

**As Reported by the Senate Judiciary Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 63**

**Representative Hughes**

**Cosponsors: Representatives Duffey, Leland, Kent, Boggs, Manning, Rezabek, Celebrezze, Conditt, Cupp, Galonski, Rogers, Seitz, Anielski, Antonio, Arndt, Ashford, Barnes, Blessing, Boyd, Brenner, Butler, Carfagna, Clyde, Craig, Dean, Dever, Faber, Fedor, Gavarone, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Henne, Hill, Holmes, Johnson, Keller, Kick, Koehler, Landis, Lanese, Lepore-Hagan, Lipps, Merrin, Miller, O'Brien, Patmon, Patterson, Patton, Pelanda, Ramos, Retherford, Riedel, Roegner, Romanchuk, Schaffer, Schuring, Slaby, Smith, K., Sprague, Stein, Strahorn, Sweeney, West, Young, Zeltwanger, Speaker Rosenberger**

**Senators Bacon, O'Brien**

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**A BILL**

To amend sections 2903.11, 2929.01, 2929.13, and 1  
2929.14 and to enact section 2941.1425 of the 2  
Revised Code to require an additional prison 3  
term of 6 years for felonious assault if the 4  
offender also is convicted of a specification 5  
that charges that the offender used an 6  
accelerant in committing the offense and that 7  
the harm caused by the violation resulted in a 8  
permanent, serious disfigurement or permanent, 9  
substantial incapacity and to name the act's 10  
provisions "Judy's Law." 11

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

**Section 1.** That sections 2903.11, 2929.01, 2929.13, and 12

2929.14 be amended and section 2941.1425 of the Revised Code be 13  
enacted to read as follows: 14

**Sec. 2903.11.** (A) No person shall knowingly do either of 15  
the following: 16

(1) Cause serious physical harm to another or to another's 17  
unborn; 18

(2) Cause or attempt to cause physical harm to another or 19  
to another's unborn by means of a deadly weapon or dangerous 20  
ordnance. 21

(B) No person, with knowledge that the person has tested 22  
positive as a carrier of a virus that causes acquired 23  
immunodeficiency syndrome, shall knowingly do any of the 24  
following: 25

(1) Engage in sexual conduct with another person without 26  
disclosing that knowledge to the other person prior to engaging 27  
in the sexual conduct; 28

(2) Engage in sexual conduct with a person whom the 29  
offender knows or has reasonable cause to believe lacks the 30  
mental capacity to appreciate the significance of the knowledge 31  
that the offender has tested positive as a carrier of a virus 32  
that causes acquired immunodeficiency syndrome; 33

(3) Engage in sexual conduct with a person under eighteen 34  
years of age who is not the spouse of the offender. 35

(C) The prosecution of a person under this section does 36  
not preclude prosecution of that person under section 2907.02 of 37  
the Revised Code. 38

(D) (1) (a) Whoever violates this section is guilty of 39  
felonious assault. Except as otherwise provided in this division 40

or division (D) (1) (b) of this section, felonious assault is a 41  
felony of the second degree. If the victim of a violation of 42  
division (A) of this section is a peace officer or an 43  
investigator of the bureau of criminal identification and 44  
investigation, felonious assault is a felony of the first 45  
degree. 46

(b) Regardless of whether the felonious assault is a 47  
felony of the first or second degree under division (D) (1) (a) of 48  
this section, if the offender also is convicted of or pleads 49  
guilty to a specification as described in section 2941.1423 of 50  
the Revised Code that was included in the indictment, count in 51  
the indictment, or information charging the offense, except as 52  
otherwise provided in this division or unless a longer prison 53  
term is required under any other provision of law, the court 54  
shall sentence the offender to a mandatory prison term as 55  
provided in division (B) (8) of section 2929.14 of the Revised 56  
Code. If the victim of the offense is a peace officer or an 57  
investigator of the bureau of criminal identification and 58  
investigation, and if the victim suffered serious physical harm 59  
as a result of the commission of the offense, felonious assault 60  
is a felony of the first degree, and the court, pursuant to 61  
division (F) of section 2929.13 of the Revised Code, shall 62  
impose as a mandatory prison term one of the prison terms 63  
prescribed for a felony of the first degree. 64

(2) In addition to any other sanctions imposed pursuant to 65  
division (D) (1) of this section for felonious assault committed 66  
in violation of division (A) (1) or (2) of this section, if the 67  
offender also is convicted of or pleads guilty to a 68  
specification of the type described in section 2941.1425 of the 69  
Revised Code that was included in the indictment, count in the 70  
indictment, or information charging the offense, the court shall 71

sentence the offender to a mandatory prison term under division 72  
(B) (9) of section 2929.14 of the Revised Code. 73

(3) In addition to any other sanctions imposed pursuant to 74  
division (D) (1) of this section for felonious assault committed 75  
in violation of division (A) (2) of this section, if the deadly 76  
weapon used in the commission of the violation is a motor 77  
vehicle, the court shall impose upon the offender a class two 78  
suspension of the offender's driver's license, commercial 79  
driver's license, temporary instruction permit, probationary 80  
license, or nonresident operating privilege as specified in 81  
division (A) (2) of section 4510.02 of the Revised Code. 82

(E) As used in this section: 83

(1) "Deadly weapon" and "dangerous ordnance" have the same 84  
meanings as in section 2923.11 of the Revised Code. 85

(2) "Motor vehicle" has the same meaning as in section 86  
4501.01 of the Revised Code. 87

(3) "Peace officer" has the same meaning as in section 88  
2935.01 of the Revised Code. 89

(4) "Sexual conduct" has the same meaning as in section 90  
2907.01 of the Revised Code, except that, as used in this 91  
section, it does not include the insertion of an instrument, 92  
apparatus, or other object that is not a part of the body into 93  
the vaginal or anal opening of another, unless the offender knew 94  
at the time of the insertion that the instrument, apparatus, or 95  
other object carried the offender's bodily fluid. 96

(5) "Investigator of the bureau of criminal identification 97  
and investigation" means an investigator of the bureau of 98  
criminal identification and investigation who is commissioned by 99  
the superintendent of the bureau as a special agent for the 100

purpose of assisting law enforcement officers or providing 101  
emergency assistance to peace officers pursuant to authority 102  
granted under section 109.541 of the Revised Code. 103

(6) "Investigator" has the same meaning as in section 104  
109.541 of the Revised Code. 105

(F) The provisions of division (D) (2) of this section and 106  
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 107  
(6) of section 2929.14, and section 2941.1425 of the Revised 108  
Code shall be known as "Judy's Law." 109

**Sec. 2929.01.** As used in this chapter: 110

(A) (1) "Alternative residential facility" means, subject 111  
to division (A) (2) of this section, any facility other than an 112  
offender's home or residence in which an offender is assigned to 113  
live and that satisfies all of the following criteria: 114

(a) It provides programs through which the offender may 115  
seek or maintain employment or may receive education, training, 116  
treatment, or habilitation. 117

(b) It has received the appropriate license or certificate 118  
for any specialized education, training, treatment, 119  
habilitation, or other service that it provides from the 120  
government agency that is responsible for licensing or 121  
certifying that type of education, training, treatment, 122  
habilitation, or service. 123

(2) "Alternative residential facility" does not include a 124  
community-based correctional facility, jail, halfway house, or 125  
prison. 126

(B) "Basic probation supervision" means a requirement that 127  
the offender maintain contact with a person appointed to 128

supervise the offender in accordance with sanctions imposed by 129  
the court or imposed by the parole board pursuant to section 130  
2967.28 of the Revised Code. "Basic probation supervision" 131  
includes basic parole supervision and basic post-release control 132  
supervision. 133

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 134  
the same meanings as in section 2925.01 of the Revised Code. 135

(D) "Community-based correctional facility" means a 136  
community-based correctional facility and program or district 137  
community-based correctional facility and program developed 138  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 139

(E) "Community control sanction" means a sanction that is 140  
not a prison term and that is described in section 2929.15, 141  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 142  
that is not a jail term and that is described in section 143  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 144  
control sanction" includes probation if the sentence involved 145  
was imposed for a felony that was committed prior to July 1, 146  
1996, or if the sentence involved was imposed for a misdemeanor 147  
that was committed prior to January 1, 2004. 148

(F) "Controlled substance," "marihuana," "schedule I," and 149  
"schedule II" have the same meanings as in section 3719.01 of 150  
the Revised Code. 151

(G) "Curfew" means a requirement that an offender during a 152  
specified period of time be at a designated place. 153

(H) "Day reporting" means a sanction pursuant to which an 154  
offender is required each day to report to and leave a center or 155  
other approved reporting location at specified times in order to 156  
participate in work, education or training, treatment, and other 157

approved programs at the center or outside the center.	158
(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	159 160
(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.	161 162 163 164
(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.	165 166 167 168 169 170 171 172
(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.	173 174 175 176 177 178 179 180
(M) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.	181 182 183 184 185
(N) "Firearm" has the same meaning as in section 2923.11	186

of the Revised Code.	187
(O) "Halfway house" means a facility licensed by the	188
division of parole and community services of the department of	189
rehabilitation and correction pursuant to section 2967.14 of the	190
Revised Code as a suitable facility for the care and treatment	191
of adult offenders.	192
(P) "House arrest" means a period of confinement of an	193
offender that is in the offender's home or in other premises	194
specified by the sentencing court or by the parole board	195
pursuant to section 2967.28 of the Revised Code and during which	196
all of the following apply:	197
(1) The offender is required to remain in the offender's	198
home or other specified premises for the specified period of	199
confinement, except for periods of time during which the	200
offender is at the offender's place of employment or at other	201
premises as authorized by the sentencing court or by the parole	202
board.	203
(2) The offender is required to report periodically to a	204
person designated by the court or parole board.	205
(3) The offender is subject to any other restrictions and	206
requirements that may be imposed by the sentencing court or by	207
the parole board.	208
(Q) "Intensive probation supervision" means a requirement	209
that an offender maintain frequent contact with a person	210
appointed by the court, or by the parole board pursuant to	211
section 2967.28 of the Revised Code, to supervise the offender	212
while the offender is seeking or maintaining necessary	213
employment and participating in training, education, and	214
treatment programs as required in the court's or parole board's	215



order. "Intensive probation supervision" includes intensive 216  
parole supervision and intensive post-release control 217  
supervision. 218

(R) "Jail" means a jail, workhouse, minimum security jail, 219  
or other residential facility used for the confinement of 220  
alleged or convicted offenders that is operated by a political 221  
subdivision or a combination of political subdivisions of this 222  
state. 223

(S) "Jail term" means the term in a jail that a sentencing 224  
court imposes or is authorized to impose pursuant to section 225  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 226  
provision of the Revised Code that authorizes a term in a jail 227  
for a misdemeanor conviction. 228

(T) "Mandatory jail term" means the term in a jail that a 229  
sentencing court is required to impose pursuant to division (G) 230  
of section 1547.99 of the Revised Code, division (E) of section 231  
2903.06 or division (D) of section 2903.08 of the Revised Code, 232  
division (E) or (G) of section 2929.24 of the Revised Code, 233  
division (B) of section 4510.14 of the Revised Code, or division 234  
(G) of section 4511.19 of the Revised Code or pursuant to any 235  
other provision of the Revised Code that requires a term in a 236  
jail for a misdemeanor conviction. 237

(U) "Delinquent child" has the same meaning as in section 238  
2152.02 of the Revised Code. 239

(V) "License violation report" means a report that is made 240  
by a sentencing court, or by the parole board pursuant to 241  
section 2967.28 of the Revised Code, to the regulatory or 242  
licensing board or agency that issued an offender a professional 243  
license or a license or permit to do business in this state and 244

that specifies that the offender has been convicted of or 245  
pleaded guilty to an offense that may violate the conditions 246  
under which the offender's professional license or license or 247  
permit to do business in this state was granted or an offense 248  
for which the offender's professional license or license or 249  
permit to do business in this state may be revoked or suspended. 250

(W) "Major drug offender" means an offender who is 251  
convicted of or pleads guilty to the possession of, sale of, or 252  
offer to sell any drug, compound, mixture, preparation, or 253  
substance that consists of or contains at least one thousand 254  
grams of hashish; at least one hundred grams of cocaine; at 255  
least one thousand unit doses or one hundred grams of heroin; at 256  
least five thousand unit doses of L.S.D. or five hundred grams 257  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 258  
distillate form; at least fifty grams of a controlled substance 259  
analog; or at least one hundred times the amount of any other 260  
schedule I or II controlled substance other than marihuana that 261  
is necessary to commit a felony of the third degree pursuant to 262  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 263  
Code that is based on the possession of, sale of, or offer to 264  
sell the controlled substance. 265

(X) "Mandatory prison term" means any of the following: 266

(1) Subject to division (X) (2) of this section, the term 267  
in prison that must be imposed for the offenses or circumstances 268  
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 269  
section 2929.13 and division (B) of section 2929.14 of the 270  
Revised Code. Except as provided in sections 2925.02, 2925.03, 271  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 272  
maximum or another specific term is required under section 273  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 274

described in this division may be any prison term authorized for 275  
the level of offense. 276

(2) The term of sixty or one hundred twenty days in prison 277  
that a sentencing court is required to impose for a third or 278  
fourth degree felony OVI offense pursuant to division (G) (2) of 279  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 280  
of the Revised Code or the term of one, two, three, four, or 281  
five years in prison that a sentencing court is required to 282  
impose pursuant to division (G) (2) of section 2929.13 of the 283  
Revised Code. 284

(3) The term in prison imposed pursuant to division (A) of 285  
section 2971.03 of the Revised Code for the offenses and in the 286  
circumstances described in division (F) (11) of section 2929.13 287  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 288  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 289  
section 2971.03 of the Revised Code and that term as modified or 290  
terminated pursuant to section 2971.05 of the Revised Code. 291

(Y) "Monitored time" means a period of time during which 292  
an offender continues to be under the control of the sentencing 293  
court or parole board, subject to no conditions other than 294  
leading a law-abiding life. 295

(Z) "Offender" means a person who, in this state, is 296  
convicted of or pleads guilty to a felony or a misdemeanor. 297

(AA) "Prison" means a residential facility used for the 298  
confinement of convicted felony offenders that is under the 299  
control of the department of rehabilitation and correction but 300  
does not include a violation sanction center operated under 301  
authority of section 2967.141 of the Revised Code. 302

(BB) "Prison term" includes either of the following 303

sanctions for an offender:	304
(1) A stated prison term;	305
(2) A term in a prison shortened by, or with the approval	306
of, the sentencing court pursuant to section 2929.143, 2929.20,	307
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	308
(CC) "Repeat violent offender" means a person about whom	309
both of the following apply:	310
(1) The person is being sentenced for committing or for	311
complicity in committing any of the following:	312
(a) Aggravated murder, murder, any felony of the first or	313
second degree that is an offense of violence, or an attempt to	314
commit any of these offenses if the attempt is a felony of the	315
first or second degree;	316
(b) An offense under an existing or former law of this	317
state, another state, or the United States that is or was	318
substantially equivalent to an offense described in division	319
(CC) (1) (a) of this section.	320
(2) The person previously was convicted of or pleaded	321
guilty to an offense described in division (CC) (1) (a) or (b) of	322
this section.	323
(DD) "Sanction" means any penalty imposed upon an offender	324
who is convicted of or pleads guilty to an offense, as	325
punishment for the offense. "Sanction" includes any sanction	326
imposed pursuant to any provision of sections 2929.14 to 2929.18	327
or 2929.24 to 2929.28 of the Revised Code.	328
(EE) "Sentence" means the sanction or combination of	329
sanctions imposed by the sentencing court on an offender who is	330
convicted of or pleads guilty to an offense.	331

(FF) "Stated prison term" means the prison term, mandatory 332  
prison term, or combination of all prison terms and mandatory 333  
prison terms imposed by the sentencing court pursuant to section 334  
2929.14, 2929.142, or 2971.03 of the Revised Code or under 335  
section 2919.25 of the Revised Code. "Stated prison term" 336  
includes any credit received by the offender for time spent in 337  
jail awaiting trial, sentencing, or transfer to prison for the 338  
offense and any time spent under house arrest or house arrest 339  
with electronic monitoring imposed after earning credits 340  
pursuant to section 2967.193 of the Revised Code. If an offender 341  
is serving a prison term as a risk reduction sentence under 342  
sections 2929.143 and 5120.036 of the Revised Code, "stated 343  
prison term" includes any period of time by which the prison 344  
term imposed upon the offender is shortened by the offender's 345  
successful completion of all assessment and treatment or 346  
programming pursuant to those sections. 347

(GG) "Victim-offender mediation" means a reconciliation or 348  
mediation program that involves an offender and the victim of 349  
the offense committed by the offender and that includes a 350  
meeting in which the offender and the victim may discuss the 351  
offense, discuss restitution, and consider other sanctions for 352  
the offense. 353

(HH) "Fourth degree felony OVI offense" means a violation 354  
of division (A) of section 4511.19 of the Revised Code that, 355  
under division (G) of that section, is a felony of the fourth 356  
degree. 357

(II) "Mandatory term of local incarceration" means the 358  
term of sixty or one hundred twenty days in a jail, a community- 359  
based correctional facility, a halfway house, or an alternative 360  
residential facility that a sentencing court may impose upon a 361

person who is convicted of or pleads guilty to a fourth degree 362  
felony OVI offense pursuant to division (G) (1) of section 363  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 364  
section 4511.19 of the Revised Code. 365

(JJ) "Designated homicide, assault, or kidnapping 366  
offense," "violent sex offense," "sexual motivation 367  
specification," "sexually violent offense," "sexually violent 368  
predator," and "sexually violent predator specification" have 369  
the same meanings as in section 2971.01 of the Revised Code. 370

(KK) "Sexually oriented offense," "child-victim oriented 371  
offense," and "tier III sex offender/child-victim offender" have 372  
the same meanings as in section 2950.01 of the Revised Code. 373

(LL) An offense is "committed in the vicinity of a child" 374  
if the offender commits the offense within thirty feet of or 375  
within the same residential unit as a child who is under 376  
eighteen years of age, regardless of whether the offender knows 377  
the age of the child or whether the offender knows the offense 378  
is being committed within thirty feet of or within the same 379  
residential unit as the child and regardless of whether the 380  
child actually views the commission of the offense. 381

(MM) "Family or household member" has the same meaning as 382  
in section 2919.25 of the Revised Code. 383

(NN) "Motor vehicle" and "manufactured home" have the same 384  
meanings as in section 4501.01 of the Revised Code. 385

(OO) "Detention" and "detention facility" have the same 386  
meanings as in section 2921.01 of the Revised Code. 387

(PP) "Third degree felony OVI offense" means a violation 388  
of division (A) of section 4511.19 of the Revised Code that, 389  
under division (G) of that section, is a felony of the third 390

degree.	391
(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.	392 393
(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.	394 395
(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	396 397
(TT) "Electronic monitoring" means monitoring through the use of an electronic monitoring device.	398 399
(UU) "Electronic monitoring device" means any of the following:	400 401
(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:	402 403
(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU) (1) (b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.	404 405 406 407 408 409 410 411 412 413 414 415 416 417
(b) The device has a receiver that can receive	418

continuously the signals transmitted by a transmitter of the 419  
type described in division (UU) (1) (a) of this section, can 420  
transmit continuously those signals by a wireless or landline 421  
telephone connection to a central monitoring computer of the 422  
type described in division (UU) (1) (c) of this section, and can 423  
transmit continuously an appropriate signal to that central 424  
monitoring computer if the device has been turned off or altered 425  
without prior court approval or otherwise tampered with. The 426  
device is designed specifically for use in electronic 427  
monitoring, is not a converted wireless phone or another 428  
tracking device that is clearly not designed for electronic 429  
monitoring, and provides a means of text-based or voice 430  
communication with the person. 431

(c) The device has a central monitoring computer that can 432  
receive continuously the signals transmitted by a wireless or 433  
landline telephone connection by a receiver of the type 434  
described in division (UU) (1) (b) of this section and can monitor 435  
continuously the person to whom an electronic monitoring device 436  
of the type described in division (UU) (1) (a) of this section is 437  
attached. 438

(2) Any device that is not a device of the type described 439  
in division (UU) (1) of this section and that conforms with all 440  
of the following: 441

(a) The device includes a transmitter and receiver that 442  
can monitor and determine the location of a subject person at 443  
any time, or at a designated point in time, through the use of a 444  
central monitoring computer or through other electronic means. 445

(b) The device includes a transmitter and receiver that 446  
can determine at any time, or at a designated point in time, 447  
through the use of a central monitoring computer or other 448



electronic means the fact that the transmitter is turned off or 449  
altered in any manner without prior approval of the court in 450  
relation to the electronic monitoring or without prior approval 451  
of the department of rehabilitation and correction in relation 452  
to the use of an electronic monitoring device for an inmate on 453  
transitional control or otherwise is tampered with. 454

(3) Any type of technology that can adequately track or 455  
determine the location of a subject person at any time and that 456  
is approved by the director of rehabilitation and correction, 457  
including, but not limited to, any satellite technology, voice 458  
tracking system, or retinal scanning system that is so approved. 459

(VV) "Non-economic loss" means nonpecuniary harm suffered 460  
by a victim of an offense as a result of or related to the 461  
commission of the offense, including, but not limited to, pain 462  
and suffering; loss of society, consortium, companionship, care, 463  
assistance, attention, protection, advice, guidance, counsel, 464  
instruction, training, or education; mental anguish; and any 465  
other intangible loss. 466

(WW) "Prosecutor" has the same meaning as in section 467  
2935.01 of the Revised Code. 468

(XX) "Continuous alcohol monitoring" means the ability to 469  
automatically test and periodically transmit alcohol consumption 470  
levels and tamper attempts at least every hour, regardless of 471  
the location of the person who is being monitored. 472

(YY) A person is "adjudicated a sexually violent predator" 473  
if the person is convicted of or pleads guilty to a violent sex 474  
offense and also is convicted of or pleads guilty to a sexually 475  
violent predator specification that was included in the 476  
indictment, count in the indictment, or information charging 477

that violent sex offense or if the person is convicted of or 478  
pleads guilty to a designated homicide, assault, or kidnapping 479  
offense and also is convicted of or pleads guilty to both a 480  
sexual motivation specification and a sexually violent predator 481  
specification that were included in the indictment, count in the 482  
indictment, or information charging that designated homicide, 483  
assault, or kidnapping offense. 484

(ZZ) An offense is "committed in proximity to a school" if 485  
the offender commits the offense in a school safety zone or 486  
within five hundred feet of any school building or the 487  
boundaries of any school premises, regardless of whether the 488  
offender knows the offense is being committed in a school safety 489  
zone or within five hundred feet of any school building or the 490  
boundaries of any school premises. 491

(AAA) "Human trafficking" means a scheme or plan to which 492  
all of the following apply: 493

(1) Its object is one or more of the following: 494

(a) To subject a victim or victims to involuntary 495  
servitude, as defined in section 2905.31 of the Revised Code or 496  
to compel a victim or victims to engage in sexual activity for 497  
hire, to engage in a performance that is obscene, sexually 498  
oriented, or nudity oriented, or to be a model or participant in 499  
the production of material that is obscene, sexually oriented, 500  
or nudity oriented; 501

(b) To facilitate, encourage, or recruit a victim who is 502  
less than sixteen years of age or is a person with a 503  
developmental disability, or victims who are less than sixteen 504  
years of age or are persons with developmental disabilities, for 505  
any purpose listed in divisions (A) (2) (a) to (c) of section 506

2905.32 of the Revised Code; 507

(c) To facilitate, encourage, or recruit a victim who is 508  
sixteen or seventeen years of age, or victims who are sixteen or 509  
seventeen years of age, for any purpose listed in divisions (A) 510  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 511  
circumstances described in division (A) (5), (6), (7), (8), (9), 512  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 513  
apply with respect to the person engaging in the conduct and the 514  
victim or victims. 515

(2) It involves at least two felony offenses, whether or 516  
not there has been a prior conviction for any of the felony 517  
offenses, to which all of the following apply: 518

(a) Each of the felony offenses is a violation of section 519  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 520  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 521  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 522  
is a violation of a law of any state other than this state that 523  
is substantially similar to any of the sections or divisions of 524  
the Revised Code identified in this division. 525

(b) At least one of the felony offenses was committed in 526  
this state. 527

(c) The felony offenses are related to the same scheme or 528  
plan and are not isolated instances. 529

(BBB) "Material," "nudity," "obscene," "performance," and 530  
"sexual activity" have the same meanings as in section 2907.01 531  
of the Revised Code. 532

(CCC) "Material that is obscene, sexually oriented, or 533  
nudity oriented" means any material that is obscene, that shows 534  
a person participating or engaging in sexual activity, 535

masturbation, or bestiality, or that shows a person in a state 536  
of nudity. 537

(DDD) "Performance that is obscene, sexually oriented, or 538  
nudity oriented" means any performance that is obscene, that 539  
shows a person participating or engaging in sexual activity, 540  
masturbation, or bestiality, or that shows a person in a state 541  
of nudity. 542

(EEE) "Accelerant" means a fuel or oxidizing agent, such 543  
as an ignitable liquid, used to initiate a fire or increase the 544  
rate of growth or spread of a fire. 545

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 546  
or (G) of this section and unless a specific sanction is 547  
required to be imposed or is precluded from being imposed 548  
pursuant to law, a court that imposes a sentence upon an 549  
offender for a felony may impose any sanction or combination of 550  
sanctions on the offender that are provided in sections 2929.14 551  
to 2929.18 of the Revised Code. 552

If the offender is eligible to be sentenced to community 553  
control sanctions, the court shall consider the appropriateness 554  
of imposing a financial sanction pursuant to section 2929.18 of 555  
the Revised Code or a sanction of community service pursuant to 556  
section 2929.17 of the Revised Code as the sole sanction for the 557  
offense. Except as otherwise provided in this division, if the 558  
court is required to impose a mandatory prison term for the 559  
offense for which sentence is being imposed, the court also 560  
shall impose any financial sanction pursuant to section 2929.18 561  
of the Revised Code that is required for the offense and may 562  
impose any other financial sanction pursuant to that section but 563  
may not impose any additional sanction or combination of 564  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 565

If the offender is being sentenced for a fourth degree 566  
felony OVI offense or for a third degree felony OVI offense, in 567  
addition to the mandatory term of local incarceration or the 568  
mandatory prison term required for the offense by division (G) 569  
(1) or (2) of this section, the court shall impose upon the 570  
offender a mandatory fine in accordance with division (B) (3) of 571  
section 2929.18 of the Revised Code and may impose whichever of 572  
the following is applicable: 573

(1) For a fourth degree felony OVI offense for which 574  
sentence is imposed under division (G) (1) of this section, an 575  
additional community control sanction or combination of 576  
community control sanctions under section 2929.16 or 2929.17 of 577  
the Revised Code. If the court imposes upon the offender a 578  
community control sanction and the offender violates any 579  
condition of the community control sanction, the court may take 580  
any action prescribed in division (B) of section 2929.15 of the 581  
Revised Code relative to the offender, including imposing a 582  
prison term on the offender pursuant to that division. 583

(2) For a third or fourth degree felony OVI offense for 584  
which sentence is imposed under division (G) (2) of this section, 585  
an additional prison term as described in division (B) (4) of 586  
section 2929.14 of the Revised Code or a community control 587  
sanction as described in division (G) (2) of this section. 588

(B) (1) (a) Except as provided in division (B) (1) (b) of this 589  
section, if an offender is convicted of or pleads guilty to a 590  
felony of the fourth or fifth degree that is not an offense of 591  
violence or that is a qualifying assault offense, the court 592  
shall sentence the offender to a community control sanction of 593  
at least one year's duration if all of the following apply: 594

(i) The offender previously has not been convicted of or 595

pleaded guilty to a felony offense. 596

(ii) The most serious charge against the offender at the 597  
time of sentencing is a felony of the fourth or fifth degree. 598

(iii) If the court made a request of the department of 599  
rehabilitation and correction pursuant to division (B)(1)(c) of 600  
this section, the department, within the forty-five-day period 601  
specified in that division, provided the court with the names 602  
of, contact information for, and program details of one or more 603  
community control sanctions of at least one year's duration that 604  
are available for persons sentenced by the court. 605

(iv) The offender previously has not been convicted of or 606  
pleaded guilty to a misdemeanor offense of violence that the 607  
offender committed within two years prior to the offense for 608  
which sentence is being imposed. 609

(b) The court has discretion to impose a prison term upon 610  
an offender who is convicted of or pleads guilty to a felony of 611  
the fourth or fifth degree that is not an offense of violence or 612  
that is a qualifying assault offense if any of the following 613  
apply: 614

(i) The offender committed the offense while having a 615  
firearm on or about the offender's person or under the 616  
offender's control. 617

(ii) If the offense is a qualifying assault offense, the 618  
offender caused serious physical harm to another person while 619  
committing the offense, and, if the offense is not a qualifying 620  
assault offense, the offender caused physical harm to another 621  
person while committing the offense. 622

(iii) The offender violated a term of the conditions of 623  
bond as set by the court. 624

(iv) The court made a request of the department of 625  
rehabilitation and correction pursuant to division (B)(1)(c) of 626  
this section, and the department, within the forty-five-day 627  
period specified in that division, did not provide the court 628  
with the name of, contact information for, and program details 629  
of any community control sanction of at least one year's 630  
duration that is available for persons sentenced by the court. 631

(v) The offense is a sex offense that is a fourth or fifth 632  
degree felony violation of any provision of Chapter 2907. of the 633  
Revised Code. 634

(vi) In committing the offense, the offender attempted to 635  
cause or made an actual threat of physical harm to a person with 636  
a deadly weapon. 637

(vii) In committing the offense, the offender attempted to 638  
cause or made an actual threat of physical harm to a person, and 639  
the offender previously was convicted of an offense that caused 640  
physical harm to a person. 641

(viii) The offender held a public office or position of 642  
trust, and the offense related to that office or position; the 643  
offender's position obliged the offender to prevent the offense 644  
or to bring those committing it to justice; or the offender's 645  
professional reputation or position facilitated the offense or 646  
was likely to influence the future conduct of others. 647

(ix) The offender committed the offense for hire or as 648  
part of an organized criminal activity. 649

(x) The offender at the time of the offense was serving, 650  
or the offender previously had served, a prison term. 651

(xi) The offender committed the offense while under a 652  
community control sanction, while on probation, or while 653

released from custody on a bond or personal recognizance. 654

(c) If a court that is sentencing an offender who is 655  
convicted of or pleads guilty to a felony of the fourth or fifth 656  
degree that is not an offense of violence or that is a 657  
qualifying assault offense believes that no community control 658  
sanctions are available for its use that, if imposed on the 659  
offender, will adequately fulfill the overriding principles and 660  
purposes of sentencing, the court shall contact the department 661  
of rehabilitation and correction and ask the department to 662  
provide the court with the names of, contact information for, 663  
and program details of one or more community control sanctions 664  
of at least one year's duration that are available for persons 665  
sentenced by the court. Not later than forty-five days after 666  
receipt of a request from a court under this division, the 667  
department shall provide the court with the names of, contact 668  
information for, and program details of one or more community 669  
control sanctions of at least one year's duration that are 670  
available for persons sentenced by the court, if any. Upon 671  
making a request under this division that relates to a 672  
particular offender, a court shall defer sentencing of that 673  
offender until it receives from the department the names of, 674  
contact information for, and program details of one or more 675  
community control sanctions of at least one year's duration that 676  
are available for persons sentenced by the court or for forty- 677  
five days, whichever is the earlier. 678

If the department provides the court with the names of, 679  
contact information for, and program details of one or more 680  
community control sanctions of at least one year's duration that 681  
are available for persons sentenced by the court within the 682  
forty-five-day period specified in this division, the court 683  
shall impose upon the offender a community control sanction 684



under division (B) (1) (a) of this section, except that the court 685  
may impose a prison term under division (B) (1) (b) of this 686  
section if a factor described in division (B) (1) (b) (i) or (ii) 687  
of this section applies. If the department does not provide the 688  
court with the names of, contact information for, and program 689  
details of one or more community control sanctions of at least 690  
one year's duration that are available for persons sentenced by 691  
the court within the forty-five-day period specified in this 692  
division, the court may impose upon the offender a prison term 693  
under division (B) (1) (b) (iv) of this section. 694

(d) A sentencing court may impose an additional penalty 695  
under division (B) of section 2929.15 of the Revised Code upon 696  
an offender sentenced to a community control sanction under 697  
division (B) (1) (a) of this section if the offender violates the 698  
conditions of the community control sanction, violates a law, or 699  
leaves the state without the permission of the court or the 700  
offender's probation officer. 701

(2) If division (B) (1) of this section does not apply, 702  
except as provided in division (E), (F), or (G) of this section, 703  
in determining whether to impose a prison term as a sanction for 704  
a felony of the fourth or fifth degree, the sentencing court 705  
shall comply with the purposes and principles of sentencing 706  
under section 2929.11 of the Revised Code and with section 707  
2929.12 of the Revised Code. 708

(C) Except as provided in division (D), (E), (F), or (G) 709  
of this section, in determining whether to impose a prison term 710  
as a sanction for a felony of the third degree or a felony drug 711  
offense that is a violation of a provision of Chapter 2925. of 712  
the Revised Code and that is specified as being subject to this 713  
division for purposes of sentencing, the sentencing court shall 714

comply with the purposes and principles of sentencing under 715  
section 2929.11 of the Revised Code and with section 2929.12 of 716  
the Revised Code. 717

(D) (1) Except as provided in division (E) or (F) of this 718  
section, for a felony of the first or second degree, for a 719  
felony drug offense that is a violation of any provision of 720  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 721  
presumption in favor of a prison term is specified as being 722  
applicable, and for a violation of division (A) (4) or (B) of 723  
section 2907.05 of the Revised Code for which a presumption in 724  
favor of a prison term is specified as being applicable, it is 725  
presumed that a prison term is necessary in order to comply with 726  
the purposes and principles of sentencing under section 2929.11 727  
of the Revised Code. Division (D) (2) of this section does not 728  
apply to a presumption established under this division for a 729  
violation of division (A) (4) of section 2907.05 of the Revised 730  
Code. 731

(2) Notwithstanding the presumption established under 732  
division (D) (1) of this section for the offenses listed in that 733  
division other than a violation of division (A) (4) or (B) of 734  
section 2907.05 of the Revised Code, the sentencing court may 735  
impose a community control sanction or a combination of 736  
community control sanctions instead of a prison term on an 737  
offender for a felony of the first or second degree or for a 738  
felony drug offense that is a violation of any provision of 739  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 740  
presumption in favor of a prison term is specified as being 741  
applicable if it makes both of the following findings: 742

(a) A community control sanction or a combination of 743  
community control sanctions would adequately punish the offender 744

and protect the public from future crime, because the applicable 745  
factors under section 2929.12 of the Revised Code indicating a 746  
lesser likelihood of recidivism outweigh the applicable factors 747  
under that section indicating a greater likelihood of 748  
recidivism. 749

(b) A community control sanction or a combination of 750  
community control sanctions would not demean the seriousness of 751  
the offense, because one or more factors under section 2929.12 752  
of the Revised Code that indicate that the offender's conduct 753  
was less serious than conduct normally constituting the offense 754  
are applicable, and they outweigh the applicable factors under 755  
that section that indicate that the offender's conduct was more 756  
serious than conduct normally constituting the offense. 757

(E) (1) Except as provided in division (F) of this section, 758  
for any drug offense that is a violation of any provision of 759  
Chapter 2925. of the Revised Code and that is a felony of the 760  
third, fourth, or fifth degree, the applicability of a 761  
presumption under division (D) of this section in favor of a 762  
prison term or of division (B) or (C) of this section in 763  
determining whether to impose a prison term for the offense 764  
shall be determined as specified in section 2925.02, 2925.03, 765  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 766  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 767  
regarding the violation. 768

(2) If an offender who was convicted of or pleaded guilty 769  
to a felony violates the conditions of a community control 770  
sanction imposed for the offense solely by reason of producing 771  
positive results on a drug test or by acting pursuant to 772  
division (B) (2) (b) of section 2925.11 of the Revised Code with 773  
respect to a minor drug possession offense, the court, as 774

punishment for the violation of the sanction, shall not order 775  
that the offender be imprisoned unless the court determines on 776  
the record either of the following: 777

(a) The offender had been ordered as a sanction for the 778  
felony to participate in a drug treatment program, in a drug 779  
education program, or in narcotics anonymous or a similar 780  
program, and the offender continued to use illegal drugs after a 781  
reasonable period of participation in the program. 782

(b) The imprisonment of the offender for the violation is 783  
consistent with the purposes and principles of sentencing set 784  
forth in section 2929.11 of the Revised Code. 785

(3) A court that sentences an offender for a drug abuse 786  
offense that is a felony of the third, fourth, or fifth degree 787  
may require that the offender be assessed by a properly 788  
credentialed professional within a specified period of time. The 789  
court shall require the professional to file a written 790  
assessment of the offender with the court. If the offender is 791  
eligible for a community control sanction and after considering 792  
the written assessment, the court may impose a community control 793  
sanction that includes addiction services and recovery supports 794  
included in a community-based continuum of care established 795  
under section 340.032 of the Revised Code. If the court imposes 796  
addiction services and recovery supports as a community control 797  
sanction, the court shall direct the level and type of addiction 798  
services and recovery supports after considering the assessment 799  
and recommendation of community addiction services providers. 800

(F) Notwithstanding divisions (A) to (E) of this section, 801  
the court shall impose a prison term or terms under sections 802  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 803  
section 2971.03 of the Revised Code and except as specifically 804

provided in section 2929.20, divisions (C) to (I) of section 805  
2967.19, or section 2967.191 of the Revised Code or when parole 806  
is authorized for the offense under section 2967.13 of the 807  
Revised Code shall not reduce the term or terms pursuant to 808  
section 2929.20, section 2967.19, section 2967.193, or any other 809  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 810  
for any of the following offenses: 811

(1) Aggravated murder when death is not imposed or murder; 812

(2) Any rape, regardless of whether force was involved and 813  
regardless of the age of the victim, or an attempt to commit 814  
rape if, had the offender completed the rape that was attempted, 815  
the offender would have been guilty of a violation of division 816  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 817  
sentenced under section 2971.03 of the Revised Code; 818

(3) Gross sexual imposition or sexual battery, if the 819  
victim is less than thirteen years of age and if any of the 820  
following applies: 821

(a) Regarding gross sexual imposition, the offender 822  
previously was convicted of or pleaded guilty to rape, the 823  
former offense of felonious sexual penetration, gross sexual 824  
imposition, or sexual battery, and the victim of the previous 825  
offense was less than thirteen years of age; 826

(b) Regarding gross sexual imposition, the offense was 827  
committed on or after August 3, 2006, and evidence other than 828  
the testimony of the victim was admitted in the case 829  
corroborating the violation. 830

(c) Regarding sexual battery, either of the following 831  
applies: 832

(i) The offense was committed prior to August 3, 2006, the 833

offender previously was convicted of or pleaded guilty to rape, 834  
the former offense of felonious sexual penetration, or sexual 835  
battery, and the victim of the previous offense was less than 836  
thirteen years of age. 837

(ii) The offense was committed on or after August 3, 2006. 838

(4) A felony violation of section 2903.04, 2903.06, 839  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 840  
or 2923.132 of the Revised Code if the section requires the 841  
imposition of a prison term; 842

(5) A first, second, or third degree felony drug offense 843  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 844  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 845  
or 4729.99 of the Revised Code, whichever is applicable 846  
regarding the violation, requires the imposition of a mandatory 847  
prison term; 848

(6) Any offense that is a first or second degree felony 849  
and that is not set forth in division (F) (1), (2), (3), or (4) 850  
of this section, if the offender previously was convicted of or 851  
pleaded guilty to aggravated murder, murder, any first or second 852  
degree felony, or an offense under an existing or former law of 853  
this state, another state, or the United States that is or was 854  
substantially equivalent to one of those offenses; 855

(7) Any offense that is a third degree felony and either 856  
is a violation of section 2903.04 of the Revised Code or an 857  
attempt to commit a felony of the second degree that is an 858  
offense of violence and involved an attempt to cause serious 859  
physical harm to a person or that resulted in serious physical 860  
harm to a person if the offender previously was convicted of or 861  
pleaded guilty to any of the following offenses: 862

(a) Aggravated murder, murder, involuntary manslaughter, 863  
rape, felonious sexual penetration as it existed under section 864  
2907.12 of the Revised Code prior to September 3, 1996, a felony 865  
of the first or second degree that resulted in the death of a 866  
person or in physical harm to a person, or complicity in or an 867  
attempt to commit any of those offenses; 868

(b) An offense under an existing or former law of this 869  
state, another state, or the United States that is or was 870  
substantially equivalent to an offense listed in division (F) (7) 871  
(a) of this section that resulted in the death of a person or in 872  
physical harm to a person. 873

(8) Any offense, other than a violation of section 2923.12 874  
of the Revised Code, that is a felony, if the offender had a 875  
firearm on or about the offender's person or under the 876  
offender's control while committing the felony, with respect to 877  
a portion of the sentence imposed pursuant to division (B) (1) (a) 878  
of section 2929.14 of the Revised Code for having the firearm; 879

(9) Any offense of violence that is a felony, if the 880  
offender wore or carried body armor while committing the felony 881  
offense of violence, with respect to the portion of the sentence 882  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 883  
Revised Code for wearing or carrying the body armor; 884

(10) Corrupt activity in violation of section 2923.32 of 885  
the Revised Code when the most serious offense in the pattern of 886  
corrupt activity that is the basis of the offense is a felony of 887  
the first degree; 888

(11) Any violent sex offense or designated homicide, 889  
assault, or kidnapping offense if, in relation to that offense, 890  
the offender is adjudicated a sexually violent predator; 891

(12) A violation of division (A) (1) or (2) of section 892  
2921.36 of the Revised Code, or a violation of division (C) of 893  
that section involving an item listed in division (A) (1) or (2) 894  
of that section, if the offender is an officer or employee of 895  
the department of rehabilitation and correction; 896

(13) A violation of division (A) (1) or (2) of section 897  
2903.06 of the Revised Code if the victim of the offense is a 898  
peace officer, as defined in section 2935.01 of the Revised 899  
Code, or an investigator of the bureau of criminal 900  
identification and investigation, as defined in section 2903.11 901  
of the Revised Code, with respect to the portion of the sentence 902  
imposed pursuant to division (B) (5) of section 2929.14 of the 903  
Revised Code; 904

(14) A violation of division (A) (1) or (2) of section 905  
2903.06 of the Revised Code if the offender has been convicted 906  
of or pleaded guilty to three or more violations of division (A) 907  
or (B) of section 4511.19 of the Revised Code or an equivalent 908  
offense, as defined in section 2941.1415 of the Revised Code, or 909  
three or more violations of any combination of those divisions 910  
and offenses, with respect to the portion of the sentence 911  
imposed pursuant to division (B) (6) of section 2929.14 of the 912  
Revised Code; 913

(15) Kidnapping, in the circumstances specified in section 914  
2971.03 of the Revised Code and when no other provision of 915  
division (F) of this section applies; 916

(16) Kidnapping, abduction, compelling prostitution, 917  
promoting prostitution, engaging in a pattern of corrupt 918  
activity, illegal use of a minor in a nudity-oriented material 919  
or performance in violation of division (A) (1) or (2) of section 920  
2907.323 of the Revised Code, or endangering children in 921



violation of division (B) (1), (2), (3), (4), or (5) of section 922  
2919.22 of the Revised Code, if the offender is convicted of or 923  
pleads guilty to a specification as described in section 924  
2941.1422 of the Revised Code that was included in the 925  
indictment, count in the indictment, or information charging the 926  
offense; 927

(17) A felony violation of division (A) or (B) of section 928  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 929  
that section, and division (D) (6) of that section, require the 930  
imposition of a prison term; 931

(18) A felony violation of section 2903.11, 2903.12, or 932  
2903.13 of the Revised Code, if the victim of the offense was a 933  
woman that the offender knew was pregnant at the time of the 934  
violation, with respect to a portion of the sentence imposed 935  
pursuant to division (B) (8) of section 2929.14 of the Revised 936  
Code; 937

(19) (a) Any violent felony offense if the offender is a 938  
violent career criminal and had a firearm on or about the 939  
offender's person or under the offender's control during the 940  
commission of the violent felony offense and displayed or 941  
brandished the firearm, indicated that the offender possessed a 942  
firearm, or used the firearm to facilitate the offense, with 943  
respect to the portion of the sentence imposed under division 944  
(K) of section 2929.14 of the Revised Code. 945

(b) As used in division (F) (19) (a) of this section, 946  
"violent career criminal" and "violent felony offense" have the 947  
same meanings as in section 2923.132 of the Revised Code; 948

(20) Any violation of division (A) (1) of section 2903.11 949  
of the Revised Code if the offender used an accelerant in 950

committing the violation and the serious physical harm to 951  
another or another's unborn caused by the violation resulted in 952  
a permanent, serious disfigurement or permanent, substantial 953  
incapacity or any violation of division (A) (2) of that section 954  
if the offender used an accelerant in committing the violation, 955  
the violation caused physical harm to another or another's 956  
unborn, and the physical harm resulted in a permanent, serious 957  
disfigurement or permanent, substantial incapacity, with respect 958  
to a portion of the sentence imposed pursuant to division (B) (9) 959  
of section 2929.14 of the Revised Code. The provisions of this 960  
division and of division (D) (2) of section 2903.11, divisions 961  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 962  
the Revised Code shall be known as "Judy's Law." 963

(G) Notwithstanding divisions (A) to (E) of this section, 964  
if an offender is being sentenced for a fourth degree felony OVI 965  
offense or for a third degree felony OVI offense, the court 966  
shall impose upon the offender a mandatory term of local 967  
incarceration or a mandatory prison term in accordance with the 968  
following: 969

(1) If the offender is being sentenced for a fourth degree 970  
felony OVI offense and if the offender has not been convicted of 971  
and has not pleaded guilty to a specification of the type 972  
described in section 2941.1413 of the Revised Code, the court 973  
may impose upon the offender a mandatory term of local 974  
incarceration of sixty days or one hundred twenty days as 975  
specified in division (G) (1) (d) of section 4511.19 of the 976  
Revised Code. The court shall not reduce the term pursuant to 977  
section 2929.20, 2967.193, or any other provision of the Revised 978  
Code. The court that imposes a mandatory term of local 979  
incarceration under this division shall specify whether the term 980  
is to be served in a jail, a community-based correctional 981

facility, a halfway house, or an alternative residential 982  
facility, and the offender shall serve the term in the type of 983  
facility specified by the court. A mandatory term of local 984  
incarceration imposed under division (G)(1) of this section is 985  
not subject to any other Revised Code provision that pertains to 986  
a prison term except as provided in division (A)(1) of this 987  
section. 988

(2) If the offender is being sentenced for a third degree 989  
felony OVI offense, or if the offender is being sentenced for a 990  
fourth degree felony OVI offense and the court does not impose a 991  
mandatory term of local incarceration under division (G)(1) of 992  
this section, the court shall impose upon the offender a 993  
mandatory prison term of one, two, three, four, or five years if 994  
the offender also is convicted of or also pleads guilty to a 995  
specification of the type described in section 2941.1413 of the 996  
Revised Code or shall impose upon the offender a mandatory 997  
prison term of sixty days or one hundred twenty days as 998  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 999  
Revised Code if the offender has not been convicted of and has 1000  
not pleaded guilty to a specification of that type. Subject to 1001  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1002  
court shall not reduce the term pursuant to section 2929.20, 1003  
2967.19, 2967.193, or any other provision of the Revised Code. 1004  
The offender shall serve the one-, two-, three-, four-, or five- 1005  
year mandatory prison term consecutively to and prior to the 1006  
prison term imposed for the underlying offense and consecutively 1007  
to any other mandatory prison term imposed in relation to the 1008  
offense. In no case shall an offender who once has been 1009  
sentenced to a mandatory term of local incarceration pursuant to 1010  
division (G)(1) of this section for a fourth degree felony OVI 1011  
offense be sentenced to another mandatory term of local 1012

incarceration under that division for any violation of division 1013  
(A) of section 4511.19 of the Revised Code. In addition to the 1014  
mandatory prison term described in division (G) (2) of this 1015  
section, the court may sentence the offender to a community 1016  
control sanction under section 2929.16 or 2929.17 of the Revised 1017  
Code, but the offender shall serve the prison term prior to 1018  
serving the community control sanction. The department of 1019  
rehabilitation and correction may place an offender sentenced to 1020  
a mandatory prison term under this division in an intensive 1021  
program prison established pursuant to section 5120.033 of the 1022  
Revised Code if the department gave the sentencing judge prior 1023  
notice of its intent to place the offender in an intensive 1024  
program prison established under that section and if the judge 1025  
did not notify the department that the judge disapproved the 1026  
placement. Upon the establishment of the initial intensive 1027  
program prison pursuant to section 5120.033 of the Revised Code 1028  
that is privately operated and managed by a contractor pursuant 1029  
to a contract entered into under section 9.06 of the Revised 1030  
Code, both of the following apply: 1031

(a) The department of rehabilitation and correction shall 1032  
make a reasonable effort to ensure that a sufficient number of 1033  
offenders sentenced to a mandatory prison term under this 1034  
division are placed in the privately operated and managed prison 1035  
so that the privately operated and managed prison has full 1036  
occupancy. 1037

(b) Unless the privately operated and managed prison has 1038  
full occupancy, the department of rehabilitation and correction 1039  
shall not place any offender sentenced to a mandatory prison 1040  
term under this division in any intensive program prison 1041  
established pursuant to section 5120.033 of the Revised Code 1042  
other than the privately operated and managed prison. 1043

(H) If an offender is being sentenced for a sexually 1044  
oriented offense or child-victim oriented offense that is a 1045  
felony committed on or after January 1, 1997, the judge shall 1046  
require the offender to submit to a DNA specimen collection 1047  
procedure pursuant to section 2901.07 of the Revised Code. 1048

(I) If an offender is being sentenced for a sexually 1049  
oriented offense or a child-victim oriented offense committed on 1050  
or after January 1, 1997, the judge shall include in the 1051  
sentence a summary of the offender's duties imposed under 1052  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1053  
Code and the duration of the duties. The judge shall inform the 1054  
offender, at the time of sentencing, of those duties and of 1055  
their duration. If required under division (A)(2) of section 1056  
2950.03 of the Revised Code, the judge shall perform the duties 1057  
specified in that section, or, if required under division (A)(6) 1058  
of section 2950.03 of the Revised Code, the judge shall perform 1059  
the duties specified in that division. 1060

(J)(1) Except as provided in division (J)(2) of this 1061  
section, when considering sentencing factors under this section 1062  
in relation to an offender who is convicted of or pleads guilty 1063  
to an attempt to commit an offense in violation of section 1064  
2923.02 of the Revised Code, the sentencing court shall consider 1065  
the factors applicable to the felony category of the violation 1066  
of section 2923.02 of the Revised Code instead of the factors 1067  
applicable to the felony category of the offense attempted. 1068

(2) When considering sentencing factors under this section 1069  
in relation to an offender who is convicted of or pleads guilty 1070  
to an attempt to commit a drug abuse offense for which the 1071  
penalty is determined by the amount or number of unit doses of 1072  
the controlled substance involved in the drug abuse offense, the 1073

sentencing court shall consider the factors applicable to the 1074  
felony category that the drug abuse offense attempted would be 1075  
if that drug abuse offense had been committed and had involved 1076  
an amount or number of unit doses of the controlled substance 1077  
that is within the next lower range of controlled substance 1078  
amounts than was involved in the attempt. 1079

(K) As used in this section: 1080

(1) "Community addiction services provider" has the same 1081  
meaning as in section 5119.01 of the Revised Code. 1082

(2) "Drug abuse offense" has the same meaning as in 1083  
section 2925.01 of the Revised Code. 1084

(3) "Minor drug possession offense" has the same meaning 1085  
as in section 2925.11 of the Revised Code. 1086

(4) "Qualifying assault offense" means a violation of 1087  
section 2903.13 of the Revised Code for which the penalty 1088  
provision in division (C) (8) (b) or (C) (9) (b) of that section 1089  
applies. 1090

(L) At the time of sentencing an offender for any sexually 1091  
oriented offense, if the offender is a tier III sex 1092  
offender/child-victim offender relative to that offense and the 1093  
offender does not serve a prison term or jail term, the court 1094  
may require that the offender be monitored by means of a global 1095  
positioning device. If the court requires such monitoring, the 1096  
cost of monitoring shall be borne by the offender. If the 1097  
offender is indigent, the cost of compliance shall be paid by 1098  
the crime victims reparations fund. 1099

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 1100  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1101  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 1102

of section 2919.25 of the Revised Code and except in relation to 1103  
an offense for which a sentence of death or life imprisonment is 1104  
to be imposed, if the court imposing a sentence upon an offender 1105  
for a felony elects or is required to impose a prison term on 1106  
the offender pursuant to this chapter, the court shall impose a 1107  
definite prison term that shall be one of the following: 1108

(1) For a felony of the first degree, the prison term 1109  
shall be three, four, five, six, seven, eight, nine, ten, or 1110  
eleven years. 1111

(2) For a felony of the second degree, the prison term 1112  
shall be two, three, four, five, six, seven, or eight years. 1113

(3) (a) For a felony of the third degree that is a 1114  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1115  
2907.05, or 3795.04 of the Revised Code or that is a violation 1116  
of section 2911.02 or 2911.12 of the Revised Code if the 1117  
offender previously has been convicted of or pleaded guilty in 1118  
two or more separate proceedings to two or more violations of 1119  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 1120  
Code, the prison term shall be twelve, eighteen, twenty-four, 1121  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1122  
months. 1123

(b) For a felony of the third degree that is not an 1124  
offense for which division (A) (3) (a) of this section applies, 1125  
the prison term shall be nine, twelve, eighteen, twenty-four, 1126  
thirty, or thirty-six months. 1127

(4) For a felony of the fourth degree, the prison term 1128  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1129  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1130

(5) For a felony of the fifth degree, the prison term 1131

shall be six, seven, eight, nine, ten, eleven, or twelve months. 1132

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1133  
section, if an offender who is convicted of or pleads guilty to 1134  
a felony also is convicted of or pleads guilty to a 1135  
specification of the type described in section 2941.141, 1136  
2941.144, or 2941.145 of the Revised Code, the court shall 1137  
impose on the offender one of the following prison terms: 1138

(i) A prison term of six years if the specification is of 1139  
the type described in division (A) of section 2941.144 of the 1140  
Revised Code that charges the offender with having a firearm 1141  
that is an automatic firearm or that was equipped with a firearm 1142  
muffler or suppressor on or about the offender's person or under 1143  
the offender's control while committing the offense; 1144

(ii) A prison term of three years if the specification is 1145  
of the type described in division (A) of section 2941.145 of the 1146  
Revised Code that charges the offender with having a firearm on 1147  
or about the offender's person or under the offender's control 1148  
while committing the offense and displaying the firearm, 1149  
brandishing the firearm, indicating that the offender possessed 1150  
the firearm, or using it to facilitate the offense; 1151

(iii) A prison term of one year if the specification is of 1152  
the type described in division (A) of section 2941.141 of the 1153  
Revised Code that charges the offender with having a firearm on 1154  
or about the offender's person or under the offender's control 1155  
while committing the offense; 1156

(iv) A prison term of nine years if the specification is 1157  
of the type described in division (D) of section 2941.144 of the 1158  
Revised Code that charges the offender with having a firearm 1159  
that is an automatic firearm or that was equipped with a firearm 1160



muffler or suppressor on or about the offender's person or under 1161  
the offender's control while committing the offense and 1162  
specifies that the offender previously has been convicted of or 1163  
pleaded guilty to a specification of the type described in 1164  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1165  
the Revised Code; 1166

(v) A prison term of fifty-four months if the 1167  
specification is of the type described in division (D) of 1168  
section 2941.145 of the Revised Code that charges the offender 1169  
with having a firearm on or about the offender's person or under 1170  
the offender's control while committing the offense and 1171  
displaying the firearm, brandishing the firearm, indicating that 1172  
the offender possessed the firearm, or using the firearm to 1173  
facilitate the offense and that the offender previously has been 1174  
convicted of or pleaded guilty to a specification of the type 1175  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1176  
2941.1412 of the Revised Code; 1177

(vi) A prison term of eighteen months if the specification 1178  
is of the type described in division (D) of section 2941.141 of 1179  
the Revised Code that charges the offender with having a firearm 1180  
on or about the offender's person or under the offender's 1181  
control while committing the offense and that the offender 1182  
previously has been convicted of or pleaded guilty to a 1183  
specification of the type described in section 2941.141, 1184  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1185

(b) If a court imposes a prison term on an offender under 1186  
division (B) (1) (a) of this section, the prison term shall not be 1187  
reduced pursuant to section 2967.19, section 2929.20, section 1188  
2967.193, or any other provision of Chapter 2967. or Chapter 1189  
5120. of the Revised Code. Except as provided in division (B) (1) 1190

(g) of this section, a court shall not impose more than one 1191  
prison term on an offender under division (B) (1) (a) of this 1192  
section for felonies committed as part of the same act or 1193  
transaction. 1194

(c) (i) Except as provided in division (B) (1) (e) of this 1195  
section, if an offender who is convicted of or pleads guilty to 1196  
a violation of section 2923.161 of the Revised Code or to a 1197  
felony that includes, as an essential element, purposely or 1198  
knowingly causing or attempting to cause the death of or 1199  
physical harm to another, also is convicted of or pleads guilty 1200  
to a specification of the type described in division (A) of 1201  
section 2941.146 of the Revised Code that charges the offender 1202  
with committing the offense by discharging a firearm from a 1203  
motor vehicle other than a manufactured home, the court, after 1204  
imposing a prison term on the offender for the violation of 1205  
section 2923.161 of the Revised Code or for the other felony 1206  
offense under division (A), (B) (2), or (B) (3) of this section, 1207  
shall impose an additional prison term of five years upon the 1208  
offender that shall not be reduced pursuant to section 2929.20, 1209  
section 2967.19, section 2967.193, or any other provision of 1210  
Chapter 2967. or Chapter 5120. of the Revised Code. 1211

(ii) Except as provided in division (B) (1) (e) of this 1212  
section, if an offender who is convicted of or pleads guilty to 1213  
a violation of section 2923.161 of the Revised Code or to a 1214  
felony that includes, as an essential element, purposely or 1215  
knowingly causing or attempting to cause the death of or 1216  
physical harm to another, also is convicted of or pleads guilty 1217  
to a specification of the type described in division (C) of 1218  
section 2941.146 of the Revised Code that charges the offender 1219  
with committing the offense by discharging a firearm from a 1220  
motor vehicle other than a manufactured home and that the 1221

offender previously has been convicted of or pleaded guilty to a 1222  
specification of the type described in section 2941.141, 1223  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1224  
the court, after imposing a prison term on the offender for the 1225  
violation of section 2923.161 of the Revised Code or for the 1226  
other felony offense under division (A), (B) (2), or (3) of this 1227  
section, shall impose an additional prison term of ninety months 1228  
upon the offender that shall not be reduced pursuant to section 1229  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1230  
2967. or Chapter 5120. of the Revised Code. 1231

(iii) A court shall not impose more than one additional 1232  
prison term on an offender under division (B) (1) (c) of this 1233  
section for felonies committed as part of the same act or 1234  
transaction. If a court imposes an additional prison term on an 1235  
offender under division (B) (1) (c) of this section relative to an 1236  
offense, the court also shall impose a prison term under 1237  
division (B) (1) (a) of this section relative to the same offense, 1238  
provided the criteria specified in that division for imposing an 1239  
additional prison term are satisfied relative to the offender 1240  
and the offense. 1241

(d) If an offender who is convicted of or pleads guilty to 1242  
an offense of violence that is a felony also is convicted of or 1243  
pleads guilty to a specification of the type described in 1244  
section 2941.1411 of the Revised Code that charges the offender 1245  
with wearing or carrying body armor while committing the felony 1246  
offense of violence, the court shall impose on the offender a 1247  
prison term of two years. The prison term so imposed, subject to 1248  
divisions (C) to (I) of section 2967.19 of the Revised Code, 1249  
shall not be reduced pursuant to section 2929.20, section 1250  
2967.19, section 2967.193, or any other provision of Chapter 1251  
2967. or Chapter 5120. of the Revised Code. A court shall not 1252

impose more than one prison term on an offender under division 1253  
(B) (1) (d) of this section for felonies committed as part of the 1254  
same act or transaction. If a court imposes an additional prison 1255  
term under division (B) (1) (a) or (c) of this section, the court 1256  
is not precluded from imposing an additional prison term under 1257  
division (B) (1) (d) of this section. 1258

(e) The court shall not impose any of the prison terms 1259  
described in division (B) (1) (a) of this section or any of the 1260  
additional prison terms described in division (B) (1) (c) of this 1261  
section upon an offender for a violation of section 2923.12 or 1262  
2923.123 of the Revised Code. The court shall not impose any of 1263  
the prison terms described in division (B) (1) (a) or (b) of this 1264  
section upon an offender for a violation of section 2923.122 1265  
that involves a deadly weapon that is a firearm other than a 1266  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1267  
Revised Code. The court shall not impose any of the prison terms 1268  
described in division (B) (1) (a) of this section or any of the 1269  
additional prison terms described in division (B) (1) (c) of this 1270  
section upon an offender for a violation of section 2923.13 of 1271  
the Revised Code unless all of the following apply: 1272

(i) The offender previously has been convicted of 1273  
aggravated murder, murder, or any felony of the first or second 1274  
degree. 1275

(ii) Less than five years have passed since the offender 1276  
was released from prison or post-release control, whichever is 1277  
later, for the prior offense. 1278

(f) (i) If an offender is convicted of or pleads guilty to 1279  
a felony that includes, as an essential element, causing or 1280  
attempting to cause the death of or physical harm to another and 1281  
also is convicted of or pleads guilty to a specification of the 1282

type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

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

(iii) If an offender is convicted of or pleads guilty to

two or more felonies that include, as an essential element, 1314  
causing or attempting to cause the death or physical harm to 1315  
another and also is convicted of or pleads guilty to a 1316  
specification of the type described under division (B) (1) (f) of 1317  
this section in connection with two or more of the felonies of 1318  
which the offender is convicted or to which the offender pleads 1319  
guilty, the sentencing court shall impose on the offender the 1320  
prison term specified under division (B) (1) (f) of this section 1321  
for each of two of the specifications of which the offender is 1322  
convicted or to which the offender pleads guilty and, in its 1323  
discretion, also may impose on the offender the prison term 1324  
specified under that division for any or all of the remaining 1325  
specifications. If a court imposes an additional prison term on 1326  
an offender under division (B) (1) (f) of this section relative to 1327  
an offense, the court shall not impose a prison term under 1328  
division (B) (1) (a) or (c) of this section relative to the same 1329  
offense. 1330

(g) If an offender is convicted of or pleads guilty to two 1331  
or more felonies, if one or more of those felonies are 1332  
aggravated murder, murder, attempted aggravated murder, 1333  
attempted murder, aggravated robbery, felonious assault, or 1334  
rape, and if the offender is convicted of or pleads guilty to a 1335  
specification of the type described under division (B) (1) (a) of 1336  
this section in connection with two or more of the felonies, the 1337  
sentencing court shall impose on the offender the prison term 1338  
specified under division (B) (1) (a) of this section for each of 1339  
the two most serious specifications of which the offender is 1340  
convicted or to which the offender pleads guilty and, in its 1341  
discretion, also may impose on the offender the prison term 1342  
specified under that division for any or all of the remaining 1343  
specifications. 1344

(2) (a) If division (B) (2) (b) of this section does not 1345  
apply, the court may impose on an offender, in addition to the 1346  
longest prison term authorized or required for the offense, an 1347  
additional definite prison term of one, two, three, four, five, 1348  
six, seven, eight, nine, or ten years if all of the following 1349  
criteria are met: 1350

(i) The offender is convicted of or pleads guilty to a 1351  
specification of the type described in section 2941.149 of the 1352  
Revised Code that the offender is a repeat violent offender. 1353

(ii) The offense of which the offender currently is 1354  
convicted or to which the offender currently pleads guilty is 1355  
aggravated murder and the court does not impose a sentence of 1356  
death or life imprisonment without parole, murder, terrorism and 1357  
the court does not impose a sentence of life imprisonment 1358  
without parole, any felony of the first degree that is an 1359  
offense of violence and the court does not impose a sentence of 1360  
life imprisonment without parole, or any felony of the second 1361  
degree that is an offense of violence and the trier of fact 1362  
finds that the offense involved an attempt to cause or a threat 1363  
to cause serious physical harm to a person or resulted in 1364  
serious physical harm to a person. 1365

(iii) The court imposes the longest prison term for the 1366  
offense that is not life imprisonment without parole. 1367

(iv) The court finds that the prison terms imposed 1368  
pursuant to division (B) (2) (a) (iii) of this section and, if 1369  
applicable, division (B) (1) or (3) of this section are 1370  
inadequate to punish the offender and protect the public from 1371  
future crime, because the applicable factors under section 1372  
2929.12 of the Revised Code indicating a greater likelihood of 1373  
recidivism outweigh the applicable factors under that section 1374

indicating a lesser likelihood of recidivism. 1375

(v) The court finds that the prison terms imposed pursuant 1376  
to division (B) (2) (a) (iii) of this section and, if applicable, 1377  
division (B) (1) or (3) of this section are demeaning to the 1378  
seriousness of the offense, because one or more of the factors 1379  
under section 2929.12 of the Revised Code indicating that the 1380  
offender's conduct is more serious than conduct normally 1381  
constituting the offense are present, and they outweigh the 1382  
applicable factors under that section indicating that the 1383  
offender's conduct is less serious than conduct normally 1384  
constituting the offense. 1385

(b) The court shall impose on an offender the longest 1386  
prison term authorized or required for the offense and shall 1387  
impose on the offender an additional definite prison term of 1388  
one, two, three, four, five, six, seven, eight, nine, or ten 1389  
years if all of the following criteria are met: 1390

(i) The offender is convicted of or pleads guilty to a 1391  
specification of the type described in section 2941.149 of the 1392  
Revised Code that the offender is a repeat violent offender. 1393

(ii) The offender within the preceding twenty years has 1394  
been convicted of or pleaded guilty to three or more offenses 1395  
described in division (CC) (1) of section 2929.01 of the Revised 1396  
Code, including all offenses described in that division of which 1397  
the offender is convicted or to which the offender pleads guilty 1398  
in the current prosecution and all offenses described in that 1399  
division of which the offender previously has been convicted or 1400  
to which the offender previously pleaded guilty, whether 1401  
prosecuted together or separately. 1402

(iii) The offense or offenses of which the offender 1403



currently is convicted or to which the offender currently pleads 1404  
guilty is aggravated murder and the court does not impose a 1405  
sentence of death or life imprisonment without parole, murder, 1406  
terrorism and the court does not impose a sentence of life 1407  
imprisonment without parole, any felony of the first degree that 1408  
is an offense of violence and the court does not impose a 1409  
sentence of life imprisonment without parole, or any felony of 1410  
the second degree that is an offense of violence and the trier 1411  
of fact finds that the offense involved an attempt to cause or a 1412  
threat to cause serious physical harm to a person or resulted in 1413  
serious physical harm to a person. 1414

(c) For purposes of division (B)(2)(b) of this section, 1415  
two or more offenses committed at the same time or as part of 1416  
the same act or event shall be considered one offense, and that 1417  
one offense shall be the offense with the greatest penalty. 1418

(d) A sentence imposed under division (B)(2)(a) or (b) of 1419  
this section shall not be reduced pursuant to section 2929.20, 1420  
section 2967.19, or section 2967.193, or any other provision of 1421  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1422  
shall serve an additional prison term imposed under this section 1423  
consecutively to and prior to the prison term imposed for the 1424  
underlying offense. 1425

(e) When imposing a sentence pursuant to division (B)(2) 1426  
(a) or (b) of this section, the court shall state its findings 1427  
explaining the imposed sentence. 1428

(3) Except when an offender commits a violation of section 1429  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1430  
for the violation is life imprisonment or commits a violation of 1431  
section 2903.02 of the Revised Code, if the offender commits a 1432  
violation of section 2925.03 or 2925.11 of the Revised Code and 1433

that section classifies the offender as a major drug offender, 1434  
if the offender commits a felony violation of section 2925.02, 1435  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1436  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1437  
division (E) of section 4729.51, or division (J) of section 1438  
4729.54 of the Revised Code that includes the sale, offer to 1439  
sell, or possession of a schedule I or II controlled substance, 1440  
with the exception of marihuana, and the court imposing sentence 1441  
upon the offender finds that the offender is guilty of a 1442  
specification of the type described in section 2941.1410 of the 1443  
Revised Code charging that the offender is a major drug 1444  
offender, if the court imposing sentence upon an offender for a 1445  
felony finds that the offender is guilty of corrupt activity 1446  
with the most serious offense in the pattern of corrupt activity 1447  
being a felony of the first degree, or if the offender is guilty 1448  
of an attempted violation of section 2907.02 of the Revised Code 1449  
and, had the offender completed the violation of section 2907.02 1450  
of the Revised Code that was attempted, the offender would have 1451  
been subject to a sentence of life imprisonment or life 1452  
imprisonment without parole for the violation of section 2907.02 1453  
of the Revised Code, the court shall impose upon the offender 1454  
for the felony violation a mandatory prison term of the maximum 1455  
prison term prescribed for a felony of the first degree that, 1456  
subject to divisions (C) to (I) of section 2967.19 of the 1457  
Revised Code, cannot be reduced pursuant to section 2929.20, 1458  
section 2967.19, or any other provision of Chapter 2967. or 1459  
5120. of the Revised Code. 1460

(4) If the offender is being sentenced for a third or 1461  
fourth degree felony OVI offense under division (G) (2) of 1462  
section 2929.13 of the Revised Code, the sentencing court shall 1463  
impose upon the offender a mandatory prison term in accordance 1464

with that division. In addition to the mandatory prison term, if 1465  
the offender is being sentenced for a fourth degree felony OVI 1466  
offense, the court, notwithstanding division (A) (4) of this 1467  
section, may sentence the offender to a definite prison term of 1468  
not less than six months and not more than thirty months, and if 1469  
the offender is being sentenced for a third degree felony OVI 1470  
offense, the sentencing court may sentence the offender to an 1471  
additional prison term of any duration specified in division (A) 1472  
(3) of this section. In either case, the additional prison term 1473  
imposed shall be reduced by the sixty or one hundred twenty days 1474  
imposed upon the offender as the mandatory prison term. The 1475  
total of the additional prison term imposed under division (B) 1476  
(4) of this section plus the sixty or one hundred twenty days 1477  
imposed as the mandatory prison term shall equal a definite term 1478  
in the range of six months to thirty months for a fourth degree 1479  
felony OVI offense and shall equal one of the authorized prison 1480  
terms specified in division (A) (3) of this section for a third 1481  
degree felony OVI offense. If the court imposes an additional 1482  
prison term under division (B) (4) of this section, the offender 1483  
shall serve the additional prison term after the offender has 1484  
served the mandatory prison term required for the offense. In 1485  
addition to the mandatory prison term or mandatory and 1486  
additional prison term imposed as described in division (B) (4) 1487  
of this section, the court also may sentence the offender to a 1488  
community control sanction under section 2929.16 or 2929.17 of 1489  
the Revised Code, but the offender shall serve all of the prison 1490  
terms so imposed prior to serving the community control 1491  
sanction. 1492

If the offender is being sentenced for a fourth degree 1493  
felony OVI offense under division (G) (1) of section 2929.13 of 1494  
the Revised Code and the court imposes a mandatory term of local 1495

incarceration, the court may impose a prison term as described 1496  
in division (A) (1) of that section. 1497

(5) If an offender is convicted of or pleads guilty to a 1498  
violation of division (A) (1) or (2) of section 2903.06 of the 1499  
Revised Code and also is convicted of or pleads guilty to a 1500  
specification of the type described in section 2941.1414 of the 1501  
Revised Code that charges that the victim of the offense is a 1502  
peace officer, as defined in section 2935.01 of the Revised 1503  
Code, or an investigator of the bureau of criminal 1504  
identification and investigation, as defined in section 2903.11 1505  
of the Revised Code, the court shall impose on the offender a 1506  
prison term of five years. If a court imposes a prison term on 1507  
an offender under division (B) (5) of this section, the prison 1508  
term, subject to divisions (C) to (I) of section 2967.19 of the 1509  
Revised Code, shall not be reduced pursuant to section 2929.20, 1510  
section 2967.19, section 2967.193, or any other provision of 1511  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1512  
shall not impose more than one prison term on an offender under 1513  
division (B) (5) of this section for felonies committed as part 1514  
of the same act. 1515

(6) If an offender is convicted of or pleads guilty to a 1516  
violation of division (A) (1) or (2) of section 2903.06 of the 1517  
Revised Code and also is convicted of or pleads guilty to a 1518  
specification of the type described in section 2941.1415 of the 1519  
Revised Code that charges that the offender previously has been 1520  
convicted of or pleaded guilty to three or more violations of 1521  
division (A) or (B) of section 4511.19 of the Revised Code or an 1522  
equivalent offense, as defined in section 2941.1415 of the 1523  
Revised Code, or three or more violations of any combination of 1524  
those divisions and offenses, the court shall impose on the 1525  
offender a prison term of three years. If a court imposes a 1526

prison term on an offender under division (B) (6) of this 1527  
section, the prison term, subject to divisions (C) to (I) of 1528  
section 2967.19 of the Revised Code, shall not be reduced 1529  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1530  
or any other provision of Chapter 2967. or Chapter 5120. of the 1531  
Revised Code. A court shall not impose more than one prison term 1532  
on an offender under division (B) (6) of this section for 1533  
felonies committed as part of the same act. 1534

(7) (a) If an offender is convicted of or pleads guilty to 1535  
a felony violation of section 2905.01, 2905.02, 2907.21, 1536  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1537  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1538  
the Revised Code and also is convicted of or pleads guilty to a 1539  
specification of the type described in section 2941.1422 of the 1540  
Revised Code that charges that the offender knowingly committed 1541  
the offense in furtherance of human trafficking, the court shall 1542  
impose on the offender a mandatory prison term that is one of 1543  
the following: 1544

(i) If the offense is a felony of the first degree, a 1545  
definite prison term of not less than five years and not greater 1546  
than ten years; 1547

(ii) If the offense is a felony of the second or third 1548  
degree, a definite prison term of not less than three years and 1549  
not greater than the maximum prison term allowed for the offense 1550  
by division (A) of section 2929.14 of the Revised Code; 1551

(iii) If the offense is a felony of the fourth or fifth 1552  
degree, a definite prison term that is the maximum prison term 1553  
allowed for the offense by division (A) of section 2929.14 of 1554  
the Revised Code. 1555

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

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

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

(i) The violation is a violation of division (A) (1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the

violation and the serious physical harm to another or to 1586  
another's unborn caused by the violation resulted in a 1587  
permanent, serious disfigurement or permanent, substantial 1588  
incapacity; 1589

(ii) The violation is a violation of division (A) (2) of 1590  
section 2903.11 of the Revised Code and the specification 1591  
charges that the offender used an accelerant in committing the 1592  
violation, that the violation caused physical harm to another or 1593  
to another's unborn, and that the physical harm resulted in a 1594  
permanent, serious disfigurement or permanent, substantial 1595  
incapacity. 1596

(b) If a court imposes a prison term on an offender under 1597  
division (B) (9) (a) of this section, the prison term shall not be 1598  
reduced pursuant to section 2929.20, section 2967.19, section 1599  
2967.193, or any other provision of Chapter 2967. or Chapter 1600  
5120. of the Revised Code. A court shall not impose more than 1601  
one prison term on an offender under division (B) (9) of this 1602  
section for felonies committed as part of the same act. 1603

(c) The provisions of divisions (B) (9) and (C) (6) of this 1604  
section and of division (D) (2) of section 2903.11, division (F) 1605  
(20) of section 2929.13, and section 2941.1425 of the Revised 1606  
Code shall be known as "Judy's Law." 1607

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1608  
if a mandatory prison term is imposed upon an offender pursuant 1609  
to division (B) (1) (a) of this section for having a firearm on or 1610  
about the offender's person or under the offender's control 1611  
while committing a felony, if a mandatory prison term is imposed 1612  
upon an offender pursuant to division (B) (1) (c) of this section 1613  
for committing a felony specified in that division by 1614  
discharging a firearm from a motor vehicle, or if both types of 1615

mandatory prison terms are imposed, the offender shall serve any 1616  
mandatory prison term imposed under either division 1617  
consecutively to any other mandatory prison term imposed under 1618  
either division or under division (B) (1) (d) of this section, 1619  
consecutively to and prior to any prison term imposed for the 1620  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1621  
this section or any other section of the Revised Code, and 1622  
consecutively to any other prison term or mandatory prison term 1623  
previously or subsequently imposed upon the offender. 1624

(b) If a mandatory prison term is imposed upon an offender 1625  
pursuant to division (B) (1) (d) of this section for wearing or 1626  
carrying body armor while committing an offense of violence that 1627  
is a felony, the offender shall serve the mandatory term so 1628  
imposed consecutively to any other mandatory prison term imposed 1629  
under that division or under division (B) (1) (a) or (c) of this 1630  
section, consecutively to and prior to any prison term imposed 1631  
for the underlying felony under division (A), (B) (2), or (B) (3) 1632  
of this section or any other section of the Revised Code, and 1633  
consecutively to any other prison term or mandatory prison term 1634  
previously or subsequently imposed upon the offender. 1635

(c) If a mandatory prison term is imposed upon an offender 1636  
pursuant to division (B) (1) (f) of this section, the offender 1637  
shall serve the mandatory prison term so imposed consecutively 1638  
to and prior to any prison term imposed for the underlying 1639  
felony under division (A), (B) (2), or (B) (3) of this section or 1640  
any other section of the Revised Code, and consecutively to any 1641  
other prison term or mandatory prison term previously or 1642  
subsequently imposed upon the offender. 1643

(d) If a mandatory prison term is imposed upon an offender 1644  
pursuant to division (B) (7) or (8) of this section, the offender 1645



shall serve the mandatory prison term so imposed consecutively 1646  
to any other mandatory prison term imposed under that division 1647  
or under any other provision of law and consecutively to any 1648  
other prison term or mandatory prison term previously or 1649  
subsequently imposed upon the offender. 1650

(2) If an offender who is an inmate in a jail, prison, or 1651  
other residential detention facility violates section 2917.02, 1652  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1653  
(2) of section 2921.34 of the Revised Code, if an offender who 1654  
is under detention at a detention facility commits a felony 1655  
violation of section 2923.131 of the Revised Code, or if an 1656  
offender who is an inmate in a jail, prison, or other 1657  
residential detention facility or is under detention at a 1658  
detention facility commits another felony while the offender is 1659  
an escapee in violation of division (A) (1) or (2) of section 1660  
2921.34 of the Revised Code, any prison term imposed upon the 1661  
offender for one of those violations shall be served by the 1662  
offender consecutively to the prison term or term of 1663  
imprisonment the offender was serving when the offender 1664  
committed that offense and to any other prison term previously 1665  
or subsequently imposed upon the offender. 1666

(3) If a prison term is imposed for a violation of 1667  
division (B) of section 2911.01 of the Revised Code, a violation 1668  
of division (A) of section 2913.02 of the Revised Code in which 1669  
the stolen property is a firearm or dangerous ordnance, or a 1670  
felony violation of division (B) of section 2921.331 of the 1671  
Revised Code, the offender shall serve that prison term 1672  
consecutively to any other prison term or mandatory prison term 1673  
previously or subsequently imposed upon the offender. 1674

(4) If multiple prison terms are imposed on an offender 1675

for convictions of multiple offenses, the court may require the 1676  
offender to serve the prison terms consecutively if the court 1677  
finds that the consecutive service is necessary to protect the 1678  
public from future crime or to punish the offender and that 1679  
consecutive sentences are not disproportionate to the 1680  
seriousness of the offender's conduct and to the danger the 1681  
offender poses to the public, and if the court also finds any of 1682  
the following: 1683

(a) The offender committed one or more of the multiple 1684  
offenses while the offender was awaiting trial or sentencing, 1685  
was under a sanction imposed pursuant to section 2929.16, 1686  
2929.17, or 2929.18 of the Revised Code, or was under post- 1687  
release control for a prior offense. 1688

(b) At least two of the multiple offenses were committed 1689  
as part of one or more courses of conduct, and the harm caused 1690  
by two or more of the multiple offenses so committed was so 1691  
great or unusual that no single prison term for any of the 1692  
offenses committed as part of any of the courses of conduct 1693  
adequately reflects the seriousness of the offender's conduct. 1694

(c) The offender's history of criminal conduct 1695  
demonstrates that consecutive sentences are necessary to protect 1696  
the public from future crime by the offender. 1697

(5) If a mandatory prison term is imposed upon an offender 1698  
pursuant to division (B) (5) or (6) of this section, the offender 1699  
shall serve the mandatory prison term consecutively to and prior 1700  
to any prison term imposed for the underlying violation of 1701  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1702  
pursuant to division (A) of this section or section 2929.142 of 1703  
the Revised Code. If a mandatory prison term is imposed upon an 1704  
offender pursuant to division (B) (5) of this section, and if a 1705

mandatory prison term also is imposed upon the offender pursuant 1706  
to division (B) (6) of this section in relation to the same 1707  
violation, the offender shall serve the mandatory prison term 1708  
imposed pursuant to division (B) (5) of this section 1709  
consecutively to and prior to the mandatory prison term imposed 1710  
pursuant to division (B) (6) of this section and consecutively to 1711  
and prior to any prison term imposed for the underlying 1712  
violation of division (A) (1) or (2) of section 2903.06 of the 1713  
Revised Code pursuant to division (A) of this section or section 1714  
2929.142 of the Revised Code. 1715

(6) If a mandatory prison term is imposed on an offender 1716  
pursuant to division (B) (9) of this section, the offender shall 1717  
serve the mandatory prison term consecutively to and prior to 1718  
any prison term imposed for the underlying violation of division 1719  
(A) (1) or (2) of section 2903.11 of the Revised Code and 1720  
consecutively to and prior to any other prison term or mandatory 1721  
prison term previously or subsequently imposed on the offender. 1722

(7) When consecutive prison terms are imposed pursuant to 1723  
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 1724  
(1) or (2) of this section, the term to be served is the 1725  
aggregate of all of the terms so imposed. 1726

(D) (1) If a court imposes a prison term for a felony of 1727  
the first degree, for a felony of the second degree, for a 1728  
felony sex offense, or for a felony of the third degree that is 1729  
not a felony sex offense and in the commission of which the 1730  
offender caused or threatened to cause physical harm to a 1731  
person, it shall include in the sentence a requirement that the 1732  
offender be subject to a period of post-release control after 1733  
the offender's release from imprisonment, in accordance with 1734  
that division. If a court imposes a sentence including a prison 1735

term of a type described in this division on or after July 11, 1736  
2006, the failure of a court to include a post-release control 1737  
requirement in the sentence pursuant to this division does not 1738  
negate, limit, or otherwise affect the mandatory period of post- 1739  
release control that is required for the offender under division 1740  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1741  
the Revised Code applies if, prior to July 11, 2006, a court 1742  
imposed a sentence including a prison term of a type described 1743  
in this division and failed to include in the sentence pursuant 1744  
to this division a statement regarding post-release control. 1745

(2) If a court imposes a prison term for a felony of the 1746  
third, fourth, or fifth degree that is not subject to division 1747  
(D)(1) of this section, it shall include in the sentence a 1748  
requirement that the offender be subject to a period of post- 1749  
release control after the offender's release from imprisonment, 1750  
in accordance with that division, if the parole board determines 1751  
that a period of post-release control is necessary. Section 1752  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1753  
a court imposed a sentence including a prison term of a type 1754  
described in this division and failed to include in the sentence 1755  
pursuant to this division a statement regarding post-release 1756  
control. 1757

(E) The court shall impose sentence upon the offender in 1758  
accordance with section 2971.03 of the Revised Code, and Chapter 1759  
2971. of the Revised Code applies regarding the prison term or 1760  
term of life imprisonment without parole imposed upon the 1761  
offender and the service of that term of imprisonment if any of 1762  
the following apply: 1763

(1) A person is convicted of or pleads guilty to a violent 1764  
sex offense or a designated homicide, assault, or kidnapping 1765

offense, and, in relation to that offense, the offender is 1766  
adjudicated a sexually violent predator. 1767

(2) A person is convicted of or pleads guilty to a 1768  
violation of division (A) (1) (b) of section 2907.02 of the 1769  
Revised Code committed on or after January 2, 2007, and either 1770  
the court does not impose a sentence of life without parole when 1771  
authorized pursuant to division (B) of section 2907.02 of the 1772  
Revised Code, or division (B) of section 2907.02 of the Revised 1773  
Code provides that the court shall not sentence the offender 1774  
pursuant to section 2971.03 of the Revised Code. 1775

(3) A person is convicted of or pleads guilty to attempted 1776  
rape committed on or after January 2, 2007, and a specification 1777  
of the type described in section 2941.1418, 2941.1419, or 1778  
2941.1420 of the Revised Code. 1779

(4) A person is convicted of or pleads guilty to a 1780  
violation of section 2905.01 of the Revised Code committed on or 1781  
after January 1, 2008, and that section requires the court to 1782  
sentence the offender pursuant to section 2971.03 of the Revised 1783  
Code. 1784

(5) A person is convicted of or pleads guilty to 1785  
aggravated murder committed on or after January 1, 2008, and 1786  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1787  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1788  
(d) of section 2929.03, or division (A) or (B) of section 1789  
2929.06 of the Revised Code requires the court to sentence the 1790  
offender pursuant to division (B) (3) of section 2971.03 of the 1791  
Revised Code. 1792

(6) A person is convicted of or pleads guilty to murder 1793  
committed on or after January 1, 2008, and division (B) (2) of 1794

section 2929.02 of the Revised Code requires the court to 1795  
sentence the offender pursuant to section 2971.03 of the Revised 1796  
Code. 1797

(F) If a person who has been convicted of or pleaded 1798  
guilty to a felony is sentenced to a prison term or term of 1799  
imprisonment under this section, sections 2929.02 to 2929.06 of 1800  
the Revised Code, section 2929.142 of the Revised Code, section 1801  
2971.03 of the Revised Code, or any other provision of law, 1802  
section 5120.163 of the Revised Code applies regarding the 1803  
person while the person is confined in a state correctional 1804  
institution. 1805

(G) If an offender who is convicted of or pleads guilty to 1806  
a felony that is an offense of violence also is convicted of or 1807  
pleads guilty to a specification of the type described in 1808  
section 2941.142 of the Revised Code that charges the offender 1809  
with having committed the felony while participating in a 1810  
criminal gang, the court shall impose upon the offender an 1811  
additional prison term of one, two, or three years. 1812

(H) (1) If an offender who is convicted of or pleads guilty 1813  
to aggravated murder, murder, or a felony of the first, second, 1814  
or third degree that is an offense of violence also is convicted 1815  
of or pleads guilty to a specification of the type described in 1816  
section 2941.143 of the Revised Code that charges the offender 1817  
with having committed the offense in a school safety zone or 1818  
towards a person in a school safety zone, the court shall impose 1819  
upon the offender an additional prison term of two years. The 1820  
offender shall serve the additional two years consecutively to 1821  
and prior to the prison term imposed for the underlying offense. 1822

(2) (a) If an offender is convicted of or pleads guilty to 1823  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1824

2907.25 of the Revised Code and to a specification of the type 1825  
described in section 2941.1421 of the Revised Code and if the 1826  
court imposes a prison term on the offender for the felony 1827  
violation, the court may impose upon the offender an additional 1828  
prison term as follows: 1829

(i) Subject to division (H) (2) (a) (ii) of this section, an 1830  
additional prison term of one, two, three, four, five, or six 1831  
months; 1832

(ii) If the offender previously has been convicted of or 1833  
pleaded guilty to one or more felony or misdemeanor violations 1834  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1835  
the Revised Code and also was convicted of or pleaded guilty to 1836  
a specification of the type described in section 2941.1421 of 1837  
the Revised Code regarding one or more of those violations, an 1838  
additional prison term of one, two, three, four, five, six, 1839  
seven, eight, nine, ten, eleven, or twelve months. 1840

(b) In lieu of imposing an additional prison term under 1841  
division (H) (2) (a) of this section, the court may directly 1842  
impose on the offender a sanction that requires the offender to 1843  
wear a real-time processing, continual tracking electronic 1844  
monitoring device during the period of time specified by the 1845  
court. The period of time specified by the court shall equal the 1846  
duration of an additional prison term that the court could have 1847  
imposed upon the offender under division (H) (2) (a) of this 1848  
section. A sanction imposed under this division shall commence 1849  
on the date specified by the court, provided that the sanction 1850  
shall not commence until after the offender has served the 1851  
prison term imposed for the felony violation of section 2907.22, 1852  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1853  
residential sanction imposed for the violation under section 1854

2929.16 of the Revised Code. A sanction imposed under this 1855  
division shall be considered to be a community control sanction 1856  
for purposes of section 2929.15 of the Revised Code, and all 1857  
provisions of the Revised Code that pertain to community control 1858  
sanctions shall apply to a sanction imposed under this division, 1859  
except to the extent that they would by their nature be clearly 1860  
inapplicable. The offender shall pay all costs associated with a 1861  
sanction imposed under this division, including the cost of the 1862  
use of the monitoring device. 1863

(I) At the time of sentencing, the court may recommend the 1864  
offender for placement in a program of shock incarceration under 1865  
section 5120.031 of the Revised Code or for placement in an 1866  
intensive program prison under section 5120.032 of the Revised 1867  
Code, disapprove placement of the offender in a program of shock 1868  
incarceration or an intensive program prison of that nature, or 1869  
make no recommendation on placement of the offender. In no case 1870  
shall the department of rehabilitation and correction place the 1871  
offender in a program or prison of that nature unless the 1872  
department determines as specified in section 5120.031 or 1873  
5120.032 of the Revised Code, whichever is applicable, that the 1874  
offender is eligible for the placement. 1875

If the court disapproves placement of the offender in a 1876  
program or prison of that nature, the department of 1877  
rehabilitation and correction shall not place the offender in 1878  
any program of shock incarceration or intensive program prison. 1879

If the court recommends placement of the offender in a 1880  
program of shock incarceration or in an intensive program 1881  
prison, and if the offender is subsequently placed in the 1882  
recommended program or prison, the department shall notify the 1883  
court of the placement and shall include with the notice a brief 1884



description of the placement. 1885

If the court recommends placement of the offender in a 1886  
program of shock incarceration or in an intensive program prison 1887  
and the department does not subsequently place the offender in 1888  
the recommended program or prison, the department shall send a 1889  
notice to the court indicating why the offender was not placed 1890  
in the recommended program or prison. 1891

If the court does not make a recommendation under this 1892  
division with respect to an offender and if the department 1893  
determines as specified in section 5120.031 or 5120.032 of the 1894  
Revised Code, whichever is applicable, that the offender is 1895  
eligible for placement in a program or prison of that nature, 1896  
the department shall screen the offender and determine if there 1897  
is an available program of shock incarceration or an intensive 1898  
program prison for which the offender is suited. If there is an 1899  
available program of shock incarceration or an intensive program 1900  
prison for which the offender is suited, the department shall 1901  
notify the court of the proposed placement of the offender as 1902  
specified in section 5120.031 or 5120.032 of the Revised Code 1903  
and shall include with the notice a brief description of the 1904  
placement. The court shall have ten days from receipt of the 1905  
notice to disapprove the placement. 1906

(J) If a person is convicted of or pleads guilty to 1907  
aggravated vehicular homicide in violation of division (A) (1) of 1908  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1909  
that section applies, the person shall be sentenced pursuant to 1910  
section 2929.142 of the Revised Code. 1911

(K) (1) The court shall impose an additional mandatory 1912  
prison term of two, three, four, five, six, seven, eight, nine, 1913  
ten, or eleven years on an offender who is convicted of or 1914

pleads guilty to a violent felony offense if the offender also 1915  
is convicted of or pleads guilty to a specification of the type 1916  
described in section 2941.1424 of the Revised Code that charges 1917  
that the offender is a violent career criminal and had a firearm 1918  
on or about the offender's person or under the offender's 1919  
control while committing the presently charged violent felony 1920  
offense and displayed or brandished the firearm, indicated that 1921  
the offender possessed a firearm, or used the firearm to 1922  
facilitate the offense. The offender shall serve the prison term 1923  
imposed under this division consecutively to and prior to the 1924  
prison term imposed for the underlying offense. The prison term 1925  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1926  
any other provision of Chapter 2967. or 5120. of the Revised 1927  
Code. A court may not impose more than one sentence under 1928  
division (B) (2) (a) of this section and this division for acts 1929  
committed as part of the same act or transaction. 1930

(2) As used in division (K) (1) of this section, "violent 1931  
career criminal" and "violent felony offense" have the same 1932  
meanings as in section 2923.132 of the Revised Code. 1933

Sec. 2941.1425. (A) Imposition of a mandatory prison term 1934  
under division (B) (9) of section 2929.14 of the Revised Code is 1935  
precluded unless the offender is convicted of or pleads guilty 1936  
to a violation of division (A) (1) or (2) of section 2903.11 of 1937  
the Revised Code and unless the indictment, count in the 1938  
indictment, or information charging the offense specifies one of 1939  
the following: 1940

(1) Regarding a violation of division (A) (1) of section 1941  
2903.11 of the Revised Code, that the offender used an 1942  
accelerant in committing the violation and that the serious 1943  
physical harm to another or to another's unborn caused by the 1944

violation resulted in a permanent, serious disfigurement or 1945  
permanent, substantial incapacity; 1946

(2) Regarding a violation of division (A)(2) of section 1947  
2903.11 of the Revised Code, that the offender used an 1948  
accelerant in committing the violation, that the violation 1949  
caused physical harm to another or to another's unborn, and that 1950  
the physical harm resulted in a permanent, serious disfigurement 1951  
or permanent, substantial incapacity. 1952

(B) The specification described in division (A) of this 1953  
section shall be stated at the end of the body of the 1954  
indictment, count, or information and shall be stated in 1955  
substantially the following form: 1956

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1957  
Grand Jurors (or insert the person's or prosecuting attorney's 1958  
name when appropriate) further find and specify that (set forth 1959  
that the offender used an accelerant in committing the violation 1960  
and that the serious physical harm to another or to another's 1961  
unborn caused by the violation of division (A)(1) of section 1962  
2903.11 of the Revised Code resulted in a permanent, serious 1963  
disfigurement or permanent, substantial incapacity, or that the 1964  
offender used an accelerant in committing the violation, that 1965  
the violation of division (A)(2) of section 2903.11 of the 1966  
Revised Code caused physical harm to another or to another's 1967  
unborn, and that the physical harm resulted in a permanent, 1968  
serious disfigurement or permanent, substantial incapacity, 1969  
whichever is applicable)." 1970

(C) As used in this section, "accelerant" has the same 1971  
meaning as in section 2929.01 of the Revised Code. 1972

(D) The provisions of this section and of division (D)(2) 1973

of section 2903.11, division (F) (20) of section 2929.13, and 1974  
divisions (B) (9) and (C) (6) of section 2929.14 of the Revised 1975  
Code shall be known as "Judy's Law." 1976

**Section 2.** That existing sections 2903.11, 2929.01, 1977  
2929.13, and 2929.14 of the Revised Code are hereby repealed. 1978

**Section 3.** Section 2929.01 of the Revised Code is 1979  
presented in this act as a composite of the section as amended 1980  
by both Sub. H.B. 158 and H.B. 171 of the 132nd General 1981  
Assembly. The General Assembly, applying the principle stated in 1982  
division (B) of section 1.52 of the Revised Code that amendments 1983  
are to be harmonized if reasonably capable of simultaneous 1984  
operation, finds that the composite is the resulting version of 1985  
the section in effect prior to the effective date of the section 1986  
as presented in this act. 1987

Section 2929.14 of the Revised Code is presented in this 1988  
act as a composite of the section as amended by both Sub. H.B. 1989  
470 and Sub. S.B. 319 of the 132nd General Assembly. The General 1990  
Assembly, applying the principle stated in division (B) of 1991  
section 1.52 of the Revised Code that amendments are to be 1992  
harmonized if reasonably capable of simultaneous operation, 1993  
finds that the composite is the resulting version of the section 1994  
in effect prior to the effective date of the section as 1995  
presented in this act. 1996