

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 478

Representative Johnson, G.

Cosponsors: Representatives Antonio, Boccieri, Boyce, Clyde, Howse, Leland, Lepore-Hagan, O'Brien, M., Phillips, Ramos, Sheehy, Smith, K., Sweeney

A BILL

To amend sections 2929.13, 2929.14, 2929.22, 1
2929.24, and 2971.03 of the Revised Code to 2
authorize a court that sentences an offender for 3
a felony to a prison term or term of local 4
incarceration, or for a misdemeanor to a jail 5
term, to impose in the sentence, in addition to 6
the term, an order that prohibits the offender 7
from having direct or indirect contact with any 8
person as specified by the court and to declare 9
an emergency. 10

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

Section 1. That sections 2929.13, 2929.14, 2929.22, 11
2929.24, and 2971.03 of the Revised Code be amended to read as 12
follows: 13

Sec. 2929.13. (A) Except as provided in division (E), (F), 14
or (G) of this section and unless a specific sanction is 15
required to be imposed or is precluded from being imposed 16
pursuant to law, a court that imposes a sentence upon an 17
offender for a felony may impose any sanction or combination of 18

sanctions on the offender that are provided in sections 2929.14 19
to 2929.18 of the Revised Code. 20

If the offender is eligible to be sentenced to community 21
control sanctions, the court shall consider the appropriateness 22
of imposing a financial sanction pursuant to section 2929.18 of 23
the Revised Code or a sanction of community service pursuant to 24
section 2929.17 of the Revised Code as the sole sanction for the 25
offense. Except as otherwise provided in this division, if the 26
court is required to impose a mandatory prison term for the 27
offense for which sentence is being imposed, the court also 28
shall impose any financial sanction pursuant to section 2929.18 29
of the Revised Code that is required for the offense and may 30
impose any other financial sanction pursuant to that section but 31
may not impose any additional sanction or combination of 32
sanctions under section 2929.16 or 2929.17 of the Revised Code. 33

If the offender is being sentenced for a fourth degree 34
felony OVI offense or for a third degree felony OVI offense, in 35
addition to the mandatory term of local incarceration or the 36
mandatory prison term required for the offense by division (G) 37
(1) or (2) of this section, the court shall impose upon the 38
offender a mandatory fine in accordance with division (B) (3) of 39
section 2929.18 of the Revised Code and may impose whichever of 40
the following is applicable: 41

(1) For a fourth degree felony OVI offense for which 42
sentence is imposed under division (G) (1) of this section, an 43
additional community control sanction or combination of 44
community control sanctions under section 2929.16 or 2929.17 of 45
the Revised Code. If the court imposes upon the offender a 46
community control sanction and the offender violates any 47
condition of the community control sanction, the court may take 48

any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

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

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

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

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

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

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

(b) The court has discretion to impose a prison term upon 78
an offender who is convicted of or pleads guilty to a felony of 79
the fourth or fifth degree that is not an offense of violence or 80
that is a qualifying assault offense if any of the following 81
apply: 82

(i) The offender committed the offense while having a 83
firearm on or about the offender's person or under the 84
offender's control. 85

(ii) If the offense is a qualifying assault offense, the 86
offender caused serious physical harm to another person while 87
committing the offense, and, if the offense is not a qualifying 88
assault offense, the offender caused physical harm to another 89
person while committing the offense. 90

(iii) The offender violated a term of the conditions of 91
bond as set by the court. 92

(iv) The court made a request of the department of 93
rehabilitation and correction pursuant to division (B)(1)(c) of 94
this section, and the department, within the forty-five-day 95
period specified in that division, did not provide the court 96
with the name of, contact information for, and program details 97
of any community control sanction of at least one year's 98
duration that is available for persons sentenced by the court. 99

(v) The offense is a sex offense that is a fourth or fifth 100
degree felony violation of any provision of Chapter 2907. of the 101
Revised Code. 102

(vi) In committing the offense, the offender attempted to 103
cause or made an actual threat of physical harm to a person with 104
a deadly weapon. 105

(vii) In committing the offense, the offender attempted to 106

cause or made an actual threat of physical harm to a person, and 107
the offender previously was convicted of an offense that caused 108
physical harm to a person. 109

(viii) The offender held a public office or position of 110
trust, and the offense related to that office or position; the 111
offender's position obliged the offender to prevent the offense 112
or to bring those committing it to justice; or the offender's 113
professional reputation or position facilitated the offense or 114
was likely to influence the future conduct of others. 115

(ix) The offender committed the offense for hire or as 116
part of an organized criminal activity. 117

(x) The offender at the time of the offense was serving, 118
or the offender previously had served, a prison term. 119

(xi) The offender committed the offense while under a 120
community control sanction, while on probation, or while 121
released from custody on a bond or personal recognizance. 122

(c) If a court that is sentencing an offender who is 123
convicted of or pleads guilty to a felony of the fourth or fifth 124
degree that is not an offense of violence or that is a 125
qualifying assault offense believes that no community control 126
sanctions are available for its use that, if imposed on the 127
offender, will adequately fulfill the overriding principles and 128
purposes of sentencing, the court shall contact the department 129
of rehabilitation and correction and ask the department to 130
provide the court with the names of, contact information for, 131
and program details of one or more community control sanctions 132
of at least one year's duration that are available for persons 133
sentenced by the court. Not later than forty-five days after 134
receipt of a request from a court under this division, the 135

department shall provide the court with the names of, contact 136
information for, and program details of one or more community 137
control sanctions of at least one year's duration that are 138
available for persons sentenced by the court, if any. Upon 139
making a request under this division that relates to a 140
particular offender, a court shall defer sentencing of that 141
offender until it receives from the department the names of, 142
contact information for, and program details of one or more 143
community control sanctions of at least one year's duration that 144
are available for persons sentenced by the court or for forty- 145
five days, whichever is the earlier. 146

If the department provides the court with the names of, 147
contact information for, and program details of one or more 148
community control sanctions of at least one year's duration that 149
are available for persons sentenced by the court within the 150
forty-five-day period specified in this division, the court 151
shall impose upon the offender a community control sanction 152
under division (B) (1) (a) of this section, except that the court 153
may impose a prison term under division (B) (1) (b) of this 154
section if a factor described in division (B) (1) (b) (i) or (ii) 155
of this section applies. If the department does not provide the 156
court with the names of, contact information for, and program 157
details of one or more community control sanctions of at least 158
one year's duration that are available for persons sentenced by 159
the court within the forty-five-day period specified in this 160
division, the court may impose upon the offender a prison term 161
under division (B) (1) (b) (iv) of this section. 162

(d) A sentencing court may impose an additional penalty 163
under division (B) of section 2929.15 of the Revised Code upon 164
an offender sentenced to a community control sanction under 165
division (B) (1) (a) of this section if the offender violates the 166

conditions of the community control sanction, violates a law, or 167
leaves the state without the permission of the court or the 168
offender's probation officer. 169

(2) If division (B)(1) of this section does not apply, 170
except as provided in division (E), (F), or (G) of this section, 171
in determining whether to impose a prison term as a sanction for 172
a felony of the fourth or fifth degree, the sentencing court 173
shall comply with the purposes and principles of sentencing 174
under section 2929.11 of the Revised Code and with section 175
2929.12 of the Revised Code. 176

(C) Except as provided in division (D), (E), (F), or (G) 177
of this section, in determining whether to impose a prison term 178
as a sanction for a felony of the third degree or a felony drug 179
offense that is a violation of a provision of Chapter 2925. of 180
the Revised Code and that is specified as being subject to this 181
division for purposes of sentencing, the sentencing court shall 182
comply with the purposes and principles of sentencing under 183
section 2929.11 of the Revised Code and with section 2929.12 of 184
the Revised Code. 185

(D)(1) Except as provided in division (E) or (F) of this 186
section, for a felony of the first or second degree, for a 187
felony drug offense that is a violation of any provision of 188
Chapter 2925., 3719., or 4729. of the Revised Code for which a 189
presumption in favor of a prison term is specified as being 190
applicable, and for a violation of division (A)(4) or (B) of 191
section 2907.05 of the Revised Code for which a presumption in 192
favor of a prison term is specified as being applicable, it is 193
presumed that a prison term is necessary in order to comply with 194
the purposes and principles of sentencing under section 2929.11 195
of the Revised Code. Division (D)(2) of this section does not 196

apply to a presumption established under this division for a 197
violation of division (A) (4) of section 2907.05 of the Revised 198
Code. 199

(2) Notwithstanding the presumption established under 200
division (D) (1) of this section for the offenses listed in that 201
division other than a violation of division (A) (4) or (B) of 202
section 2907.05 of the Revised Code, the sentencing court may 203
impose a community control sanction or a combination of 204
community control sanctions instead of a prison term on an 205
offender for a felony of the first or second degree or for a 206
felony drug offense that is a violation of any provision of 207
Chapter 2925., 3719., or 4729. of the Revised Code for which a 208
presumption in favor of a prison term is specified as being 209
applicable if it makes both of the following findings: 210

(a) A community control sanction or a combination of 211
community control sanctions would adequately punish the offender 212
and protect the public from future crime, because the applicable 213
factors under section 2929.12 of the Revised Code indicating a 214
lesser likelihood of recidivism outweigh the applicable factors 215
under that section indicating a greater likelihood of 216
recidivism. 217

(b) A community control sanction or a combination of 218
community control sanctions would not demean the seriousness of 219
the offense, because one or more factors under section 2929.12 220
of the Revised Code that indicate that the offender's conduct 221
was less serious than conduct normally constituting the offense 222
are applicable, and they outweigh the applicable factors under 223
that section that indicate that the offender's conduct was more 224
serious than conduct normally constituting the offense. 225

(E) (1) Except as provided in division (F) of this section, 226

for any drug offense that is a violation of any provision of 227
Chapter 2925. of the Revised Code and that is a felony of the 228
third, fourth, or fifth degree, the applicability of a 229
presumption under division (D) of this section in favor of a 230
prison term or of division (B) or (C) of this section in 231
determining whether to impose a prison term for the offense 232
shall be determined as specified in section 2925.02, 2925.03, 233
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 234
2925.36, or 2925.37 of the Revised Code, whichever is applicable 235
regarding the violation. 236

(2) If an offender who was convicted of or pleaded guilty 237
to a felony violates the conditions of a community control 238
sanction imposed for the offense solely by reason of producing 239
positive results on a drug test, the court, as punishment for 240
the violation of the sanction, shall not order that the offender 241
be imprisoned unless the court determines on the record either 242
of the following: 243

(a) The offender had been ordered as a sanction for the 244
felony to participate in a drug treatment program, in a drug 245
education program, or in narcotics anonymous or a similar 246
program, and the offender continued to use illegal drugs after a 247
reasonable period of participation in the program. 248

(b) The imprisonment of the offender for the violation is 249
consistent with the purposes and principles of sentencing set 250
forth in section 2929.11 of the Revised Code. 251

(3) A court that sentences an offender for a drug abuse 252
offense that is a felony of the third, fourth, or fifth degree 253
may require that the offender be assessed by a properly 254
credentialed professional within a specified period of time. The 255
court shall require the professional to file a written 256

assessment of the offender with the court. If the offender is 257
eligible for a community control sanction and after considering 258
the written assessment, the court may impose a community control 259
sanction that includes treatment and recovery support services 260
authorized by section 3793.02 of the Revised Code. If the court 261
imposes treatment and recovery support services as a community 262
control sanction, the court shall direct the level and type of 263
treatment and recovery support services after considering the 264
assessment and recommendation of treatment and recovery support 265
services providers. 266

(F) Notwithstanding divisions (A) to (E) of this section, 267
the court shall impose a prison term or terms under sections 268
2929.02 to 2929.06, section 2929.14, section 2929.142, or 269
section 2971.03 of the Revised Code and except as specifically 270
provided in section 2929.20, divisions (C) to (I) of section 271
2967.19, or section 2967.191 of the Revised Code or when parole 272
is authorized for the offense under section 2967.13 of the 273
Revised Code shall not reduce the term or terms pursuant to 274
section 2929.20, section 2967.19, section 2967.193, or any other 275
provision of Chapter 2967. or Chapter 5120. of the Revised Code 276
for any of the following offenses: 277

(1) Aggravated murder when death is not imposed or murder; 278

(2) Any rape, regardless of whether force was involved and 279
regardless of the age of the victim, or an attempt to commit 280
rape if, had the offender completed the rape that was attempted, 281
the offender would have been guilty of a violation of division 282
(A) (1) (b) of section 2907.02 of the Revised Code and would be 283
sentenced under section 2971.03 of the Revised Code; 284

(3) Gross sexual imposition or sexual battery, if the 285
victim is less than thirteen years of age and if any of the 286

following applies:	287
(a) Regarding gross sexual imposition, the offender	288
previously was convicted of or pleaded guilty to rape, the	289
former offense of felonious sexual penetration, gross sexual	290
imposition, or sexual battery, and the victim of the previous	291
offense was less than thirteen years of age;	292
(b) Regarding gross sexual imposition, the offense was	293
committed on or after August 3, 2006, and evidence other than	294
the testimony of the victim was admitted in the case	295
corroborating the violation.	296
(c) Regarding sexual battery, either of the following	297
applies:	298
(i) The offense was committed prior to August 3, 2006, the	299
offender previously was convicted of or pleaded guilty to rape,	300
the former offense of felonious sexual penetration, or sexual	301
battery, and the victim of the previous offense was less than	302
thirteen years of age.	303
(ii) The offense was committed on or after August 3, 2006.	304
(4) A felony violation of section 2903.04, 2903.06,	305
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the	306
Revised Code if the section requires the imposition of a prison	307
term;	308
(5) A first, second, or third degree felony drug offense	309
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	310
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99,	311
or 4729.99 of the Revised Code, whichever is applicable	312
regarding the violation, requires the imposition of a mandatory	313
prison term;	314

(6) Any offense that is a first or second degree felony 315
and that is not set forth in division (F) (1), (2), (3), or (4) 316
of this section, if the offender previously was convicted of or 317
pleaded guilty to aggravated murder, murder, any first or second 318
degree felony, or an offense under an existing or former law of 319
this state, another state, or the United States that is or was 320
substantially equivalent to one of those offenses; 321

(7) Any offense that is a third degree felony and either 322
is a violation of section 2903.04 of the Revised Code or an 323
attempt to commit a felony of the second degree that is an 324
offense of violence and involved an attempt to cause serious 325
physical harm to a person or that resulted in serious physical 326
harm to a person if the offender previously was convicted of or 327
pleaded guilty to any of the following offenses: 328

(a) Aggravated murder, murder, involuntary manslaughter, 329
rape, felonious sexual penetration as it existed under section 330
2907.12 of the Revised Code prior to September 3, 1996, a felony 331
of the first or second degree that resulted in the death of a 332
person or in physical harm to a person, or complicity in or an 333
attempt to commit any of those offenses; 334

(b) An offense under an existing or former law of this 335
state, another state, or the United States that is or was 336
substantially equivalent to an offense listed in division (F) (7) 337
(a) of this section that resulted in the death of a person or in 338
physical harm to a person. 339

(8) Any offense, other than a violation of section 2923.12 340
of the Revised Code, that is a felony, if the offender had a 341
firearm on or about the offender's person or under the 342
offender's control while committing the felony, with respect to 343
a portion of the sentence imposed pursuant to division (B) (1) (a) 344

of section 2929.14 of the Revised Code for having the firearm; 345

(9) Any offense of violence that is a felony, if the 346
offender wore or carried body armor while committing the felony 347
offense of violence, with respect to the portion of the sentence 348
imposed pursuant to division (B)(1)(d) of section 2929.14 of the 349
Revised Code for wearing or carrying the body armor; 350

(10) Corrupt activity in violation of section 2923.32 of 351
the Revised Code when the most serious offense in the pattern of 352
corrupt activity that is the basis of the offense is a felony of 353
the first degree; 354

(11) Any violent sex offense or designated homicide, 355
assault, or kidnapping offense if, in relation to that offense, 356
the offender is adjudicated a sexually violent predator; 357

(12) A violation of division (A)(1) or (2) of section 358
2921.36 of the Revised Code, or a violation of division (C) of 359
that section involving an item listed in division (A)(1) or (2) 360
of that section, if the offender is an officer or employee of 361
the department of rehabilitation and correction; 362

(13) A violation of division (A)(1) or (2) of section 363
2903.06 of the Revised Code if the victim of the offense is a 364
peace officer, as defined in section 2935.01 of the Revised 365
Code, or an investigator of the bureau of criminal 366
identification and investigation, as defined in section 2903.11 367
of the Revised Code, with respect to the portion of the sentence 368
imposed pursuant to division (B)(5) of section 2929.14 of the 369
Revised Code; 370

(14) A violation of division (A)(1) or (2) of section 371
2903.06 of the Revised Code if the offender has been convicted 372
of or pleaded guilty to three or more violations of division (A) 373

or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code;

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

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

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

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

(G) Notwithstanding divisions (A) to (E) of this section, 404
if an offender is being sentenced for a fourth degree felony OVI 405
offense or for a third degree felony OVI offense, the court 406
shall impose upon the offender a mandatory term of local 407
incarceration or a mandatory prison term in accordance with the 408
following: 409

(1) If the offender is being sentenced for a fourth degree 410
felony OVI offense and if the offender has not been convicted of 411
and has not pleaded guilty to a specification of the type 412
described in section 2941.1413 of the Revised Code, the court 413
may impose upon the offender a mandatory term of local 414
incarceration of sixty days or one hundred twenty days as 415
specified in division (G)(1)(d) of section 4511.19 of the 416
Revised Code. The court shall not reduce the term pursuant to 417
section 2929.20, 2967.193, or any other provision of the Revised 418
Code. The court that imposes a mandatory term of local 419
incarceration under this division shall specify whether the term 420
is to be served in a jail, a community-based correctional 421
facility, a halfway house, or an alternative residential 422
facility, and the offender shall serve the term in the type of 423
facility specified by the court. A mandatory term of local 424
incarceration imposed under division (G)(1) of this section is 425
not subject to any other Revised Code provision that pertains to 426
a prison term except as provided in division (A)(1) of this 427
section. 428

(2) If the offender is being sentenced for a third degree 429
felony OVI offense, or if the offender is being sentenced for a 430
fourth degree felony OVI offense and the court does not impose a 431
mandatory term of local incarceration under division (G)(1) of 432
this section, the court shall impose upon the offender a 433
mandatory prison term of one, two, three, four, or five years if 434

the offender also is convicted of or also pleads guilty to a 435
specification of the type described in section 2941.1413 of the 436
Revised Code or shall impose upon the offender a mandatory 437
prison term of sixty days or one hundred twenty days as 438
specified in division (G)(1)(d) or (e) of section 4511.19 of the 439
Revised Code if the offender has not been convicted of and has 440
not pleaded guilty to a specification of that type. Subject to 441
divisions (C) to (I) of section 2967.19 of the Revised Code, the 442
court shall not reduce the term pursuant to section 2929.20, 443
2967.19, 2967.193, or any other provision of the Revised Code. 444
The offender shall serve the one-, two-, three-, four-, or five- 445
year mandatory prison term consecutively to and prior to the 446
prison term imposed for the underlying offense and consecutively 447
to any other mandatory prison term imposed in relation to the 448
offense. In no case shall an offender who once has been 449
sentenced to a mandatory term of local incarceration pursuant to 450
division (G)(1) of this section for a fourth degree felony OVI 451
offense be sentenced to another mandatory term of local 452
incarceration under that division for any violation of division 453
(A) of section 4511.19 of the Revised Code. In addition to the 454
mandatory prison term described in division (G)(2) of this 455
section, the court may sentence the offender to a community 456
control sanction under section 2929.16 or 2929.17 of the Revised 457
Code, but the offender shall serve the prison term prior to 458
serving the community control sanction. The department of 459
rehabilitation and correction may place an offender sentenced to 460
a mandatory prison term under this division in an intensive 461
program prison established pursuant to section 5120.033 of the 462
Revised Code if the department gave the sentencing judge prior 463
notice of its intent to place the offender in an intensive 464
program prison established under that section and if the judge 465
did not notify the department that the judge disapproved the 466

placement. Upon the establishment of the initial intensive 467
program prison pursuant to section 5120.033 of the Revised Code 468
that is privately operated and managed by a contractor pursuant 469
to a contract entered into under section 9.06 of the Revised 470
Code, both of the following apply: 471

(a) The department of rehabilitation and correction shall 472
make a reasonable effort to ensure that a sufficient number of 473
offenders sentenced to a mandatory prison term under this 474
division are placed in the privately operated and managed prison 475
so that the privately operated and managed prison has full 476
occupancy. 477

(b) Unless the privately operated and managed prison has 478
full occupancy, the department of rehabilitation and correction 479
shall not place any offender sentenced to a mandatory prison 480
term under this division in any intensive program prison 481
established pursuant to section 5120.033 of the Revised Code 482
other than the privately operated and managed prison. 483

(H) If an offender is being sentenced for a sexually 484
oriented offense or child-victim oriented offense that is a 485
felony committed on or after January 1, 1997, the judge shall 486
require the offender to submit to a DNA specimen collection 487
procedure pursuant to section 2901.07 of the Revised Code. 488

(I) If an offender is being sentenced for a sexually 489
oriented offense or a child-victim oriented offense committed on 490
or after January 1, 1997, the judge shall include in the 491
sentence a summary of the offender's duties imposed under 492
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 493
Code and the duration of the duties. The judge shall inform the 494
offender, at the time of sentencing, of those duties and of 495
their duration. If required under division (A) (2) of section 496

2950.03 of the Revised Code, the judge shall perform the duties 497
specified in that section, or, if required under division (A) (6) 498
of section 2950.03 of the Revised Code, the judge shall perform 499
the duties specified in that division. 500

(J) (1) Except as provided in division (J) (2) of this 501
section, when considering sentencing factors under this section 502
in relation to an offender who is convicted of or pleads guilty 503
to an attempt to commit an offense in violation of section 504
2923.02 of the Revised Code, the sentencing court shall consider 505
the factors applicable to the felony category of the violation 506
of section 2923.02 of the Revised Code instead of the factors 507
applicable to the felony category of the offense attempted. 508

(2) When considering sentencing factors under this section 509
in relation to an offender who is convicted of or pleads guilty 510
to an attempt to commit a drug abuse offense for which the 511
penalty is determined by the amount or number of unit doses of 512
the controlled substance involved in the drug abuse offense, the 513
sentencing court shall consider the factors applicable to the 514
felony category that the drug abuse offense attempted would be 515
if that drug abuse offense had been committed and had involved 516
an amount or number of unit doses of the controlled substance 517
that is within the next lower range of controlled substance 518
amounts than was involved in the attempt. 519

(K) (1) A sentencing court that imposes a prison term on an 520
offender for a felony under this section, section 2929.14 or 521
2971.03, or any other provision of the Revised Code or a 522
mandatory term of local incarceration on an offender for a 523
felony under division (G) of this section may impose in the 524
sentence, in addition to the prison term or term of local 525
incarceration, an order that prohibits the offender from having 526

direct or indirect contact with one or more persons as specified 527
by the court in the order. 528

(2) A no-contact order issued under division (K) (1) of 529
this section shall remain in effect for the duration of the 530
offender's prison term or term of local incarceration and during 531
any one or more of the following periods the court specifies in 532
the order: 533

(a) While the offender is subject to supervision after 534
being released from that term under section 2929.20 or 2967.19 535
of the Revised Code; 536

(b) While the offender is subject to post-release control 537
supervision under section 2967.26 of the Revised Code after 538
being released from that term; 539

(c) While the offender otherwise is under judicial control 540
or supervision after having been released from that term. 541

(L) As used in this section: 542

(1) "Drug abuse offense" has the same meaning as in 543
section 2925.01 of the Revised Code. 544

(2) "Qualifying assault offense" means a violation of 545
section 2903.13 of the Revised Code for which the penalty 546
provision in division (C) (8) (b) or (C) (9) (b) of that section 547
applies. 548

~~(L)~~(M) At the time of sentencing an offender for any 549
sexually oriented offense, if the offender is a tier III sex 550
offender/child-victim offender relative to that offense and the 551
offender does not serve a prison term or jail term, the court 552
may require that the offender be monitored by means of a global 553
positioning device. If the court requires such monitoring, the 554

cost of monitoring shall be borne by the offender. If the 555
offender is indigent, the cost of compliance shall be paid by 556
the crime victims reparations fund. 557

Sec. 2929.14. (A) Except as provided in division (B)(1), 558
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), 559
(G), (H), or (J) of this section or in division (D)(6) of 560
section 2919.25 of the Revised Code and except in relation to an 561
offense for which a sentence of death or life imprisonment is to 562
be imposed, if the court imposing a sentence upon an offender 563
for a felony elects or is required to impose a prison term on 564
the offender pursuant to this chapter, the court shall impose a 565
definite prison term that shall be one of the following: 566

(1) For a felony of the first degree, the prison term 567
shall be three, four, five, six, seven, eight, nine, ten, or 568
eleven years. 569

(2) For a felony of the second degree, the prison term 570
shall be two, three, four, five, six, seven, or eight years. 571

(3)(a) For a felony of the third degree that is a 572
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 573
2907.05 of the Revised Code or that is a violation of section 574
2911.02 or 2911.12 of the Revised Code if the offender 575
previously has been convicted of or pleaded guilty in two or 576
more separate proceedings to two or more violations of section 577
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 578
prison term shall be twelve, eighteen, twenty-four, thirty, 579
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 580

(b) For a felony of the third degree that is not an 581
offense for which division (A)(3)(a) of this section applies, 582
the prison term shall be nine, twelve, eighteen, twenty-four, 583

thirty, or thirty-six months. 584

(4) For a felony of the fourth degree, the prison term 585
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 586
fourteen, fifteen, sixteen, seventeen, or eighteen months. 587

(5) For a felony of the fifth degree, the prison term 588
shall be six, seven, eight, nine, ten, eleven, or twelve months. 589

(B) (1) (a) Except as provided in division (B) (1) (e) of this 590
section, if an offender who is convicted of or pleads guilty to 591
a felony also is convicted of or pleads guilty to a 592
specification of the type described in section 2941.141, 593
2941.144, or 2941.145 of the Revised Code, the court shall 594
impose on the offender one of the following prison terms: 595

(i) A prison term of six years if the specification is of 596
the type described in section 2941.144 of the Revised Code that 597
charges the offender with having a firearm that is an automatic 598
firearm or that was equipped with a firearm muffler or 599
suppressor on or about the offender's person or under the 600
offender's control while committing the felony; 601

(ii) A prison term of three years if the specification is 602
of the type described in section 2941.145 of the Revised Code 603
that charges the offender with having a firearm on or about the 604
offender's person or under the offender's control while 605
committing the offense and displaying the firearm, brandishing 606
the firearm, indicating that the offender possessed the firearm, 607
or using it to facilitate the offense; 608

(iii) A prison term of one year if the specification is of 609
the type described in section 2941.141 of the Revised Code that 610
charges the offender with having a firearm on or about the 611
offender's person or under the offender's control while 612

committing the felony. 613

(b) If a court imposes a prison term on an offender under 614
division (B) (1) (a) of this section, the prison term shall not be 615
reduced pursuant to section 2967.19, section 2929.20, section 616
2967.193, or any other provision of Chapter 2967. or Chapter 617
5120. of the Revised Code. Except as provided in division (B) (1) 618
(g) of this section, a court shall not impose more than one 619
prison term on an offender under division (B) (1) (a) of this 620
section for felonies committed as part of the same act or 621
transaction. 622

(c) Except as provided in division (B) (1) (e) of this 623
section, if an offender who is convicted of or pleads guilty to 624
a violation of section 2923.161 of the Revised Code or to a 625
felony that includes, as an essential element, purposely or 626
knowingly causing or attempting to cause the death of or 627
physical harm to another, also is convicted of or pleads guilty 628
to a specification of the type described in section 2941.146 of 629
the Revised Code that charges the offender with committing the 630
offense by discharging a firearm from a motor vehicle other than 631
a manufactured home, the court, after imposing a prison term on 632
the offender for the violation of section 2923.161 of the 633
Revised Code or for the other felony offense under division (A), 634
(B) (2), or (B) (3) of this section, shall impose an additional 635
prison term of five years upon the offender that shall not be 636
reduced pursuant to section 2929.20, section 2967.19, section 637
2967.193, or any other provision of Chapter 2967. or Chapter 638
5120. of the Revised Code. A court shall not impose more than 639
one additional prison term on an offender under division (B) (1) 640
(c) of this section for felonies committed as part of the same 641
act or transaction. If a court imposes an additional prison term 642
on an offender under division (B) (1) (c) of this section relative 643

to an offense, the court also shall impose a prison term under 644
division (B) (1) (a) of this section relative to the same offense, 645
provided the criteria specified in that division for imposing an 646
additional prison term are satisfied relative to the offender 647
and the offense. 648

(d) If an offender who is convicted of or pleads guilty to 649
an offense of violence that is a felony also is convicted of or 650
pleads guilty to a specification of the type described in 651
section 2941.1411 of the Revised Code that charges the offender 652
with wearing or carrying body armor while committing the felony 653
offense of violence, the court shall impose on the offender a 654
prison term of two years. The prison term so imposed, subject to 655
divisions (C) to (I) of section 2967.19 of the Revised Code, 656
shall not be reduced pursuant to section 2929.20, section 657
2967.19, section 2967.193, or any other provision of Chapter 658
2967. or Chapter 5120. of the Revised Code. A court shall not 659
impose more than one prison term on an offender under division 660
(B) (1) (d) of this section for felonies committed as part of the 661
same act or transaction. If a court imposes an additional prison 662
term under division (B) (1) (a) or (c) of this section, the court 663
is not precluded from imposing an additional prison term under 664
division (B) (1) (d) of this section. 665

(e) The court shall not impose any of the prison terms 666
described in division (B) (1) (a) of this section or any of the 667
additional prison terms described in division (B) (1) (c) of this 668
section upon an offender for a violation of section 2923.12 or 669
2923.123 of the Revised Code. The court shall not impose any of 670
the prison terms described in division (B) (1) (a) or (b) of this 671
section upon an offender for a violation of section 2923.122 672
that involves a deadly weapon that is a firearm other than a 673
dangerous ordnance, section 2923.16, or section 2923.121 of the 674

Revised Code. The court shall not impose any of the prison terms 675
described in division (B) (1) (a) of this section or any of the 676
additional prison terms described in division (B) (1) (c) of this 677
section upon an offender for a violation of section 2923.13 of 678
the Revised Code unless all of the following apply: 679

(i) The offender previously has been convicted of 680
aggravated murder, murder, or any felony of the first or second 681
degree. 682

(ii) Less than five years have passed since the offender 683
was released from prison or post-release control, whichever is 684
later, for the prior offense. 685

(f) If an offender is convicted of or pleads guilty to a 686
felony that includes, as an essential element, causing or 687
attempting to cause the death of or physical harm to another and 688
also is convicted of or pleads guilty to a specification of the 689
type described in section 2941.1412 of the Revised Code that 690
charges the offender with committing the offense by discharging 691
a firearm at a peace officer as defined in section 2935.01 of 692
the Revised Code or a corrections officer, as defined in section 693
2941.1412 of the Revised Code, the court, after imposing a 694
prison term on the offender for the felony offense under 695
division (A), (B) (2), or (B) (3) of this section, shall impose an 696
additional prison term of seven years upon the offender that 697
shall not be reduced pursuant to section 2929.20, section 698
2967.19, section 2967.193, or any other provision of Chapter 699
2967. or Chapter 5120. of the Revised Code. If an offender is 700
convicted of or pleads guilty to two or more felonies that 701
include, as an essential element, causing or attempting to cause 702
the death or physical harm to another and also is convicted of 703
or pleads guilty to a specification of the type described under 704

division (B) (1) (f) of this section in connection with two or 705
more of the felonies of which the offender is convicted or to 706
which the offender pleads guilty, the sentencing court shall 707
impose on the offender the prison term specified under division 708
(B) (1) (f) of this section for each of two of the specifications 709
of which the offender is convicted or to which the offender 710
pleads guilty and, in its discretion, also may impose on the 711
offender the prison term specified under that division for any 712
or all of the remaining specifications. If a court imposes an 713
additional prison term on an offender under division (B) (1) (f) 714
of this section relative to an offense, the court shall not 715
impose a prison term under division (B) (1) (a) or (c) of this 716
section relative to the same offense. 717

(g) If an offender is convicted of or pleads guilty to two 718
or more felonies, if one or more of those felonies are 719
aggravated murder, murder, attempted aggravated murder, 720
attempted murder, aggravated robbery, felonious assault, or 721
rape, and if the offender is convicted of or pleads guilty to a 722
specification of the type described under division (B) (1) (a) of 723
this section in connection with two or more of the felonies, the 724
sentencing court shall impose on the offender the prison term 725
specified under division (B) (1) (a) of this section for each of 726
the two most serious specifications of which the offender is 727
convicted or to which the offender pleads guilty and, in its 728
discretion, also may impose on the offender the prison term 729
specified under that division for any or all of the remaining 730
specifications. 731

(2) (a) If division (B) (2) (b) of this section does not 732
apply, the court may impose on an offender, in addition to the 733
longest prison term authorized or required for the offense, an 734
additional definite prison term of one, two, three, four, five, 735

six, seven, eight, nine, or ten years if all of the following 736
criteria are met: 737

(i) The offender is convicted of or pleads guilty to a 738
specification of the type described in section 2941.149 of the 739
Revised Code that the offender is a repeat violent offender. 740

(ii) The offense of which the offender currently is 741
convicted or to which the offender currently pleads guilty is 742
aggravated murder and the court does not impose a sentence of 743
death or life imprisonment without parole, murder, terrorism and 744
the court does not impose a sentence of life imprisonment 745
without parole, any felony of the first degree that is an 746
offense of violence and the court does not impose a sentence of 747
life imprisonment without parole, or any felony of the second 748
degree that is an offense of violence and the trier of fact 749
finds that the offense involved an attempt to cause or a threat 750
to cause serious physical harm to a person or resulted in 751
serious physical harm to a person. 752

(iii) The court imposes the longest prison term for the 753
offense that is not life imprisonment without parole. 754

(iv) The court finds that the prison terms imposed 755
pursuant to division (B)(2)(a)(iii) of this section and, if 756
applicable, division (B)(1) or (3) of this section are 757
inadequate to punish the offender and protect the public from 758
future crime, because the applicable factors under section 759
2929.12 of the Revised Code indicating a greater likelihood of 760
recidivism outweigh the applicable factors under that section 761
indicating a lesser likelihood of recidivism. 762

(v) The court finds that the prison terms imposed pursuant 763
to division (B)(2)(a)(iii) of this section and, if applicable, 764

division (B) (1) or (3) of this section are demeaning to the 765
seriousness of the offense, because one or more of the factors 766
under section 2929.12 of the Revised Code indicating that the 767
offender's conduct is more serious than conduct normally 768
constituting the offense are present, and they outweigh the 769
applicable factors under that section indicating that the 770
offender's conduct is less serious than conduct normally 771
constituting the offense. 772

(b) The court shall impose on an offender the longest 773
prison term authorized or required for the offense and shall 774
impose on the offender an additional definite prison term of 775
one, two, three, four, five, six, seven, eight, nine, or ten 776
years if all of the following criteria are met: 777

(i) The offender is convicted of or pleads guilty to a 778
specification of the type described in section 2941.149 of the 779
Revised Code that the offender is a repeat violent offender. 780

(ii) The offender within the preceding twenty years has 781
been convicted of or pleaded guilty to three or more offenses 782
described in division (CC) (1) of section 2929.01 of the Revised 783
Code, including all offenses described in that division of which 784
the offender is convicted or to which the offender pleads guilty 785
in the current prosecution and all offenses described in that 786
division of which the offender previously has been convicted or 787
to which the offender previously pleaded guilty, whether 788
prosecuted together or separately. 789

(iii) The offense or offenses of which the offender 790
currently is convicted or to which the offender currently pleads 791
guilty is aggravated murder and the court does not impose a 792
sentence of death or life imprisonment without parole, murder, 793
terrorism and the court does not impose a sentence of life 794

imprisonment without parole, any felony of the first degree that 795
is an offense of violence and the court does not impose a 796
sentence of life imprisonment without parole, or any felony of 797
the second degree that is an offense of violence and the trier 798
of fact finds that the offense involved an attempt to cause or a 799
threat to cause serious physical harm to a person or resulted in 800
serious physical harm to a person. 801

(c) For purposes of division (B) (2) (b) of this section, 802
two or more offenses committed at the same time or as part of 803
the same act or event shall be considered one offense, and that 804
one offense shall be the offense with the greatest penalty. 805

(d) A sentence imposed under division (B) (2) (a) or (b) of 806
this section shall not be reduced pursuant to section 2929.20, 807
section 2967.19, or section 2967.193, or any other provision of 808
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 809
shall serve an additional prison term imposed under this section 810
consecutively to and prior to the prison term imposed for the 811
underlying offense. 812

(e) When imposing a sentence pursuant to division (B) (2) 813
(a) or (b) of this section, the court shall state its findings 814
explaining the imposed sentence. 815

(3) Except when an offender commits a violation of section 816
2903.01 or 2907.02 of the Revised Code and the penalty imposed 817
for the violation is life imprisonment or commits a violation of 818
section 2903.02 of the Revised Code, if the offender commits a 819
violation of section 2925.03 or 2925.11 of the Revised Code and 820
that section classifies the offender as a major drug offender, 821
if the offender commits a felony violation of section 2925.02, 822
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 823
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 824

division (C) of section 4729.51, or division (J) of section 825
4729.54 of the Revised Code that includes the sale, offer to 826
sell, or possession of a schedule I or II controlled substance, 827
with the exception of marihuana, and the court imposing sentence 828
upon the offender finds that the offender is guilty of a 829
specification of the type described in section 2941.1410 of the 830
Revised Code charging that the offender is a major drug 831
offender, if the court imposing sentence upon an offender for a 832
felony finds that the offender is guilty of corrupt activity 833
with the most serious offense in the pattern of corrupt activity 834
being a felony of the first degree, or if the offender is guilty 835
of an attempted violation of section 2907.02 of the Revised Code 836
and, had the offender completed the violation of section 2907.02 837
of the Revised Code that was attempted, the offender would have 838
been subject to a sentence of life imprisonment or life 839
imprisonment without parole for the violation of section 2907.02 840
of the Revised Code, the court shall impose upon the offender 841
for the felony violation a mandatory prison term of the maximum 842
prison term prescribed for a felony of the first degree that, 843
subject to divisions (C) to (I) of section 2967.19 of the 844
Revised Code, cannot be reduced pursuant to section 2929.20, 845
section 2967.19, or any other provision of Chapter 2967. or 846
5120. of the Revised Code. 847

(4) If the offender is being sentenced for a third or 848
fourth degree felony OVI offense under division (G) (2) of 849
section 2929.13 of the Revised Code, the sentencing court shall 850
impose upon the offender a mandatory prison term in accordance 851
with that division. In addition to the mandatory prison term, if 852
the offender is being sentenced for a fourth degree felony OVI 853
offense, the court, notwithstanding division (A) (4) of this 854
section, may sentence the offender to a definite prison term of 855

not less than six months and not more than thirty months, and if 856
the offender is being sentenced for a third degree felony OVI 857
offense, the sentencing court may sentence the offender to an 858
additional prison term of any duration specified in division (A) 859
(3) of this section. In either case, the additional prison term 860
imposed shall be reduced by the sixty or one hundred twenty days 861
imposed upon the offender as the mandatory prison term. The 862
total of the additional prison term imposed under division (B) 863
(4) of this section plus the sixty or one hundred twenty days 864
imposed as the mandatory prison term shall equal a definite term 865
in the range of six months to thirty months for a fourth degree 866
felony OVI offense and shall equal one of the authorized prison 867
terms specified in division (A) (3) of this section for a third 868
degree felony OVI offense. If the court imposes an additional 869
prison term under division (B) (4) of this section, the offender 870
shall serve the additional prison term after the offender has 871
served the mandatory prison term required for the offense. In 872
addition to the mandatory prison term or mandatory and 873
additional prison term imposed as described in division (B) (4) 874
of this section, the court also may sentence the offender to a 875
community control sanction under section 2929.16 or 2929.17 of 876
the Revised Code, but the offender shall serve all of the prison 877
terms so imposed prior to serving the community control 878
sanction. 879

If the offender is being sentenced for a fourth degree 880
felony OVI offense under division (G) (1) of section 2929.13 of 881
the Revised Code and the court imposes a mandatory term of local 882
incarceration, the court may impose a prison term as described 883
in division (A) (1) of that section. 884

(5) If an offender is convicted of or pleads guilty to a 885
violation of division (A) (1) or (2) of section 2903.06 of the 886

Revised Code and also is convicted of or pleads guilty to a 887
specification of the type described in section 2941.1414 of the 888
Revised Code that charges that the victim of the offense is a 889
peace officer, as defined in section 2935.01 of the Revised 890
Code, or an investigator of the bureau of criminal 891
identification and investigation, as defined in section 2903.11 892
of the Revised Code, the court shall impose on the offender a 893
prison term of five years. If a court imposes a prison term on 894
an offender under division (B) (5) of this section, the prison 895
term, subject to divisions (C) to (I) of section 2967.19 of the 896
Revised Code, shall not be reduced pursuant to section 2929.20, 897
section 2967.19, section 2967.193, or any other provision of 898
Chapter 2967. or Chapter 5120. of the Revised Code. A court 899
shall not impose more than one prison term on an offender under 900
division (B) (5) of this section for felonies committed as part 901
of the same act. 902

(6) If an offender is convicted of or pleads guilty to a 903
violation of division (A) (1) or (2) of section 2903.06 of the 904
Revised Code and also is convicted of or pleads guilty to a 905
specification of the type described in section 2941.1415 of the 906
Revised Code that charges that the offender previously has been 907
convicted of or pleaded guilty to three or more violations of 908
division (A) or (B) of section 4511.19 of the Revised Code or an 909
equivalent offense, as defined in section 2941.1415 of the 910
Revised Code, or three or more violations of any combination of 911
those divisions and offenses, the court shall impose on the 912
offender a prison term of three years. If a court imposes a 913
prison term on an offender under division (B) (6) of this 914
section, the prison term, subject to divisions (C) to (I) of 915
section 2967.19 of the Revised Code, shall not be reduced 916
pursuant to section 2929.20, section 2967.19, section 2967.193, 917

or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

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

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

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

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

(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 947
not impose more than one prison term on an offender under 948
division (B) (7) (a) of this section for felonies committed as 949
part of the same act, scheme, or plan. 950

(8) If an offender is convicted of or pleads guilty to a 951
felony violation of section 2903.11, 2903.12, or 2903.13 of the 952
Revised Code and also is convicted of or pleads guilty to a 953
specification of the type described in section 2941.1423 of the 954
Revised Code that charges that the victim of the violation was a 955
woman whom the offender knew was pregnant at the time of the 956
violation, notwithstanding the range of prison terms prescribed 957
in division (A) of this section for felonies of the same degree 958
as the violation, the court shall impose on the offender a 959
mandatory prison term that is either a definite prison term of 960
six months or one of the prison terms prescribed in section 961
2929.14 of the Revised Code for felonies of the same degree as 962
the violation. 963

(C) (1) (a) Subject to division (C) (1) (b) of this section, 964
if a mandatory prison term is imposed upon an offender pursuant 965
to division (B) (1) (a) of this section for having a firearm on or 966
about the offender's person or under the offender's control 967
while committing a felony, if a mandatory prison term is imposed 968
upon an offender pursuant to division (B) (1) (c) of this section 969
for committing a felony specified in that division by 970
discharging a firearm from a motor vehicle, or if both types of 971
mandatory prison terms are imposed, the offender shall serve any 972
mandatory prison term imposed under either division 973
consecutively to any other mandatory prison term imposed under 974
either division or under division (B) (1) (d) of this section, 975
consecutively to and prior to any prison term imposed for the 976
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 977

this section or any other section of the Revised Code, and 978
consecutively to any other prison term or mandatory prison term 979
previously or subsequently imposed upon the offender. 980

(b) If a mandatory prison term is imposed upon an offender 981
pursuant to division (B)(1)(d) of this section for wearing or 982
carrying body armor while committing an offense of violence that 983
is a felony, the offender shall serve the mandatory term so 984
imposed consecutively to any other mandatory prison term imposed 985
under that division or under division (B)(1)(a) or (c) of this 986
section, consecutively to and prior to any prison term imposed 987
for the underlying felony under division (A), (B)(2), or (B)(3) 988
of this section or any other section of the Revised Code, and 989
consecutively to any other prison term or mandatory prison term 990
previously or subsequently imposed upon the offender. 991

(c) If a mandatory prison term is imposed upon an offender 992
pursuant to division (B)(1)(f) of this section, the offender 993
shall serve the mandatory prison term so imposed consecutively 994
to and prior to any prison term imposed for the underlying 995
felony under division (A), (B)(2), or (B)(3) of this section or 996
any other section of the Revised Code, and consecutively to any 997
other prison term or mandatory prison term previously or 998
subsequently imposed upon the offender. 999

(d) If a mandatory prison term is imposed upon an offender 1000
pursuant to division (B)(7) or (8) of this section, the offender 1001
shall serve the mandatory prison term so imposed consecutively 1002
to any other mandatory prison term imposed under that division 1003
or under any other provision of law and consecutively to any 1004
other prison term or mandatory prison term previously or 1005
subsequently imposed upon the offender. 1006

(2) If an offender who is an inmate in a jail, prison, or 1007

other residential detention facility violates section 2917.02, 1008
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1009
(2) of section 2921.34 of the Revised Code, if an offender who 1010
is under detention at a detention facility commits a felony 1011
violation of section 2923.131 of the Revised Code, or if an 1012
offender who is an inmate in a jail, prison, or other 1013
residential detention facility or is under detention at a 1014
detention facility commits another felony while the offender is 1015
an escapee in violation of division (A) (1) or (2) of section 1016
2921.34 of the Revised Code, any prison term imposed upon the 1017
offender for one of those violations shall be served by the 1018
offender consecutively to the prison term or term of 1019
imprisonment the offender was serving when the offender 1020
committed that offense and to any other prison term previously 1021
or subsequently imposed upon the offender. 1022

(3) If a prison term is imposed for a violation of 1023
division (B) of section 2911.01 of the Revised Code, a violation 1024
of division (A) of section 2913.02 of the Revised Code in which 1025
the stolen property is a firearm or dangerous ordnance, or a 1026
felony violation of division (B) of section 2921.331 of the 1027
Revised Code, the offender shall serve that prison term 1028
consecutively to any other prison term or mandatory prison term 1029
previously or subsequently imposed upon the offender. 1030

(4) If multiple prison terms are imposed on an offender 1031
for convictions of multiple offenses, the court may require the 1032
offender to serve the prison terms consecutively if the court 1033
finds that the consecutive service is necessary to protect the 1034
public from future crime or to punish the offender and that 1035
consecutive sentences are not disproportionate to the 1036
seriousness of the offender's conduct and to the danger the 1037
offender poses to the public, and if the court also finds any of 1038

the following: 1039

(a) The offender committed one or more of the multiple 1040
offenses while the offender was awaiting trial or sentencing, 1041
was under a sanction imposed pursuant to section 2929.16, 1042
2929.17, or 2929.18 of the Revised Code, or was under post- 1043
release control for a prior offense. 1044

(b) At least two of the multiple offenses were committed 1045
as part of one or more courses of conduct, and the harm caused 1046
by two or more of the multiple offenses so committed was so 1047
great or unusual that no single prison term for any of the 1048
offenses committed as part of any of the courses of conduct 1049
adequately reflects the seriousness of the offender's conduct. 1050

(c) The offender's history of criminal conduct 1051
demonstrates that consecutive sentences are necessary to protect 1052
the public from future crime by the offender. 1053

(5) If a mandatory prison term is imposed upon an offender 1054
pursuant to division (B) (5) or (6) of this section, the offender 1055
shall serve the mandatory prison term consecutively to and prior 1056
to any prison term imposed for the underlying violation of 1057
division (A) (1) or (2) of section 2903.06 of the Revised Code 1058
pursuant to division (A) of this section or section 2929.142 of 1059
the Revised Code. If a mandatory prison term is imposed upon an 1060
offender pursuant to division (B) (5) of this section, and if a 1061
mandatory prison term also is imposed upon the offender pursuant 1062
to division (B) (6) of this section in relation to the same 1063
violation, the offender shall serve the mandatory prison term 1064
imposed pursuant to division (B) (5) of this section 1065
consecutively to and prior to the mandatory prison term imposed 1066
pursuant to division (B) (6) of this section and consecutively to 1067
and prior to any prison term imposed for the underlying 1068

violation of division (A) (1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

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

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

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-

release control after the offender's release from imprisonment, 1099
in accordance with that division, if the parole board determines 1100
that a period of post-release control is necessary. Section 1101
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1102
a court imposed a sentence including a prison term of a type 1103
described in this division and failed to include in the sentence 1104
pursuant to this division a statement regarding post-release 1105
control. 1106

(E) The court shall impose sentence upon the offender in 1107
accordance with section 2971.03 of the Revised Code, and Chapter 1108
2971. of the Revised Code applies regarding the prison term or 1109
term of life imprisonment without parole imposed upon the 1110
offender and the service of that term of imprisonment if any of 1111
the following apply: 1112

(1) A person is convicted of or pleads guilty to a violent 1113
sex offense or a designated homicide, assault, or kidnapping 1114
offense, and, in relation to that offense, the offender is 1115
adjudicated a sexually violent predator. 1116

(2) A person is convicted of or pleads guilty to a 1117
violation of division (A) (1) (b) of section 2907.02 of the 1118
Revised Code committed on or after January 2, 2007, and either 1119
the court does not impose a sentence of life without parole when 1120
authorized pursuant to division (B) of section 2907.02 of the 1121
Revised Code, or division (B) of section 2907.02 of the Revised 1122
Code provides that the court shall not sentence the offender 1123
pursuant to section 2971.03 of the Revised Code. 1124

(3) A person is convicted of or pleads guilty to attempted 1125
rape committed on or after January 2, 2007, and a specification 1126
of the type described in section 2941.1418, 2941.1419, or 1127
2941.1420 of the Revised Code. 1128

(4) A person is convicted of or pleads guilty to a 1129
violation of section 2905.01 of the Revised Code committed on or 1130
after January 1, 2008, and that section requires the court to 1131
sentence the offender pursuant to section 2971.03 of the Revised 1132
Code. 1133

(5) A person is convicted of or pleads guilty to 1134
aggravated murder committed on or after January 1, 2008, and 1135
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1136
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1137
(d) of section 2929.03, or division (A) or (B) of section 1138
2929.06 of the Revised Code requires the court to sentence the 1139
offender pursuant to division (B) (3) of section 2971.03 of the 1140
Revised Code. 1141

(6) A person is convicted of or pleads guilty to murder 1142
committed on or after January 1, 2008, and division (B) (2) of 1143
section 2929.02 of the Revised Code requires the court to 1144
sentence the offender pursuant to section 2971.03 of the Revised 1145
Code. 1146

(F) If a person who has been convicted of or pleaded 1147
guilty to a felony is sentenced to a prison term or term of 1148
imprisonment under this section, sections 2929.02 to 2929.06 of 1149
the Revised Code, section 2929.142 of the Revised Code, section 1150
2971.03 of the Revised Code, or any other provision of law, 1151
section 5120.163 of the Revised Code applies regarding the 1152
person while the person is confined in a state correctional 1153
institution. 1154

(G) If an offender who is convicted of or pleads guilty to 1155
a felony that is an offense of violence also is convicted of or 1156
pleads guilty to a specification of the type described in 1157
section 2941.142 of the Revised Code that charges the offender 1158

with having committed the felony while participating in a 1159
criminal gang, the court shall impose upon the offender an 1160
additional prison term of one, two, or three years. 1161

(H) (1) If an offender who is convicted of or pleads guilty 1162
to aggravated murder, murder, or a felony of the first, second, 1163
or third degree that is an offense of violence also is convicted 1164
of or pleads guilty to a specification of the type described in 1165
section 2941.143 of the Revised Code that charges the offender 1166
with having committed the offense in a school safety zone or 1167
towards a person in a school safety zone, the court shall impose 1168
upon the offender an additional prison term of two years. The 1169
offender shall serve the additional two years consecutively to 1170
and prior to the prison term imposed for the underlying offense. 1171

(2) (a) If an offender is convicted of or pleads guilty to 1172
a felony violation of section 2907.22, 2907.24, 2907.241, or 1173
2907.25 of the Revised Code and to a specification of the type 1174
described in section 2941.1421 of the Revised Code and if the 1175
court imposes a prison term on the offender for the felony 1176
violation, the court may impose upon the offender an additional 1177
prison term as follows: 1178

(i) Subject to division (H) (2) (a) (ii) of this section, an 1179
additional prison term of one, two, three, four, five, or six 1180
months; 1181

(ii) If the offender previously has been convicted of or 1182
pleaded guilty to one or more felony or misdemeanor violations 1183
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1184
the Revised Code and also was convicted of or pleaded guilty to 1185
a specification of the type described in section 2941.1421 of 1186
the Revised Code regarding one or more of those violations, an 1187
additional prison term of one, two, three, four, five, six, 1188

seven, eight, nine, ten, eleven, or twelve months. 1189

(b) In lieu of imposing an additional prison term under 1190
division (H)(2)(a) of this section, the court may directly 1191
impose on the offender a sanction that requires the offender to 1192
wear a real-time processing, continual tracking electronic 1193
monitoring device during the period of time specified by the 1194
court. The period of time specified by the court shall equal the 1195
duration of an additional prison term that the court could have 1196
imposed upon the offender under division (H)(2)(a) of this 1197
section. A sanction imposed under this division shall commence 1198
on the date specified by the court, provided that the sanction 1199
shall not commence until after the offender has served the 1200
prison term imposed for the felony violation of section 2907.22, 1201
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1202
residential sanction imposed for the violation under section 1203
2929.16 of the Revised Code. A sanction imposed under this 1204
division shall be considered to be a community control sanction 1205
for purposes of section 2929.15 of the Revised Code, and all 1206
provisions of the Revised Code that pertain to community control 1207
sanctions shall apply to a sanction imposed under this division, 1208
except to the extent that they would by their nature be clearly 1209
inapplicable. The offender shall pay all costs associated with a 1210
sanction imposed under this division, including the cost of the 1211
use of the monitoring device. 1212

(I) At the time of sentencing, the court may recommend the 1213
offender for placement in a program of shock incarceration under 1214
section 5120.031 of the Revised Code or for placement in an 1215
intensive program prison under section 5120.032 of the Revised 1216
Code, disapprove placement of the offender in a program of shock 1217
incarceration or an intensive program prison of that nature, or 1218
make no recommendation on placement of the offender. In no case 1219

shall the department of rehabilitation and correction place the 1220
offender in a program or prison of that nature unless the 1221
department determines as specified in section 5120.031 or 1222
5120.032 of the Revised Code, whichever is applicable, that the 1223
offender is eligible for the placement. 1224

If the court disapproves placement of the offender in a 1225
program or prison of that nature, the department of 1226
rehabilitation and correction shall not place the offender in 1227
any program of shock incarceration or intensive program prison. 1228

If the court recommends placement of the offender in a 1229
program of shock incarceration or in an intensive program 1230
prison, and if the offender is subsequently placed in the 1231
recommended program or prison, the department shall notify the 1232
court of the placement and shall include with the notice a brief 1233
description of the placement. 1234

If the court recommends placement of the offender in a 1235
program of shock incarceration or in an intensive program prison 1236
and the department does not subsequently place the offender in 1237
the recommended program or prison, the department shall send a 1238
notice to the court indicating why the offender was not placed 1239
in the recommended program or prison. 1240

If the court does not make a recommendation under this 1241
division with respect to an offender and if the department 1242
determines as specified in section 5120.031 or 5120.032 of the 1243
Revised Code, whichever is applicable, that the offender is 1244
eligible for placement in a program or prison of that nature, 1245
the department shall screen the offender and determine if there 1246
is an available program of shock incarceration or an intensive 1247
program prison for which the offender is suited. If there is an 1248
available program of shock incarceration or an intensive program 1249

prison for which the offender is suited, the department shall 1250
notify the court of the proposed placement of the offender as 1251
specified in section 5120.031 or 5120.032 of the Revised Code 1252
and shall include with the notice a brief description of the 1253
placement. The court shall have ten days from receipt of the 1254
notice to disapprove the placement. 1255

(J) If a person is convicted of or pleads guilty to 1256
aggravated vehicular homicide in violation of division (A) (1) of 1257
section 2903.06 of the Revised Code and division (B) (2) (c) of 1258
that section applies, the person shall be sentenced pursuant to 1259
section 2929.142 of the Revised Code. 1260

(K) If a court sentences an offender for a felony to a 1261
prison term under this section, in addition to the prison term,
the court may impose in the sentence a no-contact order pursuant
to division (K) of section 2929.13 of the Revised Code. 1264

Sec. 2929.22. (A) Unless a mandatory jail term is required 1265
to be imposed by division (G) of section 1547.99, division (B) 1266
of section 4510.14, division (G) of section 4511.19 of the 1267
Revised Code, or any other provision of the Revised Code a court 1268
that imposes a sentence under this chapter upon an offender for 1269
a misdemeanor or minor misdemeanor has discretion to determine 1270
the most effective way to achieve the purposes and principles of 1271
sentencing set forth in section 2929.21 of the Revised Code. 1272

Unless a specific sanction is required to be imposed or is 1273
precluded from being imposed by the section setting forth an 1274
offense or the penalty for an offense or by any provision of 1275
sections 2929.23 to 2929.28 of the Revised Code, a court that 1276
imposes a sentence upon an offender for a misdemeanor may impose 1277
on the offender any sanction or combination of sanctions under 1278
sections 2929.24 to 2929.28 of the Revised Code. The court shall 1279

not impose a sentence that imposes an unnecessary burden on 1280
local government resources. 1281

(B) (1) In determining the appropriate sentence for a 1282
misdemeanor, the court shall consider all of the following 1283
factors: 1284

(a) The nature and circumstances of the offense or 1285
offenses; 1286

(b) Whether the circumstances regarding the offender and 1287
the offense or offenses indicate that the offender has a history 1288
of persistent criminal activity and that the offender's 1289
character and condition reveal a substantial risk that the 1290
offender will commit another offense; 1291

(c) Whether the circumstances regarding the offender and 1292
the offense or offenses indicate that the offender's history, 1293
character, and condition reveal a substantial risk that the 1294
offender will be a danger to others and that the offender's 1295
conduct has been characterized by a pattern of repetitive, 1296
compulsive, or aggressive behavior with heedless indifference to 1297
the consequences; 1298

(d) Whether the victim's youth, age, disability, or other 1299
factor made the victim particularly vulnerable to the offense or 1300
made the impact of the offense more serious; 1301

(e) Whether the offender is likely to commit future crimes 1302
in general, in addition to the circumstances described in 1303
divisions (B) (1) (b) and (c) of this section; 1304

(f) Whether the offender has an emotional, mental, or 1305
physical condition that is traceable to the offender's service 1306
in the armed forces of the United States and that was a 1307
contributing factor in the offender's commission of the offense 1308

or offenses; 1309

(g) The offender's military service record. 1310

(2) In determining the appropriate sentence for a 1311
misdemeanor, in addition to complying with division (B)(1) of 1312
this section, the court may consider any other factors that are 1313
relevant to achieving the purposes and principles of sentencing 1314
set forth in section 2929.21 of the Revised Code. 1315

(C) Before imposing a jail term as a sentence for a 1316
misdemeanor, a court shall consider the appropriateness of 1317
imposing a community control sanction or a combination of 1318
community control sanctions under sections 2929.25, 2929.26, 1319
2929.27, and 2929.28 of the Revised Code. A court may impose the 1320
longest jail term authorized under section 2929.24 of the 1321
Revised Code only upon offenders who commit the worst forms of 1322
the offense or upon offenders whose conduct and response to 1323
prior sanctions for prior offenses demonstrate that the 1324
imposition of the longest jail term is necessary to deter the 1325
offender from committing a future crime. 1326

(D)(1) A sentencing court shall consider any relevant oral 1327
or written statement made by the victim, the defendant, the 1328
defense attorney, or the prosecuting authority regarding 1329
sentencing for a misdemeanor. This division does not create any 1330
rights to notice other than those rights authorized by Chapter 1331
2930. of the Revised Code. 1332

(2) At the time of sentencing for a misdemeanor or as soon 1333
as possible after sentencing, the court shall notify the victim 1334
of the offense of the victim's right to file an application for 1335
an award of reparations pursuant to sections 2743.51 to 2743.72 1336
of the Revised Code. 1337

(E) (1) A sentencing court that imposes a jail term on an offender for a misdemeanor under this section, section 2929.24, or any other provision of the Revised Code may impose in the sentence, in addition to the jail term, an order that prohibits the offender from having direct or indirect contact with one or more persons as specified by the court in the order. 1338
1339
1340
1341
1342
1343

(2) A no-contact order issued under division (E) (1) of this section shall remain in effect for the duration of the offender's jail term and during any one or more of the following periods the court specifies in the order: 1344
1345
1346
1347

(a) While the offender is subject to supervision after having all or a portion of the jail term suspended and being placed under one or more community control sanctions, as described in division (A) (1) (b) of section 2929.25 of the Revised Code; 1348
1349
1350
1351
1352

(b) While the offender otherwise is under judicial control or supervision after having been released from that term. 1353
1354

Sec. 2929.24. (A) Except as provided in section 2929.22 or 2929.23 of the Revised Code or division (E) or (F) of this section and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this chapter, the court shall impose a definite jail term that shall be one of the following: 1355
1356
1357
1358
1359
1360
1361
1362

(1) For a misdemeanor of the first degree, not more than one hundred eighty days; 1363
1364

(2) For a misdemeanor of the second degree, not more than ninety days; 1365
1366

(3) For a misdemeanor of the third degree, not more than 1367
sixty days; 1368

(4) For a misdemeanor of the fourth degree, not more than 1369
thirty days. 1370

(B) (1) A court that sentences an offender to a jail term 1371
under this section may permit the offender to serve the sentence 1372
in intermittent confinement or may authorize a limited release 1373
of the offender as provided in division (B) of section 2929.26 1374
of the Revised Code. The court retains jurisdiction over every 1375
offender sentenced to jail to modify the jail sentence imposed 1376
at any time, but the court shall not reduce any mandatory jail 1377
term. 1378

(2) (a) If a prosecutor, as defined in section 2935.01 of 1379
the Revised Code, has filed a notice with the court that the 1380
prosecutor wants to be notified about a particular case and if 1381
the court is considering modifying the jail sentence of the 1382
offender in that case, the court shall notify the prosecutor 1383
that the court is considering modifying the jail sentence of the 1384
offender in that case. The prosecutor may request a hearing 1385
regarding the court's consideration of modifying the jail 1386
sentence of the offender in that case, and, if the prosecutor 1387
requests a hearing, the court shall notify the eligible offender 1388
of the hearing. 1389

(b) If the prosecutor requests a hearing regarding the 1390
court's consideration of modifying the jail sentence of the 1391
offender in that case, the court shall hold the hearing before 1392
considering whether or not to release the offender from the 1393
offender's jail sentence. 1394

(C) If a court sentences an offender to a jail term under 1395

this section and the court assigns the offender to a county jail 1396
that has established a county jail industry program pursuant to 1397
section 5147.30 of the Revised Code, the court shall specify, as 1398
part of the sentence, whether the offender may be considered for 1399
participation in the program. During the offender's term in the 1400
county jail, the court retains jurisdiction to modify its 1401
specification regarding the offender's participation in the 1402
county jail industry program. 1403

(D) If a person is sentenced to a jail term pursuant to 1404
this section, the court may impose as part of the sentence 1405
pursuant to section 2929.28 of the Revised Code a reimbursement 1406
sanction, and, if the local detention facility in which the term 1407
is to be served is covered by a policy adopted pursuant to 1408
section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 1409
753.16, 2301.56, or 2947.19 of the Revised Code and section 1410
2929.37 of the Revised Code, both of the following apply: 1411

(1) The court shall specify both of the following as part 1412
of the sentence: 1413

(a) If the person is presented with an itemized bill 1414
pursuant to section 2929.37 of the Revised Code for payment of 1415
the costs of confinement, the person is required to pay the bill 1416
in accordance with that section. 1417

(b) If the person does not dispute the bill described in 1418
division (D)(1)(a) of this section and does not pay the bill by 1419
the times specified in section 2929.37 of the Revised Code, the 1420
clerk of the court may issue a certificate of judgment against 1421
the person as described in that section. 1422

(2) The sentence automatically includes any certificate of 1423
judgment issued as described in division (D)(1)(b) of this 1424

section. 1425

(E) If an offender who is convicted of or pleads guilty to 1426
a violation of division (B) of section 4511.19 of the Revised 1427
Code also is convicted of or also pleads guilty to a 1428
specification of the type described in section 2941.1416 of the 1429
Revised Code and if the court imposes a jail term on the 1430
offender for the underlying offense, the court shall impose upon 1431
the offender an additional definite jail term of not more than 1432
six months. The additional jail term shall not be reduced 1433
pursuant to any provision of the Revised Code. The offender 1434
shall serve the additional jail term consecutively to and prior 1435
to the jail term imposed for the underlying offense and 1436
consecutively to any other mandatory term imposed in relation to 1437
the offense. 1438

(F) (1) If an offender is convicted of or pleads guilty to 1439
a misdemeanor violation of section 2907.23, 2907.24, 2907.241, 1440
or 2907.25 of the Revised Code and to a specification of the 1441
type described in section 2941.1421 of the Revised Code and if 1442
the court imposes a jail term on the offender for the 1443
misdemeanor violation, the court may impose upon the offender an 1444
additional definite jail term as follows: 1445

(a) Subject to division (F) (1) (b) of this section, an 1446
additional definite jail term of not more than sixty days; 1447

(b) If the offender previously has been convicted of or 1448
pleaded guilty to one or more misdemeanor or felony violations 1449
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1450
the Revised Code and also was convicted of or pleaded guilty to 1451
a specification of the type described in section 2941.1421 of 1452
the Revised Code regarding one or more of those violations, an 1453
additional definite jail term of not more than one hundred 1454

twenty days. 1455

(2) In lieu of imposing an additional definite jail term 1456
under division (F) (1) of this section, the court may directly 1457
impose on the offender a sanction that requires the offender to 1458
wear a real-time processing, continual tracking electronic 1459
monitoring device during the period of time specified by the 1460
court. The period of time specified by the court shall equal the 1461
duration of an additional jail term that the court could have 1462
imposed upon the offender under division (F) (1) of this section. 1463
A sanction imposed under this division shall commence on the 1464
date specified by the court, provided that the sanction shall 1465
not commence until after the offender has served the jail term 1466
imposed for the misdemeanor violation of section 2907.23, 1467
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1468
residential sanction imposed for the violation under section 1469
2929.26 of the Revised Code. A sanction imposed under this 1470
division shall be considered to be a community control sanction 1471
for purposes of section 2929.25 of the Revised Code, and all 1472
provisions of the Revised Code that pertain to community control 1473
sanctions shall apply to a sanction imposed under this division, 1474
except to the extent that they would by their nature be clearly 1475
inapplicable. The offender shall pay all costs associated with a 1476
sanction imposed under this division, including the cost of the 1477
use of the monitoring device. 1478

(G) If an offender is convicted of or pleads guilty to a 1479
misdemeanor violation of section 2903.13 of the Revised Code and 1480
also is convicted of or pleads guilty to a specification of the 1481
type described in section 2941.1423 of the Revised Code that 1482
charges that the victim of the violation was a woman whom the 1483
offender knew was pregnant at the time of the violation, the 1484
court shall impose on the offender a mandatory jail term that is 1485

a definite term of at least thirty days. 1486

(H) (1) If a court sentences an offender to a jail term 1487
under this section, the sentencing court retains jurisdiction 1488
over the offender and the jail term. Upon motion of either party 1489
or upon the court's own motion, the court, in the court's sole 1490
discretion and as the circumstances warrant, may substitute one 1491
or more community control sanctions under section 2929.26 or 1492
2929.27 of the Revised Code for any jail days that are not 1493
mandatory jail days. 1494

(2) If a court sentences an offender for a misdemeanor to 1495
a jail term under this section, in addition to the jail term, 1496
the court may impose in the sentence a no-contact order pursuant 1497
to division (E) of section 2929.22 of the Revised Code. 1498

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 1499
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 1500
another section of the Revised Code, other than divisions (B) 1501
and (C) of section 2929.14 of the Revised Code, that authorizes 1502
or requires a specified prison term or a mandatory prison term 1503
for a person who is convicted of or pleads guilty to a felony or 1504
that specifies the manner and place of service of a prison term 1505
or term of imprisonment, the court shall impose a sentence upon 1506
a person who is convicted of or pleads guilty to a violent sex 1507
offense and who also is convicted of or pleads guilty to a 1508
sexually violent predator specification that was included in the 1509
indictment, count in the indictment, or information charging 1510
that offense, and upon a person who is convicted of or pleads 1511
guilty to a designated homicide, assault, or kidnapping offense 1512
and also is convicted of or pleads guilty to both a sexual 1513
motivation specification and a sexually violent predator 1514
specification that were included in the indictment, count in the 1515

indictment, or information charging that offense, as follows: 1516

(1) If the offense for which the sentence is being imposed 1517
is aggravated murder and if the court does not impose upon the 1518
offender a sentence of death, it shall impose upon the offender 1519
a term of life imprisonment without parole. If the court 1520
sentences the offender to death and the sentence of death is 1521
vacated, overturned, or otherwise set aside, the court shall 1522
impose upon the offender a term of life imprisonment without 1523
parole. 1524

(2) If the offense for which the sentence is being imposed 1525
is murder; or if the offense is rape committed in violation of 1526
division (A) (1) (b) of section 2907.02 of the Revised Code when 1527
the offender purposely compelled the victim to submit by force 1528
or threat of force, when the victim was less than ten years of 1529
age, when the offender previously has been convicted of or 1530
pleaded guilty to either rape committed in violation of that 1531
division or a violation of an existing or former law of this 1532
state, another state, or the United States that is substantially 1533
similar to division (A) (1) (b) of section 2907.02 of the Revised 1534
Code, or when the offender during or immediately after the 1535
commission of the rape caused serious physical harm to the 1536
victim; or if the offense is an offense other than aggravated 1537
murder or murder for which a term of life imprisonment may be 1538
imposed, it shall impose upon the offender a term of life 1539
imprisonment without parole. 1540

(3) (a) Except as otherwise provided in division (A) (3) (b), 1541
(c), (d), or (e) or (A) (4) of this section, if the offense for 1542
which the sentence is being imposed is an offense other than 1543
aggravated murder, murder, or rape and other than an offense for 1544
which a term of life imprisonment may be imposed, it shall 1545

impose an indefinite prison term consisting of a minimum term 1546
fixed by the court from among the range of terms available as a 1547
definite term for the offense, but not less than two years, and 1548
a maximum term of life imprisonment. 1549

(b) Except as otherwise provided in division (A)(4) of 1550
this section, if the offense for which the sentence is being 1551
imposed is kidnapping that is a felony of the first degree, it 1552
shall impose an indefinite prison term as follows: 1553

(i) If the kidnapping is committed on or after January 1, 1554
2008, and the victim of the offense is less than thirteen years 1555
of age, except as otherwise provided in this division, it shall 1556
impose an indefinite prison term consisting of a minimum term of 1557
fifteen years and a maximum term of life imprisonment. If the 1558
kidnapping is committed on or after January 1, 2008, the victim 1559
of the offense is less than thirteen years of age, and the 1560
offender released the victim in a safe place unharmed, it shall 1561
impose an indefinite prison term consisting of a minimum term of 1562
ten years and a maximum term of life imprisonment. 1563

(ii) If the kidnapping is committed prior to January 1, 1564
2008, or division (A)(3)(b)(i) of this section does not apply, 1565
it shall impose an indefinite term consisting of a minimum term 1566
fixed by the court that is not less than ten years and a maximum 1567
term of life imprisonment. 1568

(c) Except as otherwise provided in division (A)(4) of 1569
this section, if the offense for which the sentence is being 1570
imposed is kidnapping that is a felony of the second degree, it 1571
shall impose an indefinite prison term consisting of a minimum 1572
term fixed by the court that is not less than eight years, and a 1573
maximum term of life imprisonment. 1574

(d) Except as otherwise provided in division (A)(4) of 1575
this section, if the offense for which the sentence is being 1576
imposed is rape for which a term of life imprisonment is not 1577
imposed under division (A)(2) of this section or division (B) of 1578
section 2907.02 of the Revised Code, it shall impose an 1579
indefinite prison term as follows: 1580

(i) If the rape is committed on or after January 2, 2007, 1581
in violation of division (A)(1)(b) of section 2907.02 of the 1582
Revised Code, it shall impose an indefinite prison term 1583
consisting of a minimum term of twenty-five years and a maximum 1584
term of life imprisonment. 1585

(ii) If the rape is committed prior to January 2, 2007, or 1586
the rape is committed on or after January 2, 2007, other than in 1587
violation of division (A)(1)(b) of section 2907.02 of the 1588
Revised Code, it shall impose an indefinite prison term 1589
consisting of a minimum term fixed by the court that is not less 1590
than ten years, and a maximum term of life imprisonment. 1591

(e) Except as otherwise provided in division (A)(4) of 1592
this section, if the offense for which sentence is being imposed 1593
is attempted rape, it shall impose an indefinite prison term as 1594
follows: 1595

(i) Except as otherwise provided in division (A)(3)(e) 1596
(ii), (iii), or (iv) of this section, it shall impose an 1597
indefinite prison term pursuant to division (A)(3)(a) of this 1598
section. 1599

(ii) If the attempted rape for which sentence is being 1600
imposed was committed on or after January 2, 2007, and if the 1601
offender also is convicted of or pleads guilty to a 1602
specification of the type described in section 2941.1418 of the 1603

Revised Code, it shall impose an indefinite prison term 1604
consisting of a minimum term of five years and a maximum term of 1605
twenty-five years. 1606

(iii) If the attempted rape for which sentence is being 1607
imposed was committed on or after January 2, 2007, and if the 1608
offender also is convicted of or pleads guilty to a 1609
specification of the type described in section 2941.1419 of the 1610
Revised Code, it shall impose an indefinite prison term 1611
consisting of a minimum term of ten years and a maximum of life 1612
imprisonment. 1613

(iv) If the attempted rape for which sentence is being 1614
imposed was committed on or after January 2, 2007, and if the 1615
offender also is convicted of or pleads guilty to a 1616
specification of the type described in section 2941.1420 of the 1617
Revised Code, it shall impose an indefinite prison term 1618
consisting of a minimum term of fifteen years and a maximum of 1619
life imprisonment. 1620

(4) For any offense for which the sentence is being 1621
imposed, if the offender previously has been convicted of or 1622
pleaded guilty to a violent sex offense and also to a sexually 1623
violent predator specification that was included in the 1624
indictment, count in the indictment, or information charging 1625
that offense, or previously has been convicted of or pleaded 1626
guilty to a designated homicide, assault, or kidnapping offense 1627
and also to both a sexual motivation specification and a 1628
sexually violent predator specification that were included in 1629
the indictment, count in the indictment, or information charging 1630
that offense, it shall impose upon the offender a term of life 1631
imprisonment without parole. 1632

(B) (1) Notwithstanding section 2929.13, division (A) or 1633

(D) of section 2929.14, or another section of the Revised Code 1634
other than division (B) of section 2907.02 or divisions (B) and 1635
(C) of section 2929.14 of the Revised Code that authorizes or 1636
requires a specified prison term or a mandatory prison term for 1637
a person who is convicted of or pleads guilty to a felony or 1638
that specifies the manner and place of service of a prison term 1639
or term of imprisonment, if a person is convicted of or pleads 1640
guilty to a violation of division (A) (1) (b) of section 2907.02 1641
of the Revised Code committed on or after January 2, 2007, if 1642
division (A) of this section does not apply regarding the 1643
person, and if the court does not impose a sentence of life 1644
without parole when authorized pursuant to division (B) of 1645
section 2907.02 of the Revised Code, the court shall impose upon 1646
the person an indefinite prison term consisting of one of the 1647
following: 1648

(a) Except as otherwise required in division (B) (1) (b) or 1649
(c) of this section, a minimum term of ten years and a maximum 1650
term of life imprisonment. 1651

(b) If the victim was less than ten years of age, a 1652
minimum term of fifteen years and a maximum of life 1653
imprisonment. 1654

(c) If the offender purposely compels the victim to submit 1655
by force or threat of force, or if the offender previously has 1656
been convicted of or pleaded guilty to violating division (A) (1) 1657
(b) of section 2907.02 of the Revised Code or to violating an 1658
existing or former law of this state, another state, or the 1659
United States that is substantially similar to division (A) (1) 1660
(b) of that section, or if the offender during or immediately 1661
after the commission of the offense caused serious physical harm 1662
to the victim, a minimum term of twenty-five years and a maximum 1663

of life imprisonment. 1664

(2) Notwithstanding section 2929.13, division (A) or (D) 1665
of section 2929.14, or another section of the Revised Code other 1666
than divisions (B) and (C) of section 2929.14 of the Revised 1667
Code that authorizes or requires a specified prison term or a 1668
mandatory prison term for a person who is convicted of or pleads 1669
guilty to a felony or that specifies the manner and place of 1670
service of a prison term or term of imprisonment and except as 1671
otherwise provided in division (B) of section 2907.02 of the 1672
Revised Code, if a person is convicted of or pleads guilty to 1673
attempted rape committed on or after January 2, 2007, and if 1674
division (A) of this section does not apply regarding the 1675
person, the court shall impose upon the person an indefinite 1676
prison term consisting of one of the following: 1677

(a) If the person also is convicted of or pleads guilty to 1678
a specification of the type described in section 2941.1418 of 1679
the Revised Code, the court shall impose upon the person an 1680
indefinite prison term consisting of a minimum term of five 1681
years and a maximum term of twenty-five years. 1682

(b) If the person also is convicted of or pleads guilty to 1683
a specification of the type described in section 2941.1419 of 1684
the Revised Code, the court shall impose upon the person an 1685
indefinite prison term consisting of a minimum term of ten years 1686
and a maximum term of life imprisonment. 1687

(c) If the person also is convicted of or pleads guilty to 1688
a specification of the type described in section 2941.1420 of 1689
the Revised Code, the court shall impose upon the person an 1690
indefinite prison term consisting of a minimum term of fifteen 1691
years and a maximum term of life imprisonment. 1692

(3) Notwithstanding section 2929.13, division (A) or (D) 1693
of section 2929.14, or another section of the Revised Code other 1694
than divisions (B) and (C) of section 2929.14 of the Revised 1695
Code that authorizes or requires a specified prison term or a 1696
mandatory prison term for a person who is convicted of or pleads 1697
guilty to a felony or that specifies the manner and place of 1698
service of a prison term or term of imprisonment, if a person is 1699
convicted of or pleads guilty to an offense described in 1700
division (B) (3) (a), (b), (c), or (d) of this section committed 1701
on or after January 1, 2008, if the person also is convicted of 1702
or pleads guilty to a sexual motivation specification that was 1703
included in the indictment, count in the indictment, or 1704
information charging that offense, and if division (A) of this 1705
section does not apply regarding the person, the court shall 1706
impose upon the person an indefinite prison term consisting of 1707
one of the following: 1708

(a) An indefinite prison term consisting of a minimum of 1709
ten years and a maximum term of life imprisonment if the offense 1710
for which the sentence is being imposed is kidnapping, the 1711
victim of the offense is less than thirteen years of age, and 1712
the offender released the victim in a safe place unharmed; 1713

(b) An indefinite prison term consisting of a minimum of 1714
fifteen years and a maximum term of life imprisonment if the 1715
offense for which the sentence is being imposed is kidnapping 1716
when the victim of the offense is less than thirteen years of 1717
age and division (B) (3) (a) of this section does not apply; 1718

(c) An indefinite term consisting of a minimum of thirty 1719
years and a maximum term of life imprisonment if the offense for 1720
which the sentence is being imposed is aggravated murder, when 1721
the victim of the offense is less than thirteen years of age, a 1722

sentence of death or life imprisonment without parole is not 1723
imposed for the offense, and division (A) (2) (b) (ii) of section 1724
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 1725
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 1726
division (A) or (B) of section 2929.06 of the Revised Code 1727
requires that the sentence for the offense be imposed pursuant 1728
to this division; 1729

(d) An indefinite prison term consisting of a minimum of 1730
thirty years and a maximum term of life imprisonment if the 1731
offense for which the sentence is being imposed is murder when 1732
the victim of the offense is less than thirteen years of age. 1733

(C) (1) If the offender is sentenced to a prison term 1734
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 1735
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 1736
parole board shall have control over the offender's service of 1737
the term during the entire term unless the parole board 1738
terminates its control in accordance with section 2971.04 of the 1739
Revised Code. 1740

(2) Except as provided in division (C) (3) of this section, 1741
an offender sentenced to a prison term or term of life 1742
imprisonment without parole pursuant to division (A) of this 1743
section shall serve the entire prison term or term of life 1744
imprisonment in a state correctional institution. The offender 1745
is not eligible for judicial release under section 2929.20 of 1746
the Revised Code. 1747

(3) For a prison term imposed pursuant to division (A) (3), 1748
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 1749
(b), (c), or (d) of this section, the court, in accordance with 1750
section 2971.05 of the Revised Code, may terminate the prison 1751
term or modify the requirement that the offender serve the 1752

entire term in a state correctional institution if all of the 1753
following apply: 1754

(a) The offender has served at least the minimum term 1755
imposed as part of that prison term. 1756

(b) The parole board, pursuant to section 2971.04 of the 1757
Revised Code, has terminated its control over the offender's 1758
service of that prison term. 1759

(c) The court has held a hearing and found, by clear and 1760
convincing evidence, one of the following: 1761

(i) In the case of termination of the prison term, that 1762
the offender is unlikely to commit a sexually violent offense in 1763
the future; 1764

(ii) In the case of modification of the requirement, that 1765
the offender does not represent a substantial risk of physical 1766
harm to others. 1767

(4) An offender who has been sentenced to a term of life 1768
imprisonment without parole pursuant to division (A)(1), (2), or 1769
(4) of this section shall not be released from the term of life 1770
imprisonment or be permitted to serve a portion of it in a place 1771
other than a state correctional institution. 1772

(D) If a court sentences an offender to a prison term or 1773
term of life imprisonment without parole pursuant to division 1774
(A) of this section and the court also imposes on the offender 1775
one or more additional prison terms pursuant to division (B) of 1776
section 2929.14 of the Revised Code, all of the additional 1777
prison terms shall be served consecutively with, and prior to, 1778
the prison term or term of life imprisonment without parole 1779
imposed upon the offender pursuant to division (A) of this 1780
section. 1781

(E) If the offender is convicted of or pleads guilty to 1782
two or more offenses for which a prison term or term of life 1783
imprisonment without parole is required to be imposed pursuant 1784
to division (A) of this section, divisions (A) to (D) of this 1785
section shall be applied for each offense. All minimum terms 1786
imposed upon the offender pursuant to division (A)(3) or (B) of 1787
this section for those offenses shall be aggregated and served 1788
consecutively, as if they were a single minimum term imposed 1789
under that division. 1790

(F)(1) If an offender is convicted of or pleads guilty to 1791
a violent sex offense and also is convicted of or pleads guilty 1792
to a sexually violent predator specification that was included 1793
in the indictment, count in the indictment, or information 1794
charging that offense, or is convicted of or pleads guilty to a 1795
designated homicide, assault, or kidnapping offense and also is 1796
convicted of or pleads guilty to both a sexual motivation 1797
specification and a sexually violent predator specification that 1798
were included in the indictment, count in the indictment, or 1799
information charging that offense, the conviction of or plea of 1800
guilty to the offense and the sexually violent predator 1801
specification automatically classifies the offender as a tier 1802
III sex offender/child-victim offender for purposes of Chapter 1803
2950. of the Revised Code. 1804

(2) If an offender is convicted of or pleads guilty to 1805
committing on or after January 2, 2007, a violation of division 1806
(A)(1)(b) of section 2907.02 of the Revised Code and either the 1807
offender is sentenced under section 2971.03 of the Revised Code 1808
or a sentence of life without parole is imposed under division 1809
(B) of section 2907.02 of the Revised Code, the conviction of or 1810
plea of guilty to the offense automatically classifies the 1811
offender as a tier III sex offender/child-victim offender for 1812

purposes of Chapter 2950. of the Revised Code. 1813

(3) If a person is convicted of or pleads guilty to 1814
committing on or after January 2, 2007, attempted rape and also 1815
is convicted of or pleads guilty to a specification of the type 1816
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1817
Revised Code, the conviction of or plea of guilty to the offense 1818
and the specification automatically classify the offender as a 1819
tier III sex offender/child-victim offender for purposes of 1820
Chapter 2950. of the Revised Code. 1821

(4) If a person is convicted of or pleads guilty to one of 1822
the offenses described in division (B) (3) (a), (b), (c), or (d) 1823
of this section and a sexual motivation specification related to 1824
the offense and the victim of the offense is less than thirteen 1825
years of age, the conviction of or plea of guilty to the offense 1826
automatically classifies the offender as a tier III sex 1827
offender/child-victim offender for purposes of Chapter 2950. of 1828
the Revised Code. 1829

(G) If a court sentences an offender for a felony to a 1830
prison term, including a term of life imprisonment, under this 1831
section, in addition to the prison term, the court may impose in 1832
the sentence a no-contact order pursuant to division (K) of 1833
section 2929.13 of the Revised Code. 1834

Section 2. That existing sections 2929.13, 2929.14, 1835
2929.22, 2929.24, and 2971.03 of the Revised Code are hereby 1836
repealed. 1837

Section 3. This act is hereby declared to be an emergency 1838
measure necessary for the immediate preservation of the public 1839
peace, health, and safety. The reason for the necessity is that 1840
immediate action to allow the issuance of no contact orders as 1841

part of the sentence of a person sentenced to prison or jail for	1842
a crime is crucial for the protection of victims, witnesses,	1843
their family members, and others. Therefore, this act shall go	1844
into immediate effect.	1845