a firearm 1740  
that is an automatic firearm or that was equipped with a firearm 1741  
muffler or suppressor on or about the offender's person or under 1742  
the offender's control while committing the offense; 1743

(ii) A prison term of three years if the specification is 1744  
of the type described in division (A) of section 2941.145 of the 1745  
Revised Code that charges the offender with having a firearm on 1746  
or about the offender's person or under the offender's control 1747  
while committing the offense and displaying the firearm, 1748  
brandishing the firearm, indicating that the offender possessed 1749  
the firearm, or using it to facilitate the offense; 1750

(iii) A prison term of one year if the specification is of 1751  
the type described in division (A) of section 2941.141 of the 1752  
Revised Code that charges the offender with having a firearm on 1753  
or about the offender's person or under the offender's control 1754  
while committing the offense; 1755

(iv) A prison term of nine years if the specification is 1756  
of the type described in division (D) of section 2941.144 of the 1757

Revised Code that charges the offender with having a firearm 1758  
that is an automatic firearm or that was equipped with a firearm 1759  
muffler or suppressor on or about the offender's person or under 1760  
the offender's control while committing the offense and 1761  
specifies that the offender previously has been convicted of or 1762  
pleaded guilty to a specification of the type described in 1763  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1764  
the Revised Code; 1765

(v) A prison term of fifty-four months if the 1766  
specification is of the type described in division (D) of 1767  
section 2941.145 of the Revised Code that charges the offender 1768  
with having a firearm on or about the offender's person or under 1769  
the offender's control while committing the offense and 1770  
displaying the firearm, brandishing the firearm, indicating that 1771  
the offender possessed the firearm, or using the firearm to 1772  
facilitate the offense and that the offender previously has been 1773  
convicted of or pleaded guilty to a specification of the type 1774  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1775  
2941.1412 of the Revised Code; 1776

(vi) A prison term of eighteen months if the specification 1777  
is of the type described in division (D) of section 2941.141 of 1778  
the Revised Code that charges the offender with having a firearm 1779  
on or about the offender's person or under the offender's 1780  
control while committing the offense and that the offender 1781  
previously has been convicted of or pleaded guilty to a 1782  
specification of the type described in section 2941.141, 1783  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1784

(b) If a court imposes a prison term on an offender under 1785  
division (B)(1)(a) of this section, the prison term shall not be 1786  
reduced pursuant to section 2967.19, section 2929.20, section 1787

2967.193, or any other provision of Chapter 2967. or Chapter 1788  
5120. of the Revised Code. Except as provided in division (B) (1) 1789  
(g) of this section, a court shall not impose more than one 1790  
prison term on an offender under division (B) (1) (a) of this 1791  
section for felonies committed as part of the same act or 1792  
transaction. 1793

(c) (i) Except as provided in division (B) (1) (e) of this 1794  
section, if an offender who is convicted of or pleads guilty to 1795  
a violation of section 2923.161 of the Revised Code or to a 1796  
felony that includes, as an essential element, purposely or 1797  
knowingly causing or attempting to cause the death of or 1798  
physical harm to another, also is convicted of or pleads guilty 1799  
to a specification of the type described in division (A) of 1800  
section 2941.146 of the Revised Code that charges the offender 1801  
with committing the offense by discharging a firearm from a 1802  
motor vehicle other than a manufactured home, the court, after 1803  
imposing a prison term on the offender for the violation of 1804  
section 2923.161 of the Revised Code or for the other felony 1805  
offense under division (A), (B) (2), or (B) (3) of this section, 1806  
shall impose an additional prison term of five years upon the 1807  
offender that shall not be reduced pursuant to section 2929.20, 1808  
section 2967.19, section 2967.193, or any other provision of 1809  
Chapter 2967. or Chapter 5120. of the Revised Code. 1810

(ii) Except as provided in division (B) (1) (e) of this 1811  
section, if an offender who is convicted of or pleads guilty to 1812  
a violation of section 2923.161 of the Revised Code or to a 1813  
felony that includes, as an essential element, purposely or 1814  
knowingly causing or attempting to cause the death of or 1815  
physical harm to another, also is convicted of or pleads guilty 1816  
to a specification of the type described in division (C) of 1817  
section 2941.146 of the Revised Code that charges the offender 1818

with committing the offense by discharging a firearm from a 1819  
motor vehicle other than a manufactured home and that the 1820  
offender previously has been convicted of or pleaded guilty to a 1821  
specification of the type described in section 2941.141, 1822  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1823  
the court, after imposing a prison term on the offender for the 1824  
violation of section 2923.161 of the Revised Code or for the 1825  
other felony offense under division (A), (B) (2), or (3) of this 1826  
section, shall impose an additional prison term of ninety months 1827  
upon the offender that shall not be reduced pursuant to section 1828  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1829  
2967. or Chapter 5120. of the Revised Code. 1830

(iii) A court shall not impose more than one additional 1831  
prison term on an offender under division (B) (1) (c) of this 1832  
section for felonies committed as part of the same act or 1833  
transaction. If a court imposes an additional prison term on an 1834  
offender under division (B) (1) (c) of this section relative to an 1835  
offense, the court also shall impose a prison term under 1836  
division (B) (1) (a) of this section relative to the same offense, 1837  
provided the criteria specified in that division for imposing an 1838  
additional prison term are satisfied relative to the offender 1839  
and the offense. 1840

(d) If an offender who is convicted of or pleads guilty to 1841  
an offense of violence that is a felony also is convicted of or 1842  
pleads guilty to a specification of the type described in 1843  
section 2941.1411 of the Revised Code that charges the offender 1844  
with wearing or carrying body armor while committing the felony 1845  
offense of violence, the court shall impose on the offender an 1846  
additional prison term of two years. The prison term so imposed, 1847  
subject to divisions (C) to (I) of section 2967.19 of the 1848  
Revised Code, shall not be reduced pursuant to section 2929.20, 1849

section 2967.19, section 2967.193, or any other provision of 1850  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1851  
shall not impose more than one prison term on an offender under 1852  
division (B) (1) (d) of this section for felonies committed as 1853  
part of the same act or transaction. If a court imposes an 1854  
additional prison term under division (B) (1) (a) or (c) of this 1855  
section, the court is not precluded from imposing an additional 1856  
prison term under division (B) (1) (d) of this section. 1857

(e) The court shall not impose any of the prison terms 1858  
described in division (B) (1) (a) of this section or any of the 1859  
additional prison terms described in division (B) (1) (c) of this 1860  
section upon an offender for a violation of section 2923.12 or 1861  
2923.123 of the Revised Code. The court shall not impose any of 1862  
the prison terms described in division (B) (1) (a) or (b) of this 1863  
section upon an offender for a violation of section 2923.122 1864  
that involves a deadly weapon that is a firearm other than a 1865  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1866  
Revised Code. The court shall not impose any of the prison terms 1867  
described in division (B) (1) (a) of this section or any of the 1868  
additional prison terms described in division (B) (1) (c) of this 1869  
section upon an offender for a violation of section 2923.13 of 1870  
the Revised Code unless all of the following apply: 1871

(i) The offender previously has been convicted of 1872  
aggravated murder, murder, or any felony of the first or second 1873  
degree. 1874

(ii) Less than five years have passed since the offender 1875  
was released from prison or post-release control, whichever is 1876  
later, for the prior offense. 1877

(f) (i) If an offender is convicted of or pleads guilty to 1878  
a felony that includes, as an essential element, causing or 1879

attempting to cause the death of or physical harm to another and 1880  
also is convicted of or pleads guilty to a specification of the 1881  
type described in division (A) of section 2941.1412 of the 1882  
Revised Code that charges the offender with committing the 1883  
offense by discharging a firearm at a peace officer as defined 1884  
in section 2935.01 of the Revised Code or a corrections officer, 1885  
as defined in section 2941.1412 of the Revised Code, the court, 1886  
after imposing a prison term on the offender for the felony 1887  
offense under division (A), (B) (2), or (B) (3) of this section, 1888  
shall impose an additional prison term of seven years upon the 1889  
offender that shall not be reduced pursuant to section 2929.20, 1890  
section 2967.19, section 2967.193, or any other provision of 1891  
Chapter 2967. or Chapter 5120. of the Revised Code. 1892

(ii) If an offender is convicted of or pleads guilty to a 1893  
felony that includes, as an essential element, causing or 1894  
attempting to cause the death of or physical harm to another and 1895  
also is convicted of or pleads guilty to a specification of the 1896  
type described in division (B) of section 2941.1412 of the 1897  
Revised Code that charges the offender with committing the 1898  
offense by discharging a firearm at a peace officer, as defined 1899  
in section 2935.01 of the Revised Code, or a corrections 1900  
officer, as defined in section 2941.1412 of the Revised Code, 1901  
and that the offender previously has been convicted of or 1902  
pleaded guilty to a specification of the type described in 1903  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1904  
the Revised Code, the court, after imposing a prison term on the 1905  
offender for the felony offense under division (A), (B) (2), or 1906  
(3) of this section, shall impose an additional prison term of 1907  
one hundred twenty-six months upon the offender that shall not 1908  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1909  
any other provision of Chapter 2967. or 5120. of the Revised 1910

Code. 1911

(iii) If an offender is convicted of or pleads guilty to 1912  
two or more felonies that include, as an essential element, 1913  
causing or attempting to cause the death or physical harm to 1914  
another and also is convicted of or pleads guilty to a 1915  
specification of the type described under division (B)(1)(f) of 1916  
this section in connection with two or more of the felonies of 1917  
which the offender is convicted or to which the offender pleads 1918  
guilty, the sentencing court shall impose on the offender the 1919  
prison term specified under division (B)(1)(f) of this section 1920  
for each of two of the specifications of which the offender is 1921  
convicted or to which the offender pleads guilty and, in its 1922  
discretion, also may impose on the offender the prison term 1923  
specified under that division for any or all of the remaining 1924  
specifications. If a court imposes an additional prison term on 1925  
an offender under division (B)(1)(f) of this section relative to 1926  
an offense, the court shall not impose a prison term under 1927  
division (B)(1)(a) or (c) of this section relative to the same 1928  
offense. 1929

(g) If an offender is convicted of or pleads guilty to two 1930  
or more felonies, if one or more of those felonies are 1931  
aggravated murder, murder, attempted aggravated murder, 1932  
attempted murder, aggravated robbery, felonious assault, or 1933  
rape, and if the offender is convicted of or pleads guilty to a 1934  
specification of the type described under division (B)(1)(a) of 1935  
this section in connection with two or more of the felonies, the 1936  
sentencing court shall impose on the offender the prison term 1937  
specified under division (B)(1)(a) of this section for each of 1938  
the two most serious specifications of which the offender is 1939  
convicted or to which the offender pleads guilty and, in its 1940  
discretion, also may impose on the offender the prison term 1941

specified under that division for any or all of the remaining 1942  
specifications. 1943

(2) (a) If division (B) (2) (b) of this section does not 1944  
apply, the court may impose on an offender, in addition to the 1945  
longest prison term authorized or required for the offense or, 1946  
for offenses for which division (A) (1) (a) or (2) (a) of this 1947  
section applies, in addition to the longest minimum prison term 1948  
authorized or required for the offense, an additional definite 1949  
prison term of one, two, three, four, five, six, seven, eight, 1950  
nine, or ten years if all of the following criteria are met: 1951

(i) The offender is convicted of or pleads guilty to a 1952  
specification of the type described in section 2941.149 of the 1953  
Revised Code that the offender is a repeat violent offender. 1954

(ii) The offense of which the offender currently is 1955  
convicted or to which the offender currently pleads guilty is 1956  
aggravated murder and the court does not impose a sentence of 1957  
death or life imprisonment without parole, murder, terrorism and 1958  
the court does not impose a sentence of life imprisonment 1959  
without parole, any felony of the first degree that is an 1960  
offense of violence and the court does not impose a sentence of 1961  
life imprisonment without parole, or any felony of the second 1962  
degree that is an offense of violence and the trier of fact 1963  
finds that the offense involved an attempt to cause or a threat 1964  
to cause serious physical harm to a person or resulted in 1965  
serious physical harm to a person. 1966

(iii) The court imposes the longest prison term for the 1967  
offense or the longest minimum prison term for the offense, 1968  
whichever is applicable, that is not life imprisonment without 1969  
parole. 1970

(iv) The court finds that the prison terms imposed 1971  
pursuant to division (B) (2) (a) (iii) of this section and, if 1972  
applicable, division (B) (1) or (3) of this section are 1973  
inadequate to punish the offender and protect the public from 1974  
future crime, because the applicable factors under section 1975  
2929.12 of the Revised Code indicating a greater likelihood of 1976  
recidivism outweigh the applicable factors under that section 1977  
indicating a lesser likelihood of recidivism. 1978

(v) The court finds that the prison terms imposed pursuant 1979  
to division (B) (2) (a) (iii) of this section and, if applicable, 1980  
division (B) (1) or (3) of this section are demeaning to the 1981  
seriousness of the offense, because one or more of the factors 1982  
under section 2929.12 of the Revised Code indicating that the 1983  
offender's conduct is more serious than conduct normally 1984  
constituting the offense are present, and they outweigh the 1985  
applicable factors under that section indicating that the 1986  
offender's conduct is less serious than conduct normally 1987  
constituting the offense. 1988

(b) The court shall impose on an offender the longest 1989  
prison term authorized or required for the offense or, for 1990  
offenses for which division (A) (1) (a) or (2) (a) of this section 1991  
applies, the longest minimum prison term authorized or required 1992  
for the offense, and shall impose on the offender an additional 1993  
definite prison term of one, two, three, four, five, six, seven, 1994  
eight, nine, or ten years if all of the following criteria are 1995  
met: 1996

(i) The offender is convicted of or pleads guilty to a 1997  
specification of the type described in section 2941.149 of the 1998  
Revised Code that the offender is a repeat violent offender. 1999

(ii) The offender within the preceding twenty years has 2000

been convicted of or pleaded guilty to three or more offenses 2001  
described in division (CC) (1) of section 2929.01 of the Revised 2002  
Code, including all offenses described in that division of which 2003  
the offender is convicted or to which the offender pleads guilty 2004  
in the current prosecution and all offenses described in that 2005  
division of which the offender previously has been convicted or 2006  
to which the offender previously pleaded guilty, whether 2007  
prosecuted together or separately. 2008

(iii) The offense or offenses of which the offender 2009  
currently is convicted or to which the offender currently pleads 2010  
guilty is aggravated murder and the court does not impose a 2011  
sentence of death or life imprisonment without parole, murder, 2012  
terrorism and the court does not impose a sentence of life 2013  
imprisonment without parole, any felony of the first degree that 2014  
is an offense of violence and the court does not impose a 2015  
sentence of life imprisonment without parole, or any felony of 2016  
the second degree that is an offense of violence and the trier 2017  
of fact finds that the offense involved an attempt to cause or a 2018  
threat to cause serious physical harm to a person or resulted in 2019  
serious physical harm to a person. 2020

(c) For purposes of division (B) (2) (b) of this section, 2021  
two or more offenses committed at the same time or as part of 2022  
the same act or event shall be considered one offense, and that 2023  
one offense shall be the offense with the greatest penalty. 2024

(d) A sentence imposed under division (B) (2) (a) or (b) of 2025  
this section shall not be reduced pursuant to section 2929.20, 2026  
section 2967.19, or section 2967.193, or any other provision of 2027  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2028  
shall serve an additional prison term imposed under division (B) 2029  
(2) (a) or (b) of this section consecutively to and prior to the 2030

prison term imposed for the underlying offense. 2031

(e) When imposing a sentence pursuant to division (B)(2) 2032  
(a) or (b) of this section, the court shall state its findings 2033  
explaining the imposed sentence. 2034

(3) Except when an offender commits a violation of section 2035  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2036  
for the violation is life imprisonment or commits a violation of 2037  
section 2903.02 of the Revised Code, if the offender commits a 2038  
violation of section 2925.03 or 2925.11 of the Revised Code and 2039  
that section classifies the offender as a major drug offender, 2040  
if the offender commits a violation of section 2925.05 of the 2041  
Revised Code and division (E)(1) of that section classifies the 2042  
offender as a major drug offender, if the offender commits a 2043  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2044  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2045  
division (C) or (D) of section 3719.172, division (E) of section 2046  
4729.51, or division (J) of section 4729.54 of the Revised Code 2047  
that includes the sale, offer to sell, or possession of a 2048  
schedule I or II controlled substance, with the exception of 2049  
marihuana, and the court imposing sentence upon the offender 2050  
finds that the offender is guilty of a specification of the type 2051  
described in division (A) of section 2941.1410 of the Revised 2052  
Code charging that the offender is a major drug offender, if the 2053  
court imposing sentence upon an offender for a felony finds that 2054  
the offender is guilty of corrupt activity with the most serious 2055  
offense in the pattern of corrupt activity being a felony of the 2056  
first degree, or if the offender is guilty of an attempted 2057  
violation of section 2907.02 of the Revised Code and, had the 2058  
offender completed the violation of section 2907.02 of the 2059  
Revised Code that was attempted, the offender would have been 2060  
subject to a sentence of life imprisonment or life imprisonment 2061

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

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

in the range of six months to thirty months for a fourth degree 2093  
felony OVI offense and shall equal one of the authorized prison 2094  
terms specified in division (A) (3) of this section for a third 2095  
degree felony OVI offense. If the court imposes an additional 2096  
prison term under division (B) (4) of this section, the offender 2097  
shall serve the additional prison term after the offender has 2098  
served the mandatory prison term required for the offense. In 2099  
addition to the mandatory prison term or mandatory and 2100  
additional prison term imposed as described in division (B) (4) 2101  
of this section, the court also may sentence the offender to a 2102  
community control sanction under section 2929.16 or 2929.17 of 2103  
the Revised Code, but the offender shall serve all of the prison 2104  
terms so imposed prior to serving the community control 2105  
sanction. 2106

If the offender is being sentenced for a fourth degree 2107  
felony OVI offense under division (G) (1) of section 2929.13 of 2108  
the Revised Code and the court imposes a mandatory term of local 2109  
incarceration, the court may impose a prison term as described 2110  
in division (A) (1) of that section. 2111

(5) If an offender is convicted of or pleads guilty to a 2112  
violation of division (A) (1) or (2) of section 2903.06 of the 2113  
Revised Code and also is convicted of or pleads guilty to a 2114  
specification of the type described in section 2941.1414 of the 2115  
Revised Code that charges that the victim of the offense is a 2116  
peace officer, as defined in section 2935.01 of the Revised 2117  
Code, or an investigator of the bureau of criminal 2118  
identification and investigation, as defined in section 2903.11 2119  
of the Revised Code, the court shall impose on the offender a 2120  
prison term of five years. If a court imposes a prison term on 2121  
an offender under division (B) (5) of this section, the prison 2122  
term, subject to divisions (C) to (I) of section 2967.19 of the 2123

Revised Code, shall not be reduced pursuant to section 2929.20, 2124  
section 2967.19, section 2967.193, or any other provision of 2125  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 2126  
shall not impose more than one prison term on an offender under 2127  
division (B) (5) of this section for felonies committed as part 2128  
of the same act. 2129

(6) If an offender is convicted of or pleads guilty to a 2130  
violation of division (A) (1) or (2) of section 2903.06 of the 2131  
Revised Code and also is convicted of or pleads guilty to a 2132  
specification of the type described in section 2941.1415 of the 2133  
Revised Code that charges that the offender previously has been 2134  
convicted of or pleaded guilty to three or more violations of 2135  
division (A) or (B) of section 4511.19 of the Revised Code or an 2136  
equivalent offense, as defined in section 2941.1415 of the 2137  
Revised Code, or three or more violations of any combination of 2138  
those divisions and offenses, the court shall impose on the 2139  
offender a prison term of three years. If a court imposes a 2140  
prison term on an offender under division (B) (6) of this 2141  
section, the prison term, subject to divisions (C) to (I) of 2142  
section 2967.19 of the Revised Code, shall not be reduced 2143  
pursuant to section 2929.20, section 2967.19, section 2967.193, 2144  
or any other provision of Chapter 2967. or Chapter 5120. of the 2145  
Revised Code. A court shall not impose more than one prison term 2146  
on an offender under division (B) (6) of this section for 2147  
felonies committed as part of the same act. 2148

(7) (a) If an offender is convicted of or pleads guilty to 2149  
a felony violation of section 2905.01, 2905.02, 2907.21, 2150  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 2151  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 2152  
section 2919.22 of the Revised Code and also is convicted of or 2153  
pleads guilty to a specification of the type described in 2154

section 2941.1422 of the Revised Code that charges that the 2155  
offender knowingly committed the offense in furtherance of human 2156  
trafficking, the court shall impose on the offender a mandatory 2157  
prison term that is one of the following: 2158

(i) If the offense is a felony of the first degree, a 2159  
definite prison term of not less than five years and not greater 2160  
than eleven years, except that if the offense is a felony of the 2161  
first degree committed on or after the effective date of this 2162  
amendment, the court shall impose as the minimum prison term a 2163  
mandatory term of not less than five years and not greater than 2164  
eleven years; 2165

(ii) If the offense is a felony of the second or third 2166  
degree, a definite prison term of not less than three years and 2167  
not greater than the maximum prison term allowed for the offense 2168  
by division (A) (2) (b) or (3) of this section, except that if the 2169  
offense is a felony of the second degree committed on or after 2170  
the effective date of this amendment, the court shall impose as 2171  
the minimum prison term a mandatory term of not less than three 2172  
years and not greater than eight years; 2173

(iii) If the offense is a felony of the fourth or fifth 2174  
degree, a definite prison term that is the maximum prison term 2175  
allowed for the offense by division (A) of section 2929.14 of 2176  
the Revised Code. 2177

(b) Subject to divisions (C) to (I) of section 2967.19 of 2178  
the Revised Code, the prison term imposed under division (B) (7) 2179  
(a) of this section shall not be reduced pursuant to section 2180  
2929.20, section 2967.19, section 2967.193, or any other 2181  
provision of Chapter 2967. of the Revised Code. A court shall 2182  
not impose more than one prison term on an offender under 2183  
division (B) (7) (a) of this section for felonies committed as 2184

part of the same act, scheme, or plan. 2185

(8) If an offender is convicted of or pleads guilty to a 2186  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2187  
Revised Code and also is convicted of or pleads guilty to a 2188  
specification of the type described in section 2941.1423 of the 2189  
Revised Code that charges that the victim of the violation was a 2190  
woman whom the offender knew was pregnant at the time of the 2191  
violation, notwithstanding the range prescribed in division (A) 2192  
of this section as the definite prison term or minimum prison 2193  
term for felonies of the same degree as the violation, the court 2194  
shall impose on the offender a mandatory prison term that is 2195  
either a definite prison term of six months or one of the prison 2196  
terms prescribed in division (A) of this section for felonies of 2197  
the same degree as the violation, except that if the violation 2198  
is a felony of the first or second degree committed on or after 2199  
the effective date of this amendment, the court shall impose as 2200  
the minimum prison term under division (A) (1) (a) or (2) (a) of 2201  
this section a mandatory term that is one of the terms 2202  
prescribed in that division, whichever is applicable, for the 2203  
offense. 2204

(9) (a) If an offender is convicted of or pleads guilty to 2205  
a violation of division (A) (1) or (2) of section 2903.11 of the 2206  
Revised Code and also is convicted of or pleads guilty to a 2207  
specification of the type described in section 2941.1425 of the 2208  
Revised Code, the court shall impose on the offender a mandatory 2209  
prison term of six years if either of the following applies: 2210

(i) The violation is a violation of division (A) (1) of 2211  
section 2903.11 of the Revised Code and the specification 2212  
charges that the offender used an accelerant in committing the 2213  
violation and the serious physical harm to another or to 2214

another's unborn caused by the violation resulted in a 2215  
permanent, serious disfigurement or permanent, substantial 2216  
incapacity; 2217

(ii) The violation is a violation of division (A)(2) of 2218  
section 2903.11 of the Revised Code and the specification 2219  
charges that the offender used an accelerant in committing the 2220  
violation, that the violation caused physical harm to another or 2221  
to another's unborn, and that the physical harm resulted in a 2222  
permanent, serious disfigurement or permanent, substantial 2223  
incapacity. 2224

(b) If a court imposes a prison term on an offender under 2225  
division (B)(9)(a) of this section, the prison term shall not be 2226  
reduced pursuant to section 2929.20, section 2967.19, section 2227  
2967.193, or any other provision of Chapter 2967. or Chapter 2228  
5120. of the Revised Code. A court shall not impose more than 2229  
one prison term on an offender under division (B)(9) of this 2230  
section for felonies committed as part of the same act. 2231

(c) The provisions of divisions (B)(9) and (C)(6) of this 2232  
section and of division (D)(2) of section 2903.11, division (F) 2233  
(20) of section 2929.13, and section 2941.1425 of the Revised 2234  
Code shall be known as "Judy's Law." 2235

(10) If an offender is convicted of or pleads guilty to a 2236  
violation of division (A) of section 2903.11 of the Revised Code 2237  
and also is convicted of or pleads guilty to a specification of 2238  
the type described in section 2941.1426 of the Revised Code that 2239  
charges that the victim of the offense suffered permanent 2240  
disabling harm as a result of the offense and that the victim 2241  
was under ten years of age at the time of the offense, 2242  
regardless of whether the offender knew the age of the victim, 2243  
the court shall impose upon the offender an additional definite 2244

prison term of six years. A prison term imposed on an offender 2245  
under division (B) (10) of this section shall not be reduced 2246  
pursuant to section 2929.20, section 2967.193, or any other 2247  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2248  
If a court imposes an additional prison term on an offender 2249  
under this division relative to a violation of division (A) of 2250  
section 2903.11 of the Revised Code, the court shall not impose 2251  
any other additional prison term on the offender relative to the 2252  
same offense. 2253

(11) If an offender is convicted of or pleads guilty to a 2254  
felony violation of section 2925.03 or 2925.05 of the Revised 2255  
Code or a felony violation of section 2925.11 of the Revised 2256  
Code for which division (C) (11) of that section applies in 2257  
determining the sentence for the violation, if the drug involved 2258  
in the violation is a fentanyl-related compound or a compound, 2259  
mixture, preparation, or substance containing a fentanyl-related 2260  
compound, and if the offender also is convicted of or pleads 2261  
guilty to a specification of the type described in division (B) 2262  
of section 2941.1410 of the Revised Code that charges that the 2263  
offender is a major drug offender, in addition to any other 2264  
penalty imposed for the violation, the court shall impose on the 2265  
offender a mandatory prison term of three, four, five, six, 2266  
seven, or eight years. If a court imposes a prison term on an 2267  
offender under division (B) (11) of this section, the prison 2268  
term, subject to divisions (C) to (I) of section 2967.19 of the 2269  
Revised Code, shall not be reduced pursuant to section 2929.20, 2270  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 2271  
5120. of the Revised Code. A court shall not impose more than 2272  
one prison term on an offender under division (B) (11) of this 2273  
section for felonies committed as part of the same act. 2274

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2275

if a mandatory prison term is imposed upon an offender pursuant 2276  
to division (B) (1) (a) of this section for having a firearm on or 2277  
about the offender's person or under the offender's control 2278  
while committing a felony, if a mandatory prison term is imposed 2279  
upon an offender pursuant to division (B) (1) (c) of this section 2280  
for committing a felony specified in that division by 2281  
discharging a firearm from a motor vehicle, or if both types of 2282  
mandatory prison terms are imposed, the offender shall serve any 2283  
mandatory prison term imposed under either division 2284  
consecutively to any other mandatory prison term imposed under 2285  
either division or under division (B) (1) (d) of this section, 2286  
consecutively to and prior to any prison term imposed for the 2287  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2288  
this section or any other section of the Revised Code, and 2289  
consecutively to any other prison term or mandatory prison term 2290  
previously or subsequently imposed upon the offender. 2291

(b) If a mandatory prison term is imposed upon an offender 2292  
pursuant to division (B) (1) (d) of this section for wearing or 2293  
carrying body armor while committing an offense of violence that 2294  
is a felony, the offender shall serve the mandatory term so 2295  
imposed consecutively to any other mandatory prison term imposed 2296  
under that division or under division (B) (1) (a) or (c) of this 2297  
section, consecutively to and prior to any prison term imposed 2298  
for the underlying felony under division (A), (B) (2), or (B) (3) 2299  
of this section or any other section of the Revised Code, and 2300  
consecutively to any other prison term or mandatory prison term 2301  
previously or subsequently imposed upon the offender. 2302

(c) If a mandatory prison term is imposed upon an offender 2303  
pursuant to division (B) (1) (f) of this section, the offender 2304  
shall serve the mandatory prison term so imposed consecutively 2305  
to and prior to any prison term imposed for the underlying 2306

felony under division (A), (B) (2), or (B) (3) of this section or 2307  
any other section of the Revised Code, and consecutively to any 2308  
other prison term or mandatory prison term previously or 2309  
subsequently imposed upon the offender. 2310

(d) If a mandatory prison term is imposed upon an offender 2311  
pursuant to division (B) (7) or (8) of this section, the offender 2312  
shall serve the mandatory prison term so imposed consecutively 2313  
to any other mandatory prison term imposed under that division 2314  
or under any other provision of law and consecutively to any 2315  
other prison term or mandatory prison term previously or 2316  
subsequently imposed upon the offender. 2317

(e) If a mandatory prison term is imposed upon an offender 2318  
pursuant to division (B) (10) of this section, the offender shall 2319  
serve the mandatory prison term consecutively to any other 2320  
mandatory prison term imposed under that division, consecutively 2321  
to and prior to any prison term imposed for the underlying 2322  
felony, and consecutively to any other prison term or mandatory 2323  
prison term previously or subsequently imposed upon the 2324  
offender. 2325

(2) If an offender who is an inmate in a jail, prison, or 2326  
other residential detention facility violates section 2917.02, 2327  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2328  
(2) of section 2921.34 of the Revised Code, if an offender who 2329  
is under detention at a detention facility commits a felony 2330  
violation of section 2923.131 of the Revised Code, or if an 2331  
offender who is an inmate in a jail, prison, or other 2332  
residential detention facility or is under detention at a 2333  
detention facility commits another felony while the offender is 2334  
an escapee in violation of division (A) (1) or (2) of section 2335  
2921.34 of the Revised Code, any prison term imposed upon the 2336

offender for one of those violations shall be served by the 2337  
offender consecutively to the prison term or term of 2338  
imprisonment the offender was serving when the offender 2339  
committed that offense and to any other prison term previously 2340  
or subsequently imposed upon the offender. 2341

(3) If a prison term is imposed for a violation of 2342  
division (B) of section 2911.01 of the Revised Code, a violation 2343  
of division (A) of section 2913.02 of the Revised Code in which 2344  
the stolen property is a firearm or dangerous ordnance, or a 2345  
felony violation of division (B) of section 2921.331 of the 2346  
Revised Code, the offender shall serve that prison term 2347  
consecutively to any other prison term or mandatory prison term 2348  
previously or subsequently imposed upon the offender. 2349

(4) If multiple prison terms are imposed on an offender 2350  
for convictions of multiple offenses, the court may require the 2351  
offender to serve the prison terms consecutively if the court 2352  
finds that the consecutive service is necessary to protect the 2353  
public from future crime or to punish the offender and that 2354  
consecutive sentences are not disproportionate to the 2355  
seriousness of the offender's conduct and to the danger the 2356  
offender poses to the public, and if the court also finds any of 2357  
the following: 2358

(a) The offender committed one or more of the multiple 2359  
offenses while the offender was awaiting trial or sentencing, 2360  
was under a sanction imposed pursuant to section 2929.16, 2361  
2929.17, or 2929.18 of the Revised Code, or was under post- 2362  
release control for a prior offense. 2363

(b) At least two of the multiple offenses were committed 2364  
as part of one or more courses of conduct, and the harm caused 2365  
by two or more of the multiple offenses so committed was so 2366

great or unusual that no single prison term for any of the 2367  
offenses committed as part of any of the courses of conduct 2368  
adequately reflects the seriousness of the offender's conduct. 2369

(c) The offender's history of criminal conduct 2370  
demonstrates that consecutive sentences are necessary to protect 2371  
the public from future crime by the offender. 2372

(5) If a mandatory prison term is imposed upon an offender 2373  
pursuant to division (B) (5) or (6) of this section, the offender 2374  
shall serve the mandatory prison term consecutively to and prior 2375  
to any prison term imposed for the underlying violation of 2376  
division (A) (1) or (2) of section 2903.06 of the Revised Code 2377  
pursuant to division (A) of this section or section 2929.142 of 2378  
the Revised Code. If a mandatory prison term is imposed upon an 2379  
offender pursuant to division (B) (5) of this section, and if a 2380  
mandatory prison term also is imposed upon the offender pursuant 2381  
to division (B) (6) of this section in relation to the same 2382  
violation, the offender shall serve the mandatory prison term 2383  
imposed pursuant to division (B) (5) of this section 2384  
consecutively to and prior to the mandatory prison term imposed 2385  
pursuant to division (B) (6) of this section and consecutively to 2386  
and prior to any prison term imposed for the underlying 2387  
violation of division (A) (1) or (2) of section 2903.06 of the 2388  
Revised Code pursuant to division (A) of this section or section 2389  
2929.142 of the Revised Code. 2390

(6) If a mandatory prison term is imposed on an offender 2391  
pursuant to division (B) (9) of this section, the offender shall 2392  
serve the mandatory prison term consecutively to and prior to 2393  
any prison term imposed for the underlying violation of division 2394  
(A) (1) or (2) of section 2903.11 of the Revised Code and 2395  
consecutively to and prior to any other prison term or mandatory 2396

prison term previously or subsequently imposed on the offender. 2397

(7) If a mandatory prison term is imposed on an offender 2398  
pursuant to division (B)(10) of this section, the offender shall 2399  
serve that mandatory prison term consecutively to and prior to 2400  
any prison term imposed for the underlying felonious assault. 2401  
Except as otherwise provided in division (C) of this section, 2402  
any other prison term or mandatory prison term previously or 2403  
subsequently imposed upon the offender may be served 2404  
concurrently with, or consecutively to, the prison term imposed 2405  
pursuant to division (B)(10) of this section. 2406

(8) Any prison term imposed for a violation of section 2407  
2903.04 of the Revised Code that is based on a violation of 2408  
section 2925.03 or 2925.11 of the Revised Code or on a violation 2409  
of section 2925.05 of the Revised Code that is not funding of 2410  
marihuana trafficking shall run consecutively to any prison term 2411  
imposed for the violation of section 2925.03 or 2925.11 of the 2412  
Revised Code or for the violation of section 2925.05 of the 2413  
Revised Code that is not funding of marihuana trafficking. 2414

(9) When consecutive prison terms are imposed pursuant to 2415  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 2416  
division (H)(1) or (2) of this section, subject to division (C) 2417  
(8) of this section, the term to be served is the aggregate of 2418  
all of the terms so imposed. 2419

(10) When a court sentences an offender to a non-life 2420  
felony indefinite prison term, any definite prison term or 2421  
mandatory definite prison term previously or subsequently 2422  
imposed on the offender in addition to that indefinite sentence 2423  
that is required to be served consecutively to that indefinite 2424  
sentence shall be served prior to the indefinite sentence. 2425

(11) If a court is sentencing an offender for a felony of 2426  
the first or second degree, if division (A) (1) (a) or (2) (a) of 2427  
this section applies with respect to the sentencing for the 2428  
offense, and if the court is required under the Revised Code 2429  
section that sets forth the offense or any other Revised Code 2430  
provision to impose a mandatory prison term for the offense, the 2431  
court shall impose the required mandatory prison term as the 2432  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2433  
section, whichever is applicable. 2434

(D) (1) If a court imposes a prison term, other than a term 2435  
of life imprisonment, for a felony of the first degree, for a 2436  
felony of the second degree, for a felony sex offense, or for a 2437  
felony of the third degree that is an offense of violence and 2438  
that is not a felony sex offense, it shall include in the 2439  
sentence a requirement that the offender be subject to a period 2440  
of post-release control after the offender's release from 2441  
imprisonment, in accordance with section 2967.28 of the Revised 2442  
Code. If a court imposes a sentence including a prison term of a 2443  
type described in this division on or after July 11, 2006, the 2444  
failure of a court to include a post-release control requirement 2445  
in the sentence pursuant to this division does not negate, 2446  
limit, or otherwise affect the mandatory period of post-release 2447  
control that is required for the offender under division (B) of 2448  
section 2967.28 of the Revised Code. Section 2929.191 of the 2449  
Revised Code applies if, prior to July 11, 2006, a court imposed 2450  
a sentence including a prison term of a type described in this 2451  
division and failed to include in the sentence pursuant to this 2452  
division a statement regarding post-release control. 2453

(2) If a court imposes a prison term for a felony of the 2454  
third, fourth, or fifth degree that is not subject to division 2455  
(D) (1) of this section, it shall include in the sentence a 2456

requirement that the offender be subject to a period of post- 2457  
release control after the offender's release from imprisonment, 2458  
in accordance with that division, if the parole board determines 2459  
that a period of post-release control is necessary. Section 2460  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2461  
a court imposed a sentence including a prison term of a type 2462  
described in this division and failed to include in the sentence 2463  
pursuant to this division a statement regarding post-release 2464  
control. 2465

(E) The court shall impose sentence upon the offender in 2466  
accordance with section 2971.03 of the Revised Code, and Chapter 2467  
2971. of the Revised Code applies regarding the prison term or 2468  
term of life imprisonment without parole imposed upon the 2469  
offender and the service of that term of imprisonment if any of 2470  
the following apply: 2471

(1) A person is convicted of or pleads guilty to a violent 2472  
sex offense or a designated homicide, assault, or kidnapping 2473  
offense, and, in relation to that offense, the offender is 2474  
adjudicated a sexually violent predator. 2475

(2) A person is convicted of or pleads guilty to a 2476  
violation of division (A) (1) (b) of section 2907.02 of the 2477  
Revised Code committed on or after January 2, 2007, and either 2478  
the court does not impose a sentence of life without parole when 2479  
authorized pursuant to division (B) of section 2907.02 of the 2480  
Revised Code, or division (B) of section 2907.02 of the Revised 2481  
Code provides that the court shall not sentence the offender 2482  
pursuant to section 2971.03 of the Revised Code. 2483

(3) A person is convicted of or pleads guilty to attempted 2484  
rape committed on or after January 2, 2007, and a specification 2485  
of the type described in section 2941.1418, 2941.1419, or 2486

2941.1420 of the Revised Code.	2487
(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	2488 2489 2490 2491 2492
(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.	2493 2494 2495 2496 2497 2498 2499 2500
(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	2501 2502 2503 2504 2505
(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.	2506 2507 2508 2509 2510 2511 2512 2513
(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	2514 2515

pleads guilty to a specification of the type described in 2516  
section 2941.142 of the Revised Code that charges the offender 2517  
with having committed the felony while participating in a 2518  
criminal gang, the court shall impose upon the offender an 2519  
additional prison term of one, two, or three years. 2520

(H) (1) If an offender who is convicted of or pleads guilty 2521  
to aggravated murder, murder, or a felony of the first, second, 2522  
or third degree that is an offense of violence also is convicted 2523  
of or pleads guilty to a specification of the type described in 2524  
section 2941.143 of the Revised Code that charges the offender 2525  
with having committed the offense in a school safety zone or 2526  
towards a person in a school safety zone, the court shall impose 2527  
upon the offender an additional prison term of two years. The 2528  
offender shall serve the additional two years consecutively to 2529  
and prior to the prison term imposed for the underlying offense. 2530

(2) (a) If an offender is convicted of or pleads guilty to 2531  
a felony violation of section 2907.22, 2907.24, 2907.241, or 2532  
2907.25 of the Revised Code and to a specification of the type 2533  
described in section 2941.1421 of the Revised Code and if the 2534  
court imposes a prison term on the offender for the felony 2535  
violation, the court may impose upon the offender an additional 2536  
prison term as follows: 2537

(i) Subject to division (H) (2) (a) (ii) of this section, an 2538  
additional prison term of one, two, three, four, five, or six 2539  
months; 2540

(ii) If the offender previously has been convicted of or 2541  
pleaded guilty to one or more felony or misdemeanor violations 2542  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2543  
the Revised Code and also was convicted of or pleaded guilty to 2544  
a specification of the type described in section 2941.1421 of 2545

the Revised Code regarding one or more of those violations, an 2546  
additional prison term of one, two, three, four, five, six, 2547  
seven, eight, nine, ten, eleven, or twelve months. 2548

(b) In lieu of imposing an additional prison term under 2549  
division (H)(2)(a) of this section, the court may directly 2550  
impose on the offender a sanction that requires the offender to 2551  
wear a real-time processing, continual tracking electronic 2552  
monitoring device during the period of time specified by the 2553  
court. The period of time specified by the court shall equal the 2554  
duration of an additional prison term that the court could have 2555  
imposed upon the offender under division (H)(2)(a) of this 2556  
section. A sanction imposed under this division shall commence 2557  
on the date specified by the court, provided that the sanction 2558  
shall not commence until after the offender has served the 2559  
prison term imposed for the felony violation of section 2907.22, 2560  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2561  
residential sanction imposed for the violation under section 2562  
2929.16 of the Revised Code. A sanction imposed under this 2563  
division shall be considered to be a community control sanction 2564  
for purposes of section 2929.15 of the Revised Code, and all 2565  
provisions of the Revised Code that pertain to community control 2566  
sanctions shall apply to a sanction imposed under this division, 2567  
except to the extent that they would by their nature be clearly 2568  
inapplicable. The offender shall pay all costs associated with a 2569  
sanction imposed under this division, including the cost of the 2570  
use of the monitoring device. 2571

(I) At the time of sentencing, the court may recommend the 2572  
offender for placement in a program of shock incarceration under 2573  
section 5120.031 of the Revised Code or for placement in an 2574  
intensive program prison under section 5120.032 of the Revised 2575  
Code, disapprove placement of the offender in a program of shock 2576

incarceration or an intensive program prison of that nature, or 2577  
make no recommendation on placement of the offender. In no case 2578  
shall the department of rehabilitation and correction place the 2579  
offender in a program or prison of that nature unless the 2580  
department determines as specified in section 5120.031 or 2581  
5120.032 of the Revised Code, whichever is applicable, that the 2582  
offender is eligible for the placement. 2583

If the court disapproves placement of the offender in a 2584  
program or prison of that nature, the department of 2585  
rehabilitation and correction shall not place the offender in 2586  
any program of shock incarceration or intensive program prison. 2587

If the court recommends placement of the offender in a 2588  
program of shock incarceration or in an intensive program 2589  
prison, and if the offender is subsequently placed in the 2590  
recommended program or prison, the department shall notify the 2591  
court of the placement and shall include with the notice a brief 2592  
description of the placement. 2593

If the court recommends placement of the offender in a 2594  
program of shock incarceration or in an intensive program prison 2595  
and the department does not subsequently place the offender in 2596  
the recommended program or prison, the department shall send a 2597  
notice to the court indicating why the offender was not placed 2598  
in the recommended program or prison. 2599

If the court does not make a recommendation under this 2600  
division with respect to an offender and if the department 2601  
determines as specified in section 5120.031 or 5120.032 of the 2602  
Revised Code, whichever is applicable, that the offender is 2603  
eligible for placement in a program or prison of that nature, 2604  
the department shall screen the offender and determine if there 2605  
is an available program of shock incarceration or an intensive 2606

program prison for which the offender is suited. If there is an 2607  
available program of shock incarceration or an intensive program 2608  
prison for which the offender is suited, the department shall 2609  
notify the court of the proposed placement of the offender as 2610  
specified in section 5120.031 or 5120.032 of the Revised Code 2611  
and shall include with the notice a brief description of the 2612  
placement. The court shall have ten days from receipt of the 2613  
notice to disapprove the placement. 2614

(J) If a person is convicted of or pleads guilty to 2615  
aggravated vehicular homicide in violation of division (A) (1) of 2616  
section 2903.06 of the Revised Code and division (B) (2) (c) of 2617  
that section applies, the person shall be sentenced pursuant to 2618  
section 2929.142 of the Revised Code. 2619

(K) (1) The court shall impose an additional mandatory 2620  
prison term of two, three, four, five, six, seven, eight, nine, 2621  
ten, or eleven years on an offender who is convicted of or 2622  
pleads guilty to a violent felony offense if the offender also 2623  
is convicted of or pleads guilty to a specification of the type 2624  
described in section 2941.1424 of the Revised Code that charges 2625  
that the offender is a violent career criminal and had a firearm 2626  
on or about the offender's person or under the offender's 2627  
control while committing the presently charged violent felony 2628  
offense and displayed or brandished the firearm, indicated that 2629  
the offender possessed a firearm, or used the firearm to 2630  
facilitate the offense. The offender shall serve the prison term 2631  
imposed under this division consecutively to and prior to the 2632  
prison term imposed for the underlying offense. The prison term 2633  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2634  
any other provision of Chapter 2967. or 5120. of the Revised 2635  
Code. A court may not impose more than one sentence under 2636  
division (B) (2) (a) of this section and this division for acts 2637

committed as part of the same act or transaction. 2638

(2) As used in division (K) (1) of this section, "violent 2639  
career criminal" and "violent felony offense" have the same 2640  
meanings as in section 2923.132 of the Revised Code. 2641

**Sec. 2935.082.** (A) Any law enforcement agency in 2642  
possession of an outstanding arrest warrant or summons that 2643  
charges domestic violence, as described in section 2919.25 of 2644  
the Revised Code, shall enter the information described in 2645  
division (B) of this section into the law enforcement automated 2646  
data system, also known as LEADS. If any other law enforcement 2647  
agency with knowledge of the arrest warrant or summons finds 2648  
that the required information has not been entered into the law 2649  
enforcement automated data system, that law enforcement agency 2650  
shall enter the information into the system. 2651

(B) The following information regarding an arrest warrant 2652  
or summons described in division (A) of this section shall be 2653  
entered into the law enforcement automated data system: 2654

(1) The details of the warrant or summons, including the 2655  
name of the defendant or, if that is unknown, any name or 2656  
description by which the defendant can be identified with 2657  
reasonable certainty; 2658

(2) Any known address of the defendant; 2659

(3) The name of the court that issued the warrant or 2660  
summons and the date of its issuance. 2661

**Sec. 3113.31.** (A) As used in this section: 2662

(1) "Domestic violence" means any of the following: 2663

(a) The occurrence of one or more of the following acts 2664  
against a family or household member: 2665

(i) Attempting to cause or recklessly causing bodily injury;	2666 2667
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	2668 2669 2670
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	2671 2672 2673
(iv) Committing a sexually oriented offense.	2674
(b) The occurrence of one or more of the acts identified in divisions (A) (1) (a) (i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	2675 2676 2677 2678
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	2679 2680 2681 2682 2683 2684 2685 2686
(3) "Family or household member" means any of the following:	2687 2688
(a) Any of the following who is residing with or has resided with the respondent:	2689 2690
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2691 2692
(ii) A parent, a foster parent, or a child of the	2693

respondent, or another person related by consanguinity or	2694
affinity to the respondent;	2695
(iii) A parent or a child of a spouse, person living as a	2696
spouse, or former spouse of the respondent, or another person	2697
related by consanguinity or affinity to a spouse, person living	2698
as a spouse, or former spouse of the respondent.	2699
(b) The natural parent of any child of whom the respondent	2700
is the other natural parent or is the putative other natural	2701
parent.	2702
(4) "Person living as a spouse" means a person who is	2703
living or has lived with the respondent in a common law marital	2704
relationship, who otherwise is cohabiting with the respondent,	2705
or who otherwise has cohabited with the respondent within five	2706
years prior to the date of the alleged occurrence of the act in	2707
question.	2708
(5) "Victim advocate" means a person who provides support	2709
and assistance for a person who files a petition under this	2710
section.	2711
(6) "Sexually oriented offense" has the same meaning as in	2712
section 2950.01 of the Revised Code.	2713
(7) "Companion animal" has the same meaning as in section	2714
959.131 of the Revised Code.	2715
(8) "Dating relationship" means a relationship between	2716
individuals who have, or have had, a relationship of a romantic	2717
or intimate nature. "Dating relationship" does not include a	2718
casual acquaintanceship or ordinary fraternization in a business	2719
or social context.	2720
(9) "Person with whom the respondent is or was in a dating	2721

relationship" means an adult who, at the time of the conduct in 2722  
question, is in a dating relationship with the respondent who 2723  
also is an adult or who, within the twelve months preceding the 2724  
conduct in question, has had a dating relationship with the 2725  
respondent who also is an adult. 2726

(B) The court has jurisdiction over all proceedings under 2727  
this section. The petitioner's right to relief under this 2728  
section is not affected by the petitioner's leaving the 2729  
residence or household to avoid further domestic violence. 2730

(C) (1) A person may seek relief under this section on the 2731  
person's own behalf, or any parent or adult household member may 2732  
seek relief under this section on behalf of any other family or 2733  
household member, by filing a petition with the court. The 2734  
petition shall contain or state: 2735

~~(1)~~ (a) An allegation that the respondent engaged in 2736  
domestic violence against a family or household member of the 2737  
respondent or against a person with whom the respondent is or 2738  
was in a dating relationship, including a description of the 2739  
nature and extent of the domestic violence; 2740

~~(2)~~ (b) The relationship of the respondent to the 2741  
petitioner, and to the victim if other than the petitioner; 2742

~~(3)~~ (c) If the petition is for protection of a person with 2743  
whom the respondent is or was in a dating relationship, the 2744  
facts upon which the court may conclude that a dating 2745  
relationship existed between the person to be protected and the 2746  
respondent; 2747

~~(4)~~ (d) A request for relief under this section. 2748

(2) The petitioner may include a statement in the petition 2749  
that describes the number, types, and locations of any firearms 2750

that the petitioner knows to be in the possession or control of 2751  
the respondent. 2752

(D) (1) If a person who files a petition pursuant to this 2753  
section requests an ex parte order, the court shall hold an ex 2754  
parte hearing on the same day that the petition is filed. The 2755  
court, for good cause shown at the ex parte hearing, may enter 2756  
any temporary orders, with or without bond, including, but not 2757  
limited to, an order described in division (E) (1) (a), (b), or 2758  
(c) of this section, that the court finds necessary to protect 2759  
the family or household member or the person with whom the 2760  
respondent is or was in a dating relationship from domestic 2761  
violence. Immediate and present danger of domestic violence to 2762  
the family or household member or to the person with whom the 2763  
respondent is or was in a dating relationship constitutes good 2764  
cause for purposes of this section. Immediate and present danger 2765  
includes, but is not limited to, situations in which the 2766  
respondent has threatened the family or household member or 2767  
person with whom the respondent is or was in a dating 2768  
relationship with bodily harm, in which the respondent has 2769  
threatened the family or household member or person with whom 2770  
the respondent is or was in a dating relationship with a 2771  
sexually oriented offense, or in which the respondent previously 2772  
has been convicted of, pleaded guilty to, or been adjudicated a 2773  
delinquent child for an offense that constitutes domestic 2774  
violence against the family or household member or person with 2775  
whom the respondent is or was in a dating relationship. 2776

(2) (a) If the court, after an ex parte hearing, issues an 2777  
order described in division (E) (1) (b) or (c) of this section, 2778  
the court shall schedule a full hearing for a date that is 2779  
within seven court days after the ex parte hearing. If any other 2780  
type of protection order that is authorized under division (E) 2781

of this section is issued by the court after an ex parte 2782  
hearing, the court shall schedule a full hearing for a date that 2783  
is within ten court days after the ex parte hearing. The court 2784  
shall give the respondent notice of, and an opportunity to be 2785  
heard at, the full hearing. The court shall hold the full 2786  
hearing on the date scheduled under this division unless the 2787  
court grants a continuance of the hearing in accordance with 2788  
this division. Under any of the following circumstances or for 2789  
any of the following reasons, the court may grant a continuance 2790  
of the full hearing to a reasonable time determined by the 2791  
court: 2792

(i) Prior to the date scheduled for the full hearing under 2793  
this division, the respondent has not been served with the 2794  
petition filed pursuant to this section and notice of the full 2795  
hearing. 2796

(ii) The parties consent to the continuance. 2797

(iii) The continuance is needed to allow a party to obtain 2798  
counsel. 2799

(iv) The continuance is needed for other good cause. 2800

(b) An ex parte order issued under this section does not 2801  
expire because of a failure to serve notice of the full hearing 2802  
upon the respondent before the date set for the full hearing 2803  
under division (D) (2) (a) of this section or because the court 2804  
grants a continuance under that division. 2805

(3) If a person who files a petition pursuant to this 2806  
section does not request an ex parte order, or if a person 2807  
requests an ex parte order but the court does not issue an ex 2808  
parte order after an ex parte hearing, the court shall proceed 2809  
as in a normal civil action and grant a full hearing on the 2810

matter. 2811

(E) (1) After an ex parte or full hearing, the court may 2812  
grant any protection order, with or without bond, or approve any 2813  
consent agreement to bring about a cessation of domestic 2814  
violence against the family or household members or persons with 2815  
whom the respondent is or was in a dating relationship. The 2816  
order or agreement may: 2817

(a) Direct the respondent to refrain from abusing or from 2818  
committing sexually oriented offenses against the family or 2819  
household members or persons with whom the respondent is or was 2820  
in a dating relationship; 2821

(b) With respect to a petition involving family or 2822  
household members, grant possession of the residence or 2823  
household to the petitioner or other family or household member, 2824  
to the exclusion of the respondent, by evicting the respondent, 2825  
when the residence or household is owned or leased solely by the 2826  
petitioner or other family or household member, or by ordering 2827  
the respondent to vacate the premises, when the residence or 2828  
household is jointly owned or leased by the respondent, and the 2829  
petitioner or other family or household member; 2830

(c) With respect to a petition involving family or 2831  
household members, when the respondent has a duty to support the 2832  
petitioner or other family or household member living in the 2833  
residence or household and the respondent is the sole owner or 2834  
lessee of the residence or household, grant possession of the 2835  
residence or household to the petitioner or other family or 2836  
household member, to the exclusion of the respondent, by 2837  
ordering the respondent to vacate the premises, or, in the case 2838  
of a consent agreement, allow the respondent to provide 2839  
suitable, alternative housing; 2840

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

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

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

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

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

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

(j) Authorize the petitioner to remove a companion animal 2870  
owned by the petitioner from the possession of the respondent; 2871

(k) Require a wireless service transfer in accordance with 2872  
sections 3113.45 to 3113.459 of the Revised Code. 2873

(2) If a protection order has been issued pursuant to this 2874  
section in a prior action involving the respondent and the 2875  
petitioner or, with respect to a petition involving family or 2876  
household members, one or more of the family or household 2877  
members or victims, the court may include in a protection order 2878  
that it issues a prohibition against the respondent returning to 2879  
the residence or household. If it includes a prohibition against 2880  
the respondent returning to the residence or household in the 2881  
order, it also shall include in the order provisions of the type 2882  
described in division (E) (7) of this section. This division does 2883  
not preclude the court from including in a protection order or 2884  
consent agreement, in circumstances other than those described 2885  
in this division, a requirement that the respondent be evicted 2886  
from or vacate the residence or household or refrain from 2887  
entering the residence, school, business, or place of employment 2888  
of the petitioner or, with respect to a petition involving 2889  
family or household members, a family or household member, and, 2890  
if the court includes any requirement of that type in an order 2891  
or agreement, the court also shall include in the order 2892  
provisions of the type described in division (E) (7) of this 2893  
section. 2894

(3) (a) Any protection order issued or consent agreement 2895  
approved under this section shall be valid until a date certain, 2896  
but not later than five years from the date of its issuance or 2897  
approval, or not later than the date a respondent who is less 2898  
than eighteen years of age attains nineteen years of age, unless 2899

modified or terminated as provided in division (E) (8) of this section. 2900  
2901

(b) With respect to an order involving family or household members, subject to the limitation on the duration of an order or agreement set forth in division (E) (3) (a) of this section, any order under division (E) (1) (d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E) (3) (a) of this section, any order under division (E) (1) (e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order. 2902  
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(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved. 2920  
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(4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply: 2924  
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(a) The respondent files a separate petition for a 2929

protection order in accordance with this section. 2930

(b) The petitioner is served notice of the respondent's 2931  
petition at least forty-eight hours before the court holds a 2932  
hearing with respect to the respondent's petition, or the 2933  
petitioner waives the right to receive this notice. 2934

(c) If the petitioner has requested an ex parte order 2935  
pursuant to division (D) of this section, the court does not 2936  
delay any hearing required by that division beyond the time 2937  
specified in that division in order to consolidate the hearing 2938  
with a hearing on the petition filed by the respondent. 2939

(d) After a full hearing at which the respondent presents 2940  
evidence in support of the request for a protection order and 2941  
the petitioner is afforded an opportunity to defend against that 2942  
evidence, the court determines that the petitioner has committed 2943  
an act of domestic violence or has violated a temporary 2944  
protection order issued pursuant to section 2919.26 of the 2945  
Revised Code, that both the petitioner and the respondent acted 2946  
primarily as aggressors, and that neither the petitioner nor the 2947  
respondent acted primarily in self-defense. 2948

(5) No protection order issued or consent agreement 2949  
approved under this section shall in any manner affect title to 2950  
any real property. 2951

(6) (a) With respect to an order involving family or 2952  
household members, if a petitioner, or the child of a 2953  
petitioner, who obtains a protection order or consent agreement 2954  
pursuant to division (E) (1) of this section or a temporary 2955  
protection order pursuant to section 2919.26 of the Revised Code 2956  
and is the subject of a parenting time order issued pursuant to 2957  
section 3109.051 or 3109.12 of the Revised Code or a visitation 2958

or companionship order issued pursuant to section 3109.051, 2959  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2960  
this section granting parenting time rights to the respondent, 2961  
the court may require the public children services agency of the 2962  
county in which the court is located to provide supervision of 2963  
the respondent's exercise of parenting time or visitation or 2964  
companionship rights with respect to the child for a period not 2965  
to exceed nine months, if the court makes the following findings 2966  
of fact: 2967

(i) The child is in danger from the respondent; 2968

(ii) No other person or agency is available to provide the 2969  
supervision. 2970

(b) A court that requires an agency to provide supervision 2971  
pursuant to division (E) (6) (a) of this section shall order the 2972  
respondent to reimburse the agency for the cost of providing the 2973  
supervision, if it determines that the respondent has sufficient 2974  
income or resources to pay that cost. 2975

(7) (a) If a protection order issued or consent agreement 2976  
approved under this section includes a requirement that the 2977  
respondent be evicted from or vacate the residence or household 2978  
or refrain from entering the residence, school, business, or 2979  
place of employment of the petitioner or, with respect to a 2980  
petition involving family or household members, a family or 2981  
household member, the order or agreement shall state clearly 2982  
that the order or agreement cannot be waived or nullified by an 2983  
invitation to the respondent from the petitioner or other family 2984  
or household member to enter the residence, school, business, or 2985  
place of employment or by the respondent's entry into one of 2986  
those places otherwise upon the consent of the petitioner or 2987  
other family or household member. 2988

(b) Division (E) (7) (a) of this section does not limit any 2989  
discretion of a court to determine that a respondent charged 2990  
with a violation of section 2919.27 of the Revised Code, with a 2991  
violation of a municipal ordinance substantially equivalent to 2992  
that section, or with contempt of court, which charge is based 2993  
on an alleged violation of a protection order issued or consent 2994  
agreement approved under this section, did not commit the 2995  
violation or was not in contempt of court. 2996

(8) (a) The court may modify or terminate as provided in 2997  
division (E) (8) of this section a protection order or consent 2998  
agreement that was issued after a full hearing under this 2999  
section. The court that issued the protection order or approved 3000  
the consent agreement shall hear a motion for modification or 3001  
termination of the protection order or consent agreement 3002  
pursuant to division (E) (8) of this section. 3003

(b) Either the petitioner or the respondent of the 3004  
original protection order or consent agreement may bring a 3005  
motion for modification or termination of a protection order or 3006  
consent agreement that was issued or approved after a full 3007  
hearing. The court shall require notice of the motion to be made 3008  
as provided by the Rules of Civil Procedure. If the petitioner 3009  
for the original protection order or consent agreement has 3010  
requested that the petitioner's address be kept confidential, 3011  
the court shall not disclose the address to the respondent of 3012  
the original protection order or consent agreement or any other 3013  
person, except as otherwise required by law. The moving party 3014  
has the burden of proof to show, by a preponderance of the 3015  
evidence, that modification or termination of the protection 3016  
order or consent agreement is appropriate because either the 3017  
protection order or consent agreement is no longer needed or 3018  
because the terms of the original protection order or consent 3019

agreement are no longer appropriate. 3020

(c) In considering whether to modify or terminate a 3021  
protection order or consent agreement issued or approved under 3022  
this section, the court shall consider all relevant factors, 3023  
including, but not limited to, the following: 3024

(i) Whether the petitioner consents to modification or 3025  
termination of the protection order or consent agreement; 3026

(ii) Whether the petitioner fears the respondent; 3027

(iii) The current nature of the relationship between the 3028  
petitioner and the respondent; 3029

(iv) The circumstances of the petitioner and respondent, 3030  
including the relative proximity of the petitioner's and 3031  
respondent's workplaces and residences and whether the 3032  
petitioner and respondent have minor children together; 3033

(v) Whether the respondent has complied with the terms and 3034  
conditions of the original protection order or consent 3035  
agreement; 3036

(vi) Whether the respondent has a continuing involvement 3037  
with illegal drugs or alcohol; 3038

(vii) Whether the respondent has been convicted of, 3039  
pleaded guilty to, or been adjudicated a delinquent child for an 3040  
offense of violence since the issuance of the protection order 3041  
or approval of the consent agreement; 3042

(viii) Whether any other protection orders, consent 3043  
agreements, restraining orders, or no contact orders have been 3044  
issued against the respondent pursuant to this section, section 3045  
2919.26 of the Revised Code, any other provision of state law, 3046  
or the law of any other state; 3047

(ix) Whether the respondent has participated in any 3048  
domestic violence treatment, intervention program, or other 3049  
counseling addressing domestic violence and whether the 3050  
respondent has completed the treatment, program, or counseling; 3051

(x) The time that has elapsed since the protection order 3052  
was issued or since the consent agreement was approved; 3053

(xi) The age and health of the respondent; 3054

(xii) When the last incident of abuse, threat of harm, or 3055  
commission of a sexually oriented offense occurred or other 3056  
relevant information concerning the safety and protection of the 3057  
petitioner or other protected parties. 3058

(d) If a protection order or consent agreement is modified 3059  
or terminated as provided in division (E) (8) of this section, 3060  
the court shall issue copies of the modified or terminated order 3061  
or agreement as provided in division (F) of this section. A 3062  
petitioner may also provide notice of the modification or 3063  
termination to the judicial and law enforcement officials in any 3064  
county other than the county in which the order or agreement is 3065  
modified or terminated as provided in division (N) of this 3066  
section. 3067

(e) If the respondent moves for modification or 3068  
termination of a protection order or consent agreement pursuant 3069  
to this section and the court denies the motion, the court may 3070  
assess costs against the respondent for the filing of the 3071  
motion. 3072

(9) Any protection order issued or any consent agreement 3073  
approved pursuant to this section shall include a provision that 3074  
the court will automatically seal all of the records of the 3075  
proceeding in which the order is issued or agreement approved on 3076

the date the respondent attains the age of nineteen years unless 3077  
the petitioner provides the court with evidence that the 3078  
respondent has not complied with all of the terms of the 3079  
protection order or consent agreement. The protection order or 3080  
consent agreement shall specify the date when the respondent 3081  
attains the age of nineteen years. 3082

(F) (1) A copy of any protection order, or consent 3083  
agreement, that is issued, approved, modified, or terminated 3084  
under this section shall be issued by the court to the 3085  
petitioner, to the respondent, and to all law enforcement 3086  
agencies that have jurisdiction to enforce the order or 3087  
agreement. The court shall direct that a copy of an order be 3088  
delivered to the respondent on the same day that the order is 3089  
entered. 3090

(2) Upon the issuance of a protection order or the 3091  
approval of a consent agreement under this section, the court 3092  
shall determine whether, as a result of the order, it is 3093  
unlawful for the respondent to possess or purchase a firearm 3094  
under division (A) (7) of section 2923.13 of the Revised Code or 3095  
18 U.S.C. 922(g) (8). If the court determines that the respondent 3096  
is prohibited from possessing or purchasing a firearm, the court 3097  
shall order the respondent to transfer all firearms in the 3098  
respondent's possession or control, and shall ensure that the 3099  
transfer is made, in accordance with section 2923.134 of the 3100  
Revised Code. If the respondent is so prohibited, the court 3101  
shall provide the parties to the order or agreement with the 3102  
following notice ~~orally or by~~ form: 3103

"NOTICE 3104

As a result of this order or consent agreement, it ~~may be~~ 3105  
is unlawful for you, the respondent, to possess or purchase a 3106

firearm, including a rifle, pistol, or revolver, or ammunition 3107  
pursuant to ~~federal law under section 2923.13 of the Revised~~ 3108  
Code or 18 U.S.C. 922(g) (8) for the duration of this order or 3109  
consent agreement. ~~If you have any questions whether this law~~ 3110  
~~makes it illegal for you to possess or purchase a firearm or~~ 3111  
~~ammunition, you should consult an attorney. You are required to~~ 3112  
transfer all firearms in your possession or control within 3113  
twenty-four hours after service of this order in accordance with 3114  
section 2923.134 of the Revised Code. You are required to file 3115  
with this court a proof of transfer and an affidavit that you 3116  
possess no firearms within forty-eight hours after service of 3117  
this order." 3118

(3) All law enforcement agencies shall establish and 3119  
maintain an index for the protection orders and the approved 3120  
consent agreements delivered to the agencies pursuant to 3121  
division (F) (1) of this section. With respect to each order and 3122  
consent agreement delivered, each agency shall note on the index 3123  
the date and time that it received the order or consent 3124  
agreement. 3125

(4) Regardless of whether the petitioner has registered 3126  
the order or agreement in the county in which the officer's 3127  
agency has jurisdiction pursuant to division (N) of this 3128  
section, any officer of a law enforcement agency shall enforce a 3129  
protection order issued or consent agreement approved by any 3130  
court in this state in accordance with the provisions of the 3131  
order or agreement, including removing the respondent from the 3132  
premises, if appropriate. 3133

(G) (1) Any proceeding under this section shall be 3134  
conducted in accordance with the Rules of Civil Procedure, 3135  
except that an order under this section may be obtained with or 3136

without bond. An order issued under this section, other than an 3137  
ex parte order, that grants a protection order or approves a 3138  
consent agreement, that refuses to grant a protection order or 3139  
approve a consent agreement that modifies or terminates a 3140  
protection order or consent agreement, or that refuses to modify 3141  
or terminate a protection order or consent agreement, is a 3142  
final, appealable order. The remedies and procedures provided in 3143  
this section are in addition to, and not in lieu of, any other 3144  
available civil or criminal remedies. 3145

(2) If as provided in division (G)(1) of this section an 3146  
order issued under this section, other than an ex parte order, 3147  
refuses to grant a protection order, the court, on its own 3148  
motion, shall order that the ex parte order issued under this 3149  
section and all of the records pertaining to that ex parte order 3150  
be sealed after either of the following occurs: 3151

(a) No party has exercised the right to appeal pursuant to 3152  
Rule 4 of the Rules of Appellate Procedure. 3153

(b) All appellate rights have been exhausted. 3154

(H) The filing of proceedings under this section does not 3155  
excuse a person from filing any report or giving any notice 3156  
required by section 2151.421 of the Revised Code or by any other 3157  
law. When a petition under this section alleges domestic 3158  
violence against minor children, the court shall report the 3159  
fact, or cause reports to be made, to a county, township, or 3160  
municipal peace officer under section 2151.421 of the Revised 3161  
Code. 3162

(I) Any law enforcement agency that investigates a 3163  
domestic dispute shall provide information to the family or 3164  
household members involved, or the persons in the dating 3165

relationship who are involved, whichever is applicable regarding 3166  
the relief available under this section and, for family or 3167  
household members, section 2919.26 of the Revised Code. 3168

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 3169  
section and regardless of whether a protection order is issued 3170  
or a consent agreement is approved by a court of another county 3171  
or a court of another state, no court or unit of state or local 3172  
government shall charge the petitioner any fee, cost, deposit, 3173  
or money in connection with the filing of a petition pursuant to 3174  
this section or in connection with the filing, issuance, 3175  
registration, modification, enforcement, dismissal, withdrawal, 3176  
or service of a protection order, consent agreement, or witness 3177  
subpoena or for obtaining a certified copy of a protection order 3178  
or consent agreement. 3179

(2) Regardless of whether a protection order is issued or 3180  
a consent agreement is approved pursuant to this section, the 3181  
court may assess costs against the respondent in connection with 3182  
the filing, issuance, registration, modification, enforcement, 3183  
dismissal, withdrawal, or service of a protection order, consent 3184  
agreement, or witness subpoena or for obtaining a certified copy 3185  
of a protection order or consent agreement. 3186

(K) (1) The court shall comply with Chapters 3119., 3121., 3187  
3123., and 3125. of the Revised Code when it makes or modifies 3188  
an order for child support under this section. 3189

(2) If any person required to pay child support under an 3190  
order made under this section on or after April 15, 1985, or 3191  
modified under this section on or after December 31, 1986, is 3192  
found in contempt of court for failure to make support payments 3193  
under the order, the court that makes the finding, in addition 3194  
to any other penalty or remedy imposed, shall assess all court 3195

costs arising out of the contempt proceeding against the person 3196  
and require the person to pay any reasonable attorney's fees of 3197  
any adverse party, as determined by the court, that arose in 3198  
relation to the act of contempt. 3199

(L) (1) A person who violates a protection order issued or 3200  
a consent agreement approved under this section is subject to 3201  
the following sanctions: 3202

(a) Criminal prosecution or a delinquent child proceeding 3203  
for a violation of section 2919.27 of the Revised Code, if the 3204  
violation of the protection order or consent agreement 3205  
constitutes a violation of that section; 3206

(b) Punishment for contempt of court. 3207

(2) The punishment of a person for contempt of court for 3208  
violation of a protection order issued or a consent agreement 3209  
approved under this section does not bar criminal prosecution of 3210  
the person or a delinquent child proceeding concerning the 3211  
person for a violation of section 2919.27 of the Revised Code. 3212  
However, a person punished for contempt of court is entitled to 3213  
credit for the punishment imposed upon conviction of or 3214  
adjudication as a delinquent child for a violation of that 3215  
section, and a person convicted of or adjudicated a delinquent 3216  
child for a violation of that section shall not subsequently be 3217  
punished for contempt of court arising out of the same activity. 3218

(M) In all stages of a proceeding under this section, a 3219  
petitioner may be accompanied by a victim advocate. 3220

(N) (1) A petitioner who obtains a protection order or 3221  
consent agreement under this section or a temporary protection 3222  
order under section 2919.26 of the Revised Code may provide 3223  
notice of the issuance or approval of the order or agreement to 3224

the judicial and law enforcement officials in any county other 3225  
than the county in which the order is issued or the agreement is 3226  
approved by registering that order or agreement in the other 3227  
county pursuant to division (N) (2) of this section and filing a 3228  
copy of the registered order or registered agreement with a law 3229  
enforcement agency in the other county in accordance with that 3230  
division. A person who obtains a protection order issued by a 3231  
court of another state may provide notice of the issuance of the 3232  
order to the judicial and law enforcement officials in any 3233  
county of this state by registering the order in that county 3234  
pursuant to section 2919.272 of the Revised Code and filing a 3235  
copy of the registered order with a law enforcement agency in 3236  
that county. 3237

(2) A petitioner may register a temporary protection 3238  
order, protection order, or consent agreement in a county other 3239  
than the county in which the court that issued the order or 3240  
approved the agreement is located in the following manner: 3241

(a) The petitioner shall obtain a certified copy of the 3242  
order or agreement from the clerk of the court that issued the 3243  
order or approved the agreement and present that certified copy 3244  
to the clerk of the court of common pleas or the clerk of a 3245  
municipal court or county court in the county in which the order 3246  
or agreement is to be registered. 3247

(b) Upon accepting the certified copy of the order or 3248  
agreement for registration, the clerk of the court of common 3249  
pleas, municipal court, or county court shall place an 3250  
endorsement of registration on the order or agreement and give 3251  
the petitioner a copy of the order or agreement that bears that 3252  
proof of registration. 3253

(3) The clerk of each court of common pleas, the clerk of 3254

each municipal court, and the clerk of each county court shall 3255  
maintain a registry of certified copies of temporary protection 3256  
orders, protection orders, or consent agreements that have been 3257  
issued or approved by courts in other counties and that have 3258  
been registered with the clerk. 3259

(O) Nothing in this section prohibits the domestic 3260  
relations division of a court of common pleas in counties that 3261  
have a domestic relations division or a court of common pleas in 3262  
counties that do not have a domestic relations division from 3263  
designating a minor child as a protected party on a protection 3264  
order or consent agreement. 3265

**Section 2.** That existing sections 2903.13, 2919.25, 3266  
2919.26, 2923.13, 2923.14, 2929.13, 2929.14, and 3113.31 of the 3267  
Revised Code are hereby repealed. 3268

**Section 3.** All items in this section are hereby 3269  
appropriated as designated out of any moneys in the state 3270  
treasury to the credit of the designated fund. For all 3271  
appropriations made in this act, those in the first column are 3272  
for fiscal year 2018 and those in the second column are for 3273  
fiscal year 2019. The appropriations made in this act are in 3274  
addition to any other appropriations made for the FY 2018-FY 3275  
2019 biennium. 3276

AGO ATTORNEY GENERAL 3277

Dedicated Purpose Fund Group 3278

5TW0 055602 Domestic Violence Program \$0 \$500,000 3279

TOTAL DPF Dedicated Purpose Fund Group \$0 \$500,000 3280

TOTAL ALL BUDGET FUND GROUPS \$0 \$500,000 3281

DOMESTIC VIOLENCE PROGRAM 3282

On the effective date of this act, or as soon as possible 3283  
thereafter, the Director of Budget and Management shall transfer 3284  
\$500,000 cash from the General Revenue Fund to the Domestic 3285  
Violence Program Fund (Fund 5TW0). 3286

The foregoing appropriation item 055602, Domestic Violence 3287  
Program, shall be used for the purpose of providing funding to 3288  
domestic violence programs pursuant to section 109.46 of the 3289  
Revised Code. 3290

**Section 4.** Within the limits set forth in this act, the 3291  
Director of Budget and Management shall establish accounts 3292  
indicating the source and amount of funds for each appropriation 3293  
made in this act, and shall determine the form and manner in 3294  
which appropriation accounts shall be maintained. Expenditures 3295  
from appropriations contained in this act shall be accounted for 3296  
as though made in Am. Sub. H.B. 49 of the 132nd General 3297  
Assembly. 3298

The appropriations made in this act are subject to all 3299  
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly 3300  
that are generally applicable to such appropriations. 3301

**Section 5.** The General Assembly, applying the principle 3302  
stated in division (B) of section 1.52 of the Revised Code that 3303  
amendments are to be harmonized if reasonably capable of 3304  
simultaneous operation, finds that the following sections, 3305  
presented in this act as composites of the sections as amended 3306  
by the acts indicated, are the resulting versions of the 3307  
sections in effect prior to the effective date of the sections 3308  
as presented in this act: 3309

Section 2923.13 of the Revised Code as amended by both Am. 3310  
Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 3311

Assembly.	3312
Section 2929.13 of the Revised Code as amended by Sub.	3313
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and	3314
Am. Sub. S.B. 201, all of the 132nd General Assembly.	3315
Section 2929.14 of the Revised Code as amended by Sub.	3316
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201,	3317
all of the 132nd General Assembly.	3318