

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 59

Representative Cera

Cosponsors: Representatives Rogers, Lepore-Hagan

A BILL

To amend sections 2929.14, 2941.141, 2941.144, and 1
2941.145 of the Revised Code to increase to ten 2
years the mandatory prison term for a person who 3
is convicted of a felony and who possessed a 4
firearm while committing the felony, if the 5
person displayed or brandished the firearm, 6
indicated possession of it, or used it to 7
facilitate the felony or if the firearm was an 8
automatic firearm or was equipped with a muffler 9
or silencer. 10

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

Section 1. That sections 2929.14, 2941.141, 2941.144, and 11
2941.145 of the Revised Code be amended to read as follows: 12

Sec. 2929.14. (A) Except as provided in division (B) (1), 13
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 14
(G), (H), or (J) of this section or in division (D) (6) of 15
section 2919.25 of the Revised Code and except in relation to an 16
offense for which a sentence of death or life imprisonment is to 17
be imposed, if the court imposing a sentence upon an offender 18
for a felony elects or is required to impose a prison term on 19

the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

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

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

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

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

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

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

(B) (1) (a) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141,

2941.144, or 2941.145 of the Revised Code, the court shall 49
impose on the offender one of the following prison terms: 50

(i) A prison term of ~~six~~ten years if the specification is 51
of the type described in section 2941.144 of the Revised Code 52
that charges the offender with having a firearm that is an 53
automatic firearm or that was equipped with a firearm muffler or 54
silencer on or about the offender's person or under the 55
offender's control while committing the felony; 56

(ii) A prison term of ~~three~~ten years if the specification 57
is of the type described in section 2941.145 of the Revised Code 58
that charges the offender with having a firearm on or about the 59
offender's person or under the offender's control while 60
committing the offense and displaying the firearm, brandishing 61
the firearm, indicating that the offender possessed the firearm, 62
or using it to facilitate the offense; 63

(iii) A prison term of one year if the specification is of 64
the type described in section 2941.141 of the Revised Code that 65
charges the offender with having a firearm on or about the 66
offender's person or under the offender's control while 67
committing the felony. 68

(b) If a court imposes a prison term on an offender under 69
division (B) (1) (a) of this section, the prison term shall not be 70
reduced pursuant to section 2967.19, section 2929.20, section 71
2967.193, or any other provision of Chapter 2967. or Chapter 72
5120. of the Revised Code. Except as provided in division (B) (1) 73
(g) of this section, a court shall not impose more than one 74
prison term on an offender under division (B) (1) (a) of this 75
section for felonies committed as part of the same act or 76
transaction. 77

(c) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of five 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. A court shall not impose more than one additional prison term on an offender under division (B) (1) (c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (B) (1) (c) of this section relative to an offense, the court also shall impose a prison term under division (B) (1) (a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony

offense of violence, the court shall impose on the offender a 109
prison term of two years. The prison term so imposed, subject to 110
divisions (C) to (I) of section 2967.19 of the Revised Code, 111
shall not be reduced pursuant to section 2929.20, section 112
2967.19, section 2967.193, or any other provision of Chapter 113
2967. or Chapter 5120. of the Revised Code. A court shall not 114
impose more than one prison term on an offender under division 115
(B) (1) (d) of this section for felonies committed as part of the 116
same act or transaction. If a court imposes an additional prison 117
term under division (B) (1) (a) or (c) of this section, the court 118
is not precluded from imposing an additional prison term under 119
division (B) (1) (d) of this section. 120

(e) The court shall not impose any of the prison terms 121
described in division (B) (1) (a) of this section or any of the 122
additional prison terms described in division (B) (1) (c) of this 123
section upon an offender for a violation of section 2923.12 or 124
2923.123 of the Revised Code. The court shall not impose any of 125
the prison terms described in division (B) (1) (a) or (b) of this 126
section upon an offender for a violation of section 2923.122 127
that involves a deadly weapon that is a firearm other than a 128
dangerous ordnance, section 2923.16, or section 2923.121 of the 129
Revised Code. The court shall not impose any of the prison terms 130
described in division (B) (1) (a) of this section or any of the 131
additional prison terms described in division (B) (1) (c) of this 132
section upon an offender for a violation of section 2923.13 of 133
the Revised Code unless all of the following apply: 134

(i) The offender previously has been convicted of 135
aggravated murder, murder, or any felony of the first or second 136
degree. 137

(ii) Less than five years have passed since the offender 138

was released from prison or post-release control, whichever is later, for the prior offense.

(f) 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 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. If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B) (1) (f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B) (1) (f)

of this section relative to an offense, the court shall not 170
impose a prison term under division (B) (1) (a) or (c) of this 171
section relative to the same offense. 172

(g) If an offender is convicted of or pleads guilty to two 173
or more felonies, if one or more of those felonies are 174
aggravated murder, murder, attempted aggravated murder, 175
attempted murder, aggravated robbery, felonious assault, or 176
rape, and if the offender is convicted of or pleads guilty to a 177
specification of the type described under division (B) (1) (a) of 178
this section in connection with two or more of the felonies, the 179
sentencing court shall impose on the offender the prison term 180
specified under division (B) (1) (a) of this section for each of 181
the two most serious specifications of which the offender is 182
convicted or to which the offender pleads guilty and, in its 183
discretion, also may impose on the offender the prison term 184
specified under that division for any or all of the remaining 185
specifications. 186

(2) (a) If division (B) (2) (b) of this section does not 187
apply, the court may impose on an offender, in addition to the 188
longest prison term authorized or required for the offense, an 189
additional definite prison term of one, two, three, four, five, 190
six, seven, eight, nine, or ten years if all of the following 191
criteria are met: 192

(i) The offender is convicted of or pleads guilty to a 193
specification of the type described in section 2941.149 of the 194
Revised Code that the offender is a repeat violent offender. 195

(ii) The offense of which the offender currently is 196
convicted or to which the offender currently pleads guilty is 197
aggravated murder and the court does not impose a sentence of 198
death or life imprisonment without parole, murder, terrorism and 199

the court does not impose a sentence of life imprisonment 200
without parole, any felony of the first degree that is an 201
offense of violence and the court does not impose a sentence of 202
life imprisonment without parole, or any felony of the second 203
degree that is an offense of violence and the trier of fact 204
finds that the offense involved an attempt to cause or a threat 205
to cause serious physical harm to a person or resulted in 206
serious physical harm to a person. 207

(iii) The court imposes the longest prison term for the 208
offense that is not life imprisonment without parole. 209

(iv) The court finds that the prison terms imposed 210
pursuant to division (B) (2) (a) (iii) of this section and, if 211
applicable, division (B) (1) or (3) of this section are 212
inadequate to punish the offender and protect the public from 213
future crime, because the applicable factors under section 214
2929.12 of the Revised Code indicating a greater likelihood of 215
recidivism outweigh the applicable factors under that section 216
indicating a lesser likelihood of recidivism. 217

(v) The court finds that the prison terms imposed pursuant 218
to division (B) (2) (a) (iii) of this section and, if applicable, 219
division (B) (1) or (3) of this section are demeaning to the 220
seriousness of the offense, because one or more of the factors 221
under section 2929.12 of the Revised Code indicating that the 222
offender's conduct is more serious than conduct normally 223
constituting the offense are present, and they outweigh the 224
applicable factors under that section indicating that the 225
offender's conduct is less serious than conduct normally 226
constituting the offense. 227

(b) The court shall impose on an offender the longest 228
prison term authorized or required for the offense and shall 229

impose on the offender an additional definite prison term of 230
one, two, three, four, five, six, seven, eight, nine, or ten 231
years if all of the following criteria are met: 232

(i) The offender is convicted of or pleads guilty to a 233
specification of the type described in section 2941.149 of the 234
Revised Code that the offender is a repeat violent offender. 235

(ii) The offender within the preceding twenty years has 236
been convicted of or pleaded guilty to three or more offenses 237
described in division (CC)(1) of section 2929.01 of the Revised 238
Code, including all offenses described in that division of which 239
the offender is convicted or to which the offender pleads guilty 240
in the current prosecution and all offenses described in that 241
division of which the offender previously has been convicted or 242
to which the offender previously pleaded guilty, whether 243
prosecuted together or separately. 244

(iii) The offense or offenses of which the offender 245
currently is convicted or to which the offender currently pleads 246
guilty is aggravated murder and the court does not impose a 247
sentence of death or life imprisonment without parole, murder, 248
terrorism and the court does not impose a sentence of life 249
imprisonment without parole, any felony of the first degree that 250
is an offense of violence and the court does not impose a 251
sentence of life imprisonment without parole, or any felony of 252
the second degree that is an offense of violence and the trier 253
of fact finds that the offense involved an attempt to cause or a 254
threat to cause serious physical harm to a person or resulted in 255
serious physical harm to a person. 256

(c) For purposes of division (B)(2)(b) of this section, 257
two or more offenses committed at the same time or as part of 258
the same act or event shall be considered one offense, and that 259

one offense shall be the offense with the greatest penalty. 260

(d) A sentence imposed under division (B) (2) (a) or (b) of 261
this section shall not be reduced pursuant to section 2929.20, 262
section 2967.19, or section 2967.193, or any other provision of 263
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 264
shall serve an additional prison term imposed under this section 265
consecutively to and prior to the prison term imposed for the 266
underlying offense. 267

(e) When imposing a sentence pursuant to division (B) (2) 268
(a) or (b) of this section, the court shall state its findings 269
explaining the imposed sentence. 270

(3) Except when an offender commits a violation of section 271
2903.01 or 2907.02 of the Revised Code and the penalty imposed 272
for the violation is life imprisonment or commits a violation of 273
section 2903.02 of the Revised Code, if the offender commits a 274
violation of section 2925.03 or 2925.11 of the Revised Code and 275
that section classifies the offender as a major drug offender, 276
if the offender commits a felony violation of section 2925.02, 277
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 278
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 279
division (C) of section 4729.51, or division (J) of section 280
4729.54 of the Revised Code that includes the sale, offer to 281
sell, or possession of a schedule I or II controlled substance, 282
with the exception of marihuana, and the court imposing sentence 283
upon the offender finds that the offender is guilty of a 284
specification of the type described in section 2941.1410 of the 285
Revised Code charging that the offender is a major drug 286
offender, if the court imposing sentence upon an offender for a 287
felony finds that the offender is guilty of corrupt activity 288
with the most serious offense in the pattern of corrupt activity 289

being a felony of the first degree, or if the offender is guilty 290
of an attempted violation of section 2907.02 of the Revised Code 291
and, had the offender completed the violation of section 2907.02 292
of the Revised Code that was attempted, the offender would have 293
been subject to a sentence of life imprisonment or life 294
imprisonment without parole for the violation of section 2907.02 295
of the Revised Code, the court shall impose upon the offender 296
for the felony violation a mandatory prison term of the maximum 297
prison term prescribed for a felony of the first degree that, 298
subject to divisions (C) to (I) of section 2967.19 of the 299
Revised Code, cannot be reduced pursuant to section 2929.20, 300
section 2967.19, or any other provision of Chapter 2967. or 301
5120. of the Revised Code. 302

(4) If the offender is being sentenced for a third or 303
fourth degree felony OVI offense under division (G) (2) of 304
section 2929.13 of the Revised Code, the sentencing court shall 305
impose upon the offender a mandatory prison term in accordance 306
with that division. In addition to the mandatory prison term, if 307
the offender is being sentenced for a fourth degree felony OVI 308
offense, the court, notwithstanding division (A) (4) of this 309
section, may sentence the offender to a definite prison term of 310
not less than six months and not more than thirty months, and if 311
the offender is being sentenced for a third degree felony OVI 312
offense, the sentencing court may sentence the offender to an 313
additional prison term of any duration specified in division (A) 314
(3) of this section. In either case, the additional prison term 315
imposed shall be reduced by the sixty or one hundred twenty days 316
imposed upon the offender as the mandatory prison term. The 317
total of the additional prison term imposed under division (B) 318
(4) of this section plus the sixty or one hundred twenty days 319
imposed as the mandatory prison term shall equal a definite term 320

in the range of six months to thirty months for a fourth degree 321
felony OVI offense and shall equal one of the authorized prison 322
terms specified in division (A) (3) of this section for a third 323
degree felony OVI offense. If the court imposes an additional 324
prison term under division (B) (4) of this section, the offender 325
shall serve the additional prison term after the offender has 326
served the mandatory prison term required for the offense. In 327
addition to the mandatory prison term or mandatory and 328
additional prison term imposed as described in division (B) (4) 329
of this section, the court also may sentence the offender to a 330
community control sanction under section 2929.16 or 2929.17 of 331
the Revised Code, but the offender shall serve all of the prison 332
terms so imposed prior to serving the community control 333
sanction. 334

If the offender is being sentenced for a fourth degree 335
felony OVI offense under division (G) (1) of section 2929.13 of 336
the Revised Code and the court imposes a mandatory term of local 337
incarceration, the court may impose a prison term as described 338
in division (A) (1) of that section. 339

(5) If an offender is convicted of or pleads guilty to a 340
violation of division (A) (1) or (2) of section 2903.06 of the 341
Revised Code and also is convicted of or pleads guilty to a 342
specification of the type described in section 2941.1414 of the 343
Revised Code that charges that the victim of the offense is a 344
peace officer, as defined in section 2935.01 of the Revised 345
Code, or an investigator of the bureau of criminal 346
identification and investigation, as defined in section 2903.11 347
of the Revised Code, the court shall impose on the offender a 348
prison term of five years. If a court imposes a prison term on 349
an offender under division (B) (5) of this section, the prison 350
term, subject to divisions (C) to (I) of section 2967.19 of the 351

Revised Code, shall not be reduced pursuant to section 2929.20, 352
section 2967.19, section 2967.193, or any other provision of 353
Chapter 2967. or Chapter 5120. of the Revised Code. A court 354
shall not impose more than one prison term on an offender under 355
division (B) (5) of this section for felonies committed as part 356
of the same act. 357

(6) If an offender is convicted of or pleads guilty to a 358
violation of division (A) (1) or (2) of section 2903.06 of the 359
Revised Code and also is convicted of or pleads guilty to a 360
specification of the type described in section 2941.1415 of the 361
Revised Code that charges that the offender previously has been 362
convicted of or pleaded guilty to three or more violations of 363
division (A) or (B) of section 4511.19 of the Revised Code or an 364
equivalent offense, as defined in section 2941.1415 of the 365
Revised Code, or three or more violations of any combination of 366
those divisions and offenses, the court shall impose on the 367
offender a prison term of three years. If a court imposes a 368
prison term on an offender under division (B) (6) of this 369
section, the prison term, subject to divisions (C) to (I) of 370
section 2967.19 of the Revised Code, shall not be reduced 371
pursuant to section 2929.20, section 2967.19, section 2967.193, 372
or any other provision of Chapter 2967. or Chapter 5120. of the 373
Revised Code. A court shall not impose more than one prison term 374
on an offender under division (B) (6) of this section for 375
felonies committed as part of the same act. 376

(7) (a) If an offender is convicted of or pleads guilty to 377
a felony violation of section 2905.01, 2905.02, 2907.21, 378
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 379
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 380
the Revised Code and also is convicted of or pleads guilty to a 381
specification of the type described in section 2941.1422 of the 382

Revised Code that charges that the offender knowingly committed 383
the offense in furtherance of human trafficking, the court shall 384
impose on the offender a mandatory prison term that is one of 385
the following: 386

(i) If the offense is a felony of the first degree, a 387
definite prison term of not less than five years and not greater 388
than ten years; 389

(ii) If the offense is a felony of the second or third 390
degree, a definite prison term of not less than three years and 391
not greater than the maximum prison term allowed for the offense 392
by division (A) of this section ~~2929.14~~ of the Revised Code; 393

(iii) If the offense is a felony of the fourth or fifth 394
degree, a definite prison term that is the maximum prison term 395
allowed for the offense by division (A) of this section ~~2929.14~~ 396
of the Revised Code. 397

(b) Subject to divisions (C) to (I) of section 2967.19 of 398
the Revised Code, the prison term imposed under division (B) (7) 399
(a) of this section shall not be reduced pursuant to section 400
2929.20, section 2967.19, section 2967.193, or any other 401
provision of Chapter 2967. of the Revised Code. A court shall 402
not impose more than one prison term on an offender under 403
division (B) (7) (a) of this section for felonies committed as 404
part of the same act, scheme, or plan. 405

(8) If an offender is convicted of or pleads guilty to a 406
felony violation of section 2903.11, 2903.12, or 2903.13 of the 407
Revised Code and also is convicted of or pleads guilty to a 408
specification of the type described in section 2941.1423 of the 409
Revised Code that charges that the victim of the violation was a 410
woman whom the offender knew was pregnant at the time of the 411

violation, notwithstanding the range of prison terms prescribed 412
in division (A) of this section for felonies of the same degree 413
as the violation, the court shall impose on the offender a 414
mandatory prison term that is either a definite prison term of 415
six months or one of the prison terms prescribed in this section 416
~~2929.14 of the Revised Code~~ for felonies of the same degree as 417
the violation. 418

(C) (1) (a) Subject to division (C) (1) (b) of this section, 419
if a mandatory prison term is imposed upon an offender pursuant 420
to division (B) (1) (a) of this section for having a firearm on or 421
about the offender's person or under the offender's control 422
while committing a felony, if a mandatory prison term is imposed 423
upon an offender pursuant to division (B) (1) (c) of this section 424
for committing a felony specified in that division by 425
discharging a firearm from a motor vehicle, or if both types of 426
mandatory prison terms are imposed, the offender shall serve any 427
mandatory prison term imposed under either division 428
consecutively to any other mandatory prison term imposed under 429
either division or under division (B) (1) (d) of this section, 430
consecutively to and prior to any prison term imposed for the 431
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 432
this section or any other section of the Revised Code, and 433
consecutively to any other prison term or mandatory prison term 434
previously or subsequently imposed upon the offender. 435

(b) If a mandatory prison term is imposed upon an offender 436
pursuant to division (B) (1) (d) of this section for wearing or 437
carrying body armor while committing an offense of violence that 438
is a felony, the offender shall serve the mandatory term so 439
imposed consecutively to any other mandatory prison term imposed 440
under that division or under division (B) (1) (a) or (c) of this 441
section, consecutively to and prior to any prison term imposed 442

for the underlying felony under division (A), (B) (2), or (B) (3) 443
of this section or any other section of the Revised Code, and 444
consecutively to any other prison term or mandatory prison term 445
previously or subsequently imposed upon the offender. 446

(c) If a mandatory prison term is imposed upon an offender 447
pursuant to division (B) (1) (f) of this section, the offender 448
shall serve the mandatory prison term so imposed consecutively 449
to and prior to any prison term imposed for the underlying 450
felony under division (A), (B) (2), or (B) (3) of this section or 451
any other section of the Revised Code, and consecutively to any 452
other prison term or mandatory prison term previously or 453
subsequently imposed upon the offender. 454

(d) If a mandatory prison term is imposed upon an offender 455
pursuant to division (B) (7) or (8) of this section, the offender 456
shall serve the mandatory prison term so imposed consecutively 457
to any other mandatory prison term imposed under that division 458
or under any other provision of law and consecutively to any 459
other prison term or mandatory prison term previously or 460
subsequently imposed upon the offender. 461

(2) If an offender who is an inmate in a jail, prison, or 462
other residential detention facility violates section 2917.02, 463
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 464
(2) of section 2921.34 of the Revised Code, if an offender who 465
is under detention at a detention facility commits a felony 466
violation of section 2923.131 of the Revised Code, or if an 467
offender who is an inmate in a jail, prison, or other 468
residential detention facility or is under detention at a 469
detention facility commits another felony while the offender is 470
an escapee in violation of division (A) (1) or (2) of section 471
2921.34 of the Revised Code, any prison term imposed upon the 472

offender for one of those violations shall be served by the 473
offender consecutively to the prison term or term of 474
imprisonment the offender was serving when the offender 475
committed that offense and to any other prison term previously 476
or subsequently imposed upon the offender. 477

(3) If a prison term is imposed for a violation of 478
division (B) of section 2911.01 of the Revised Code, a violation 479
of division (A) of section 2913.02 of the Revised Code in which 480
the stolen property is a firearm or dangerous ordnance, or a 481
felony violation of division (B) of section 2921.331 of the 482
Revised Code, the offender shall serve that prison term 483
consecutively to any other prison term or mandatory prison term 484
previously or subsequently imposed upon the offender. 485

(4) If multiple prison terms are imposed on an offender 486
for convictions of multiple offenses, the court may require the 487
offender to serve the prison terms consecutively if the court 488
finds that the consecutive service is necessary to protect the 489
public from future crime or to punish the offender and that 490
consecutive sentences are not disproportionate to the 491
seriousness of the offender's conduct and to the danger the 492
offender poses to the public, and if the court also finds any of 493
the following: 494

(a) The offender committed one or more of the multiple 495
offenses while the offender was awaiting trial or sentencing, 496
was under a sanction imposed pursuant to section 2929.16, 497
2929.17, or 2929.18 of the Revised Code, or was under post- 498
release control for a prior offense. 499

(b) At least two of the multiple offenses were committed 500
as part of one or more courses of conduct, and the harm caused 501
by two or more of the multiple offenses so committed was so 502

great or unusual that no single prison term for any of the 503
offenses committed as part of any of the courses of conduct 504
adequately reflects the seriousness of the offender's conduct. 505

(c) The offender's history of criminal conduct 506
demonstrates that consecutive sentences are necessary to protect 507
the public from future crime by the offender. 508

(5) If a mandatory prison term is imposed upon an offender 509
pursuant to division (B) (5) or (6) of this section, the offender 510
shall serve the mandatory prison term consecutively to and prior 511
to any prison term imposed for the underlying violation of 512
division (A) (1) or (2) of section 2903.06 of the Revised Code 513
pursuant to division (A) of this section or section 2929.142 of 514
the Revised Code. If a mandatory prison term is imposed upon an 515
offender pursuant to division (B) (5) of this section, and if a 516
mandatory prison term also is imposed upon the offender pursuant 517
to division (B) (6) of this section in relation to the same 518
violation, the offender shall serve the mandatory prison term 519
imposed pursuant to division (B) (5) of this section 520
consecutively to and prior to the mandatory prison term imposed 521
pursuant to division (B) (6) of this section and consecutively to 522
and prior to any prison term imposed for the underlying 523
violation of division (A) (1) or (2) of section 2903.06 of the 524
Revised Code pursuant to division (A) of this section or section 525
2929.142 of the Revised Code. 526

(6) When consecutive prison terms are imposed pursuant to 527
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 528
of this section, the term to be served is the aggregate of all 529
of the terms so imposed. 530

(D) (1) If a court imposes a prison term for a felony of 531
the first degree, for a felony of the second degree, for a 532

felony sex offense, or for a felony of the third degree that is 533
not a felony sex offense and in the commission of which the 534
offender caused or threatened to cause physical harm to a 535
person, it shall include in the sentence a requirement that the 536
offender be subject to a period of post-release control after 537
the offender's release from imprisonment, in accordance with 538
that division. If a court imposes a sentence including a prison 539
term of a type described in this division on or after July 11, 540
2006, the failure of a court to include a post-release control 541
requirement in the sentence pursuant to this division does not 542
negate, limit, or otherwise affect the mandatory period of post- 543
release control that is required for the offender under division 544
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 545
the Revised Code applies if, prior to July 11, 2006, a court 546
imposed a sentence including a prison term of a type described 547
in this division and failed to include in the sentence pursuant 548
to this division a statement regarding post-release control. 549

(2) If a court imposes a prison term for a felony of the 550
third, fourth, or fifth degree that is not subject to division 551
(D)(1) of this section, it shall include in the sentence a 552
requirement that the offender be subject to a period of post- 553
release control after the offender's release from imprisonment, 554
in accordance with that division, if the parole board determines 555
that a period of post-release control is necessary. Section 556
2929.191 of the Revised Code applies if, prior to July 11, 2006, 557
a court imposed a sentence including a prison term of a type 558
described in this division and failed to include in the sentence 559
pursuant to this division a statement regarding post-release 560
control. 561

(E) The court shall impose sentence upon the offender in 562
accordance with section 2971.03 of the Revised Code, and Chapter 563

2971. of the Revised Code applies regarding the prison term or 564
term of life imprisonment without parole imposed upon the 565
offender and the service of that term of imprisonment if any of 566
the following apply: 567

(1) A person is convicted of or pleads guilty to a violent 568
sex offense or a designated homicide, assault, or kidnapping 569
offense, and, in relation to that offense, the offender is 570
adjudicated a sexually violent predator. 571

(2) A person is convicted of or pleads guilty to a 572
violation of division (A) (1) (b) of section 2907.02 of the 573
Revised Code committed on or after January 2, 2007, and either 574
the court does not impose a sentence of life without parole when 575
authorized pursuant to division (B) of section 2907.02 of the 576
Revised Code, or division (B) of section 2907.02 of the Revised 577
Code provides that the court shall not sentence the offender 578
pursuant to section 2971.03 of the Revised Code. 579

(3) A person is convicted of or pleads guilty to attempted 580
rape committed on or after January 2, 2007, and a specification 581
of the type described in section 2941.1418, 2941.1419, or 582
2941.1420 of the Revised Code. 583

(4) A person is convicted of or pleads guilty to a 584
violation of section 2905.01 of the Revised Code committed on or 585
after January 1, 2008, and that section requires the court to 586
sentence the offender pursuant to section 2971.03 of the Revised 587
Code. 588

(5) A person is convicted of or pleads guilty to 589
aggravated murder committed on or after January 1, 2008, and 590
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 591
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 592

(d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

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

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

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

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or

towards a person in a school safety zone, the court shall impose 623
upon the offender an additional prison term of two years. The 624
offender shall serve the additional two years consecutively to 625
and prior to the prison term imposed for the underlying offense. 626

(2) (a) If an offender is convicted of or pleads guilty to 627
a felony violation of section 2907.22, 2907.24, 2907.241, or 628
2907.25 of the Revised Code and to a specification of the type 629
described in section 2941.1421 of the Revised Code and if the 630
court imposes a prison term on the offender for the felony 631
violation, the court may impose upon the offender an additional 632
prison term as follows: 633

(i) Subject to division (H) (2) (a) (ii) of this section, an 634
additional prison term of one, two, three, four, five, or six 635
months; 636

(ii) If the offender previously has been convicted of or 637
pleaded guilty to one or more felony or misdemeanor violations 638
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 639
the Revised Code and also was convicted of or pleaded guilty to 640
a specification of the type described in section 2941.1421 of 641
the Revised Code regarding one or more of those violations, an 642
additional prison term of one, two, three, four, five, six, 643
seven, eight, nine, ten, eleven, or twelve months. 644

(b) In lieu of imposing an additional prison term under 645
division (H) (2) (a) of this section, the court may directly 646
impose on the offender a sanction that requires the offender to 647
wear a real-time processing, continual tracking electronic 648
monitoring device during the period of time specified by the 649
court. The period of time specified by the court shall equal the 650
duration of an additional prison term that the court could have 651
imposed upon the offender under division (H) (2) (a) of this 652

section. A sanction imposed under this division shall commence 653
on the date specified by the court, provided that the sanction 654
shall not commence until after the offender has served the 655
prison term imposed for the felony violation of section 2907.22, 656
2907.24, 2907.241, or 2907.25 of the Revised Code and any 657
residential sanction imposed for the violation under section 658
2929.16 of the Revised Code. A sanction imposed under this 659
division shall be considered to be a community control sanction 660
for purposes of section 2929.15 of the Revised Code, and all 661
provisions of the Revised Code that pertain to community control 662
sanctions shall apply to a sanction imposed under this division, 663
except to the extent that they would by their nature be clearly 664
inapplicable. The offender shall pay all costs associated with a 665
sanction imposed under this division, including the cost of the 666
use of the monitoring device. 667

(I) At the time of sentencing, the court may recommend the 668
offender for placement in a program of shock incarceration under 669
section 5120.031 of the Revised Code or for placement in an 670
intensive program prison under section 5120.032 of the Revised 671
Code, disapprove placement of the offender in a program of shock 672
incarceration or an intensive program prison of that nature, or 673
make no recommendation on placement of the offender. In no case 674
shall the department of rehabilitation and correction place the 675
offender in a program or prison of that nature unless the 676
department determines as specified in section 5120.031 or 677
5120.032 of the Revised Code, whichever is applicable, that the 678
offender is eligible for the placement. 679

If the court disapproves placement of the offender in a 680
program or prison of that nature, the department of 681
rehabilitation and correction shall not place the offender in 682
any program of shock incarceration or intensive program prison. 683

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

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

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

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 714
section 2929.142 of the Revised Code. 715

Sec. 2941.141. (A) Imposition of a one-year mandatory 716
prison term upon an offender under division (B) (1) (a) (iii) of 717
section 2929.14 of the Revised Code is precluded unless the 718
indictment, count in the indictment, or information charging the 719
offense specifies that the offender had a firearm on or about 720
the offender's person or under the offender's control while 721
committing the offense. The specification shall be stated at the 722
end of the body of the indictment, count, or information, and 723
shall be in substantially the following form: 724

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 725
Grand Jurors (or insert the person's or the prosecuting 726
attorney's name when appropriate) further find and specify that 727
(set forth that the offender had a firearm on or about the 728
offender's person or under the offender's control while 729
committing the offense.)" 730

(B) Imposition of a one-year mandatory prison term upon an 731
offender under division (B) (1) (a) (iii) of section 2929.14 of the 732
Revised Code is precluded if a court imposes a ~~three-year or~~ 733
~~six-year ten-year~~ mandatory prison term on the offender under 734
~~that division (B) (1) (a) (i) or (ii) of that section~~ relative to 735
the same felony. 736

(C) The specification described in division (A) of this 737
section may be used in a delinquent child proceeding in the 738
manner and for the purpose described in section 2152.17 of the 739
Revised Code. 740

(D) As used in this section, "firearm" has the same 741
meaning as in section 2923.11 of the Revised Code. 742

Sec. 2941.144. (A) Imposition of a ~~six-year~~ ten-year mandatory prison term upon an offender under division (B) (1) (a) (i) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the offense. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

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

(B) Imposition of a ~~six-year~~ ten-year mandatory prison term upon an offender under division (B) (1) (a) (i) of section 2929.14 of the Revised Code is precluded if a court imposes a ~~three-year or one-year~~ or ten-year mandatory prison term on the offender under ~~that~~ division (B) (1) (a) (ii) or (iii) of that section relative to the same felony.

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

(D) As used in this section, "firearm" and "automatic firearm" have the same meanings as in section 2923.11 of the

Revised Code. 773

Sec. 2941.145. (A) Imposition of a ~~three-year~~ ten-year 774
mandatory prison term upon an offender under division (B) (1) (a) 775
(ii) of section 2929.14 of the Revised Code is precluded unless 776
the indictment, count in the indictment, or information charging 777
the offense specifies that the offender had a firearm on or 778
about the offender's person or under the offender's control 779
while committing the offense and displayed the firearm, 780
brandished the firearm, indicated that the offender possessed 781
the firearm, or used it to facilitate the offense. The 782
specification shall be stated at the end of the body of the 783
indictment, count, or information, and shall be stated in 784
substantially the following form: 785

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 786
Grand Jurors (or insert the person's or the prosecuting 787
attorney's name when appropriate) further find and specify that 788
(set forth that the offender had a firearm on or about the 789
offender's person or under the offender's control while 790
committing the offense and displayed the firearm, brandished the 791
firearm, indicated that the offender possessed the firearm, or 792
used it to facilitate the offense)." 793

(B) Imposition of a ~~three-year~~ ten-year mandatory prison 794
term upon an offender under division (B) (1) (a) (ii) of section 795
2929.14 of the Revised Code is precluded if a court imposes a 796
one-year or ~~six-year~~ ten-year mandatory prison term on the 797
offender under ~~that~~ division (B) (1) (a) (i) or (iii) of that 798
section relative to the same felony. 799

(C) The specification described in division (A) of this 800
section may be used in a delinquent child proceeding in the 801
manner and for the purpose described in section 2152.17 of the 802

Revised Code. 803

(D) As used in this section, "firearm" has the same 804
meaning as in section 2923.11 of the Revised Code. 805

Section 2. That existing sections 2929.14, 2941.141, 806
2941.144, and 2941.145 of the Revised Code are hereby repealed. 807

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