

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 38**

**Representative Patmon**

**Cosponsors: Representatives Becker, Blessing, Boyd, Reece, Schaffer**

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**A BILL**

To amend sections 2152.17 and 2929.14 and to enact  
sections 2941.1424 and 2941.1425 of the Revised  
Code to create specifications that impose an  
additional prison term upon an offender who  
commits a felony offense against a disabled  
person or an elderly person and increase the  
period of commitment to the Department of Youth  
Services for committing an act that would be a  
felony offense against a disabled person or an  
elderly person if committed by an adult, for  
felony offenses that do not delineate enhanced  
penalties when a disabled person or an elderly  
person is the victim of the violation.

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

**Section 1.** That sections 2152.17 and 2929.14 be amended  
and sections 2941.1424 and 2941.1425 of the Revised Code be  
enacted to read as follows:

**Sec. 2152.17.** (A) Subject to division (D) of this section,  
if a child is adjudicated a delinquent child for committing an  
act, other than a violation of section 2923.12 of the Revised

Code, that would be a felony if committed by an adult and if the court determines that, if the child was an adult, the child would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, ~~or~~ 2941.1415, 2941.1424, or 2941.1425 of the Revised Code, in addition to any commitment or other disposition the court imposes for the underlying delinquent act, all of the following apply:

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

(2) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.145 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child would be guilty of a specification of the type set forth in section 2941.1415 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than three years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

(3) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.144, 2941.146, or 2941.1412 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child

would be guilty of a specification of the type set forth in 50  
section 2941.1414 of the Revised Code, the court shall commit 51  
the child to the department of youth services for the 52  
specification for a definite period of not less than one and not 53  
more than five years, and the court also shall commit the child 54  
to the department for the underlying delinquent act under 55  
sections 2152.11 to 2152.16 of the Revised Code. 56

(4) If the court determines that the child would be guilty 57  
of a specification of the type set forth in section 2941.1424 or 58  
2941.1425 of the Revised Code and the act is not a violation 59  
specified in division (B) (9) (b) or (10) (b) of section 2929.14 of 60  
the Revised Code, the court shall commit the child to the 61  
department of youth services for the specification for a 62  
definite period of two years. 63

(B) (1) If a child is adjudicated a delinquent child for 64  
committing an act, other than a violation of section 2923.12 of 65  
the Revised Code, that would be a felony if committed by an 66  
adult, if the court determines that the child is complicit in 67  
another person's conduct that is of such a nature that the other 68  
person would be guilty of a specification of the type set forth 69  
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 70  
Revised Code if the other person was an adult, if the other 71  
person's conduct relates to the child's underlying delinquent 72  
act, and if the child did not furnish, use, or dispose of any 73  
firearm that was involved with the underlying delinquent act or 74  
with the other person's specification-related conduct, in 75  
addition to any other disposition the court imposes for the 76  
underlying delinquent act, the court may commit the child to the 77  
department of youth services for the specification for a 78  
definite period of not more than one year, subject to division 79  
(D) (2) of this section. 80

(2) Except as provided in division (B)(1) of this section, 81  
division (A) of this section also applies to a child who is an 82  
accomplice regarding a firearm specification of the type set 83  
forth in section 2941.1412, 2941.1414, or 2941.1415 of the 84  
Revised Code to the same extent the firearm specifications would 85  
apply to an adult accomplice in a criminal proceeding. 86

(C) If a child is adjudicated a delinquent child for 87  
committing an act that would be aggravated murder, murder, or a 88  
first, second, or third degree felony offense of violence if 89  
committed by an adult and if the court determines that, if the 90  
child was an adult, the child would be guilty of a specification 91  
of the type set forth in section 2941.142 of the Revised Code in 92  
relation to the act for which the child was adjudicated a 93  
delinquent child, the court shall commit the child for the 94  
specification to the legal custody of the department of youth 95  
services for institutionalization in a secure facility for a 96  
definite period of not less than one and not more than three 97  
years, subject to division (D)(2) of this section, and the court 98  
also shall commit the child to the department for the underlying 99  
delinquent act. 100

(D)(1) If the child is adjudicated a delinquent child for 101  
committing an act that would be an offense of violence that is a 102  
felony if committed by an adult and is committed to the legal 103  
custody of the department of youth services pursuant to division 104  
(A)(1) of section 2152.16 of the Revised Code and if the court 105  
determines that the child, if the child was an adult, would be 106  
guilty of a specification of the type set forth in section 107  
2941.1411 of the Revised Code in relation to the act for which 108  
the child was adjudicated a delinquent child, the court may 109  
commit the child to the custody of the department of youth 110  
services for institutionalization in a secure facility for up to 111

two years, subject to division (D)(2) of this section. 112

(2) A court that imposes a period of commitment under 113  
division (A) of this section is not precluded from imposing an 114  
additional period of commitment under division (C) or (D)(1) of 115  
this section, a court that imposes a period of commitment under 116  
division (C) of this section is not precluded from imposing an 117  
additional period of commitment under division (A) or (D)(1) of 118  
this section, and a court that imposes a period of commitment 119  
under division (D)(1) of this section is not precluded from 120  
imposing an additional period of commitment under division (A) 121  
or (C) of this section. 122

(E) The court shall not commit a child to the legal 123  
custody of the department of youth services for a specification 124  
pursuant to this section for a period that exceeds five years 125  
for any one delinquent act. Any commitment imposed pursuant to 126  
division (A), (B), (C), or (D)(1) of this section shall be in 127  
addition to, and shall be served consecutively with and prior 128  
to, a period of commitment ordered under this chapter for the 129  
underlying delinquent act, and each commitment imposed pursuant 130  
to division (A), (B), (C), or (D)(1) of this section shall be in 131  
addition to, and shall be served consecutively with, any other 132  
period of commitment imposed under those divisions. If a 133  
commitment is imposed under division (A) or (B) of this section 134  
and a commitment also is imposed under division (C) of this 135  
section, the period imposed under division (A) or (B) of this 136  
section shall be served prior to the period imposed under 137  
division (C) of this section. 138

In each case in which a court makes a disposition under 139  
this section, the court retains control over the commitment for 140  
the entire period of the commitment. 141

The total of all the periods of commitment imposed for any 142  
specification under this section and for the underlying offense 143  
shall not exceed the child's attainment of twenty-one years of 144  
age. 145

(F) If a child is adjudicated a delinquent child for 146  
committing two or more acts that would be felonies if committed 147  
by an adult and if the court entering the delinquent child 148  
adjudication orders the commitment of the child for two or more 149  
of those acts to the legal custody of the department of youth 150  
services for institutionalization in a secure facility pursuant 151  
to section 2152.13 or 2152.16 of the Revised Code, the court may 152  
order that all of the periods of commitment imposed under those 153  
sections for those acts be served consecutively in the legal 154  
custody of the department of youth services, provided that those 155  
periods of commitment shall be in addition to and commence 156  
immediately following the expiration of a period of commitment 157  
that the court imposes pursuant to division (A), (B), (C), or 158  
(D) (1) of this section. A court shall not commit a delinquent 159  
child to the legal custody of the department of youth services 160  
under this division for a period that exceeds the child's 161  
attainment of twenty-one years of age. 162

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 163  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 164  
(B) (10), (E), (G), (H), or (J) of this section or in division 165  
(D) (6) of section 2919.25 of the Revised Code and except in 166  
relation to an offense for which a sentence of death or life 167  
imprisonment is to be imposed, if the court imposing a sentence 168  
upon an offender for a felony elects or is required to impose a 169  
prison term on the offender pursuant to this chapter, the court 170  
shall impose a definite prison term that shall be one of the 171  
following: 172

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

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

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

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

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

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

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

(i) A prison term of six years if the specification is of 202  
the type described in section 2941.144 of the Revised Code that 203  
charges the offender with having a firearm that is an automatic 204  
firearm or that was equipped with a firearm muffler or silencer 205  
on or about the offender's person or under the offender's 206  
control while committing the felony; 207

(ii) A prison term of three years if the specification is 208  
of the type described in section 2941.145 of the Revised Code 209  
that charges the offender with having a firearm on or about the 210  
offender's person or under the offender's control while 211  
committing the offense and displaying the firearm, brandishing 212  
the firearm, indicating that the offender possessed the firearm, 213  
or using it to facilitate the offense; 214

(iii) A prison term of one year if the specification is of 215  
the type described in section 2941.141 of the Revised Code that 216  
charges the offender with having a firearm on or about the 217  
offender's person or under the offender's control while 218  
committing the felony. 219

(b) If a court imposes a prison term on an offender under 220  
division (B) (1) (a) of this section, the prison term shall not be 221  
reduced pursuant to section 2967.19, section 2929.20, section 222  
2967.193, or any other provision of Chapter 2967. or Chapter 223  
5120. of the Revised Code. Except as provided in division (B) (1) 224  
(g) of this section, a court shall not impose more than one 225  
prison term on an offender under division (B) (1) (a) of this 226  
section for felonies committed as part of the same act or 227  
transaction. 228

(c) Except as provided in division (B) (1) (e) of this 229  
section, if an offender who is convicted of or pleads guilty to 230  
a violation of section 2923.161 of the Revised Code or to a 231



felony that includes, as an essential element, purposely or 232  
knowingly causing or attempting to cause the death of or 233  
physical harm to another, also is convicted of or pleads guilty 234  
to a specification of the type described in section 2941.146 of 235  
the Revised Code that charges the offender with committing the 236  
offense by discharging a firearm from a motor vehicle other than 237  
a manufactured home, the court, after imposing a prison term on 238  
the offender for the violation of section 2923.161 of the 239  
Revised Code or for the other felony offense under division (A), 240  
(B) (2), or (B) (3) of this section, shall impose an additional 241  
prison term of five years upon the offender that shall not be 242  
reduced pursuant to section 2929.20, section 2967.19, section 243  
2967.193, or any other provision of Chapter 2967. or Chapter 244  
5120. of the Revised Code. A court shall not impose more than 245  
one additional prison term on an offender under division (B) (1) 246  
(c) of this section for felonies committed as part of the same 247  
act or transaction. If a court imposes an additional prison term 248  
on an offender under division (B) (1) (c) of this section relative 249  
to an offense, the court also shall impose a prison term under 250  
division (B) (1) (a) of this section relative to the same offense, 251  
provided the criteria specified in that division for imposing an 252  
additional prison term are satisfied relative to the offender 253  
and the offense. 254

(d) If an offender who is convicted of or pleads guilty to 255  
an offense of violence that is a felony also is convicted of or 256  
pleads guilty to a specification of the type described in 257  
section 2941.1411 of the Revised Code that charges the offender 258  
with wearing or carrying body armor while committing the felony 259  
offense of violence, the court shall impose on the offender a 260  
prison term of two years. The prison term so imposed, subject to 261  
divisions (C) to (I) of section 2967.19 of the Revised Code, 262

shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (1) (d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B) (1) (a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B) (1) (d) of this section.

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

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

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

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

felony that includes, as an essential element, causing or 293  
attempting to cause the death of or physical harm to another and 294  
also is convicted of or pleads guilty to a specification of the 295  
type described in section 2941.1412 of the Revised Code that 296  
charges the offender with committing the offense by discharging 297  
a firearm at a peace officer as defined in section 2935.01 of 298  
the Revised Code or a corrections officer, as defined in section 299  
2941.1412 of the Revised Code, the court, after imposing a 300  
prison term on the offender for the felony offense under 301  
division (A), (B) (2), or (B) (3) of this section, shall impose an 302  
additional prison term of seven years upon the offender that 303  
shall not be reduced pursuant to section 2929.20, section 304  
2967.19, section 2967.193, or any other provision of Chapter 305  
2967. or Chapter 5120. of the Revised Code. If an offender is 306  
convicted of or pleads guilty to two or more felonies that 307  
include, as an essential element, causing or attempting to cause 308  
the death or physical harm to another and also is convicted of 309  
or pleads guilty to a specification of the type described under 310  
division (B) (1) (f) of this section in connection with two or 311  
more of the felonies of which the offender is convicted or to 312  
which the offender pleads guilty, the sentencing court shall 313  
impose on the offender the prison term specified under division 314  
(B) (1) (f) of this section for each of two of the specifications 315  
of which the offender is convicted or to which the offender 316  
pleads guilty and, in its discretion, also may impose on the 317  
offender the prison term specified under that division for any 318  
or all of the remaining specifications. If a court imposes an 319  
additional prison term on an offender under division (B) (1) (f) 320  
of this section relative to an offense, the court shall not 321  
impose a prison term under division (B) (1) (a) or (c) of this 322  
section relative to the same offense. 323

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

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

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

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of

life imprisonment without parole, or any felony of the second 354  
degree that is an offense of violence and the trier of fact 355  
finds that the offense involved an attempt to cause or a threat 356  
to cause serious physical harm to a person or resulted in 357  
serious physical harm to a person. 358

(iii) The court imposes the longest prison term for the 359  
offense that is not life imprisonment without parole. 360

(iv) The court finds that the prison terms imposed 361  
pursuant to division (B) (2) (a) (iii) of this section and, if 362  
applicable, division (B) (1) or (3) of this section are 363  
inadequate to punish the offender and protect the public from 364  
future crime, because the applicable factors under section 365  
2929.12 of the Revised Code indicating a greater likelihood of 366  
recidivism outweigh the applicable factors under that section 367  
indicating a lesser likelihood of recidivism. 368

(v) The court finds that the prison terms imposed pursuant 369  
to division (B) (2) (a) (iii) of this section and, if applicable, 370  
division (B) (1) or (3) of this section are demeaning to the 371  
seriousness of the offense, because one or more of the factors 372  
under section 2929.12 of the Revised Code indicating that the 373  
offender's conduct is more serious than conduct normally 374  
constituting the offense are present, and they outweigh the 375  
applicable factors under that section indicating that the 376  
offender's conduct is less serious than conduct normally 377  
constituting the offense. 378

(b) The court shall impose on an offender the longest 379  
prison term authorized or required for the offense and shall 380  
impose on the offender an additional definite prison term of 381  
one, two, three, four, five, six, seven, eight, nine, or ten 382  
years if all of the following criteria are met: 383

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

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

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

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

(d) A sentence imposed under division (B) (2) (a) or (b) of this section shall not be reduced pursuant to section 2929.20,

section 2967.19, or section 2967.193, or any other provision of 414  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 415  
shall serve an additional prison term imposed under this section 416  
consecutively to and prior to the prison term imposed for the 417  
underlying offense. 418

(e) When imposing a sentence pursuant to division (B) (2) 419  
(a) or (b) of this section, the court shall state its findings 420  
explaining the imposed sentence. 421

(3) Except when an offender commits a violation of section 422  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 423  
for the violation is life imprisonment or commits a violation of 424  
section 2903.02 of the Revised Code, if the offender commits a 425  
violation of section 2925.03 or 2925.11 of the Revised Code and 426  
that section classifies the offender as a major drug offender, 427  
if the offender commits a felony violation of section 2925.02, 428  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 429  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 430  
division (C) of section 4729.51, or division (J) of section 431  
4729.54 of the Revised Code that includes the sale, offer to 432  
sell, or possession of a schedule I or II controlled substance, 433  
with the exception of marihuana, and the court imposing sentence 434  
upon the offender finds that the offender is guilty of a 435  
specification of the type described in section 2941.1410 of the 436  
Revised Code charging that the offender is a major drug 437  
offender, if the court imposing sentence upon an offender for a 438  
felony finds that the offender is guilty of corrupt activity 439  
with the most serious offense in the pattern of corrupt activity 440  
being a felony of the first degree, or if the offender is guilty 441  
of an attempted violation of section 2907.02 of the Revised Code 442  
and, had the offender completed the violation of section 2907.02 443  
of the Revised Code that was attempted, the offender would have 444

been subject to a sentence of life imprisonment or life 445  
imprisonment without parole for the violation of section 2907.02 446  
of the Revised Code, the court shall impose upon the offender 447  
for the felony violation a mandatory prison term of the maximum 448  
prison term prescribed for a felony of the first degree that, 449  
subject to divisions (C) to (I) of section 2967.19 of the 450  
Revised Code, cannot be reduced pursuant to section 2929.20, 451  
section 2967.19, or any other provision of Chapter 2967. or 452  
5120. of the Revised Code. 453

(4) If the offender is being sentenced for a third or 454  
fourth degree felony OVI offense under division (G) (2) of 455  
section 2929.13 of the Revised Code, the sentencing court shall 456  
impose upon the offender a mandatory prison term in accordance 457  
with that division. In addition to the mandatory prison term, if 458  
the offender is being sentenced for a fourth degree felony OVI 459  
offense, the court, notwithstanding division (A) (4) of this 460  
section, may sentence the offender to a definite prison term of 461  
not less than six months and not more than thirty months, and if 462  
the offender is being sentenced for a third degree felony OVI 463  
offense, the sentencing court may sentence the offender to an 464  
additional prison term of any duration specified in division (A) 465  
(3) of this section. In either case, the additional prison term 466  
imposed shall be reduced by the sixty or one hundred twenty days 467  
imposed upon the offender as the mandatory prison term. The 468  
total of the additional prison term imposed under division (B) 469  
(4) of this section plus the sixty or one hundred twenty days 470  
imposed as the mandatory prison term shall equal a definite term 471  
in the range of six months to thirty months for a fourth degree 472  
felony OVI offense and shall equal one of the authorized prison 473  
terms specified in division (A) (3) of this section for a third 474  
degree felony OVI offense. If the court imposes an additional 475



prison term under division (B) (4) of this section, the offender 476  
shall serve the additional prison term after the offender has 477  
served the mandatory prison term required for the offense. In 478  
addition to the mandatory prison term or mandatory and 479  
additional prison term imposed as described in division (B) (4) 480  
of this section, the court also may sentence the offender to a 481  
community control sanction under section 2929.16 or 2929.17 of 482  
the Revised Code, but the offender shall serve all of the prison 483  
terms so imposed prior to serving the community control 484  
sanction. 485

If the offender is being sentenced for a fourth degree 486  
felony OVI offense under division (G) (1) of section 2929.13 of 487  
the Revised Code and the court imposes a mandatory term of local 488  
incarceration, the court may impose a prison term as described 489  
in division (A) (1) of that section. 490

(5) If an offender is convicted of or pleads guilty to a 491  
violation of division (A) (1) or (2) of section 2903.06 of the 492  
Revised Code and also is convicted of or pleads guilty to a 493  
specification of the type described in section 2941.1414 of the 494  
Revised Code that charges that the victim of the offense is a 495  
peace officer, as defined in section 2935.01 of the Revised 496  
Code, or an investigator of the bureau of criminal 497  
identification and investigation, as defined in section 2903.11 498  
of the Revised Code, the court shall impose on the offender a 499  
prison term of five years. If a court imposes a prison term on 500  
an offender under division (B) (5) of this section, the prison 501  
term, subject to divisions (C) to (I) of section 2967.19 of the 502  
Revised Code, shall not be reduced pursuant to section 2929.20, 503  
section 2967.19, section 2967.193, or any other provision of 504  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 505  
shall not impose more than one prison term on an offender under 506

division (B) (5) of this section for felonies committed as part 507  
of the same act. 508

(6) If an offender is convicted of or pleads guilty to a 509  
violation of division (A) (1) or (2) of section 2903.06 of the 510  
Revised Code and also is convicted of or pleads guilty to a 511  
specification of the type described in section 2941.1415 of the 512  
Revised Code that charges that the offender previously has been 513  
convicted of or pleaded guilty to three or more violations of 514  
division (A) or (B) of section 4511.19 of the Revised Code or an 515  
equivalent offense, as defined in section 2941.1415 of the 516  
Revised Code, or three or more violations of any combination of 517  
those divisions and offenses, the court shall impose on the 518  
offender a prison term of three years. If a court imposes a 519  
prison term on an offender under division (B) (6) of this 520  
section, the prison term, subject to divisions (C) to (I) of 521  
section 2967.19 of the Revised Code, shall not be reduced 522  
pursuant to section 2929.20, section 2967.19, section 2967.193, 523  
or any other provision of Chapter 2967. or Chapter 5120. of the 524  
Revised Code. A court shall not impose more than one prison term 525  
on an offender under division (B) (6) of this section for 526  
felonies committed as part of the same act. 527

(7) (a) If an offender is convicted of or pleads guilty to 528  
a felony violation of section 2905.01, 2905.02, 2907.21, 529  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 530  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 531  
the Revised Code and also is convicted of or pleads guilty to a 532  
specification of the type described in section 2941.1422 of the 533  
Revised Code that charges that the offender knowingly committed 534  
the offense in furtherance of human trafficking, the court shall 535  
impose on the offender a mandatory prison term that is one of 536  
the following: 537

(i) If the offense is a felony of the first degree, a 538  
definite prison term of not less than five years and not greater 539  
than ten years; 540

(ii) If the offense is a felony of the second or third 541  
degree, a definite prison term of not less than three years and 542  
not greater than the maximum prison term allowed for the offense 543  
by division (A) of section 2929.14 of the Revised Code; 544

(iii) If the offense is a felony of the fourth or fifth 545  
degree, a definite prison term that is the maximum prison term 546  
allowed for the offense by division (A) of section 2929.14 of 547  
the Revised Code. 548

(b) Subject to divisions (C) to (I) of section 2967.19 of 549  
the Revised Code, the prison term imposed under division (B) (7) 550  
(a) of this section shall not be reduced pursuant to section 551  
2929.20, section 2967.19, section 2967.193, or any other 552  
provision of Chapter 2967. of the Revised Code. A court shall 553  
not impose more than one prison term on an offender under 554  
division (B) (7) (a) of this section for felonies committed as 555  
part of the same act, scheme, or plan. 556

(8) If an offender is convicted of or pleads guilty to a 557  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 558  
Revised Code and also is convicted of or pleads guilty to a 559  
specification of the type described in section 2941.1423 of the 560  
Revised Code that charges that the victim of the violation was a 561  
woman whom the offender knew was pregnant at the time of the 562  
violation, notwithstanding the range of prison terms prescribed 563  
in division (A) of this section for felonies of the same degree 564  
as the violation, the court shall impose on the offender a 565  
mandatory prison term that is either a definite prison term of 566  
six months or one of the prison terms prescribed in section 567

2929.14 of the Revised Code for felonies of the same degree as the violation.

(9) (a) Except as provided in division (B) (9) (b) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges the victim of the offense is a disabled person, the court shall impose upon the offender a mandatory prison term of two years. If a court imposes a prison term on an offender under division (B) (9) of this section, the prison term shall not be reduced pursuant to any 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) (9) of this section for felonies committed as part of the same act.

(b) The court shall not impose the prison term described in division (B) (9) (a) of this section upon an offender if the offender is convicted of or pleads guilty to a violation of section 2913.02, 2913.03, 2913.21, 2913.43, or 2913.49, or division (A) (1) of section 1716.14, division (A) (3) (b) of section 2907.24, division (A) or (B) of section 2913.04, or division (A) of section 2913.31 of the Revised Code, or a violation of section 2903.13 of the Revised Code that is committed by a caretaker against a functionally impaired person under the caretaker's care.

(10) (a) Except as provided in division (B) (10) (b) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code that charges the victim of the offense is an

elderly person, the court shall impose upon the offender a 598  
mandatory prison term of two years. If a court imposes a prison 599  
term on an offender under division (B) (10) of this section, the 600  
prison term shall not be reduced pursuant to any provision of 601  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 602  
shall not impose more than one prison term on an offender under 603  
division (B) (10) of this section for felonies committed as part 604  
of the same act. 605

(b) The court shall not impose the prison term described 606  
in division (B) (10) (a) of this section upon an offender if the 607  
offender is convicted of or pleads guilty to a violation of 608  
section 2913.02, 2913.03, 2913.21, 2913.43, or 2913.49, or 609  
division (A) (1) of section 1716.14, division (A) or (B) of 610  
section 2913.04, or division (A) of section 2913.31 of the 611  
Revised Code, or a violation of section 2903.13 of the Revised 612  
Code that is committed by a caretaker against a functionally 613  
impaired person under the caretaker's care. 614

(C) (1) (a) Subject to division (C) (1) (b) of this section, 615  
if a mandatory prison term is imposed upon an offender pursuant 616  
to division (B) (1) (a) of this section for having a firearm on or 617  
about the offender's person or under the offender's control 618  
while committing a felony, if a mandatory prison term is imposed 619  
upon an offender pursuant to division (B) (1) (c) of this section 620  
for committing a felony specified in that division by 621  
discharging a firearm from a motor vehicle, or if both types of 622  
mandatory prison terms are imposed, the offender shall serve any 623  
mandatory prison term imposed under either division 624  
consecutively to any other mandatory prison term imposed under 625  
either division or under division (B) (1) (d) of this section, 626  
consecutively to and prior to any prison term imposed for the 627  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 628

this section or any other section of the Revised Code, and 629  
consecutively to any other prison term or mandatory prison term 630  
previously or subsequently imposed upon the offender. 631

(b) If a mandatory prison term is imposed upon an offender 632  
pursuant to division (B)(1)(d) of this section for wearing or 633  
carrying body armor while committing an offense of violence that 634  
is a felony, the offender shall serve the mandatory term so 635  
imposed consecutively to any other mandatory prison term imposed 636  
under that division or under division (B)(1)(a) or (c) of this 637  
section, consecutively to and prior to any prison term imposed 638  
for the underlying felony under division (A), (B)(2), or (B)(3) 639  
of this section or any other section of the Revised Code, and 640  
consecutively to any other prison term or mandatory prison term 641  
previously or subsequently imposed upon the offender. 642

(c) If a mandatory prison term is imposed upon an offender 643  
pursuant to division (B)(1)(f) of this section, the offender 644  
shall serve the mandatory prison term so imposed consecutively 645  
to and prior to any prison term imposed for the underlying 646  
felony under division (A), (B)(2), or (B)(3) of this section or 647  
any other section of the Revised Code, and consecutively to any 648  
other prison term or mandatory prison term previously or 649  
subsequently imposed upon the offender. 650

(d) If a mandatory prison term is imposed upon an offender 651  
pursuant to division (B)(7) ~~or, (8), (9), or (10)~~ of this 652  
section, the offender shall serve the mandatory prison term so 653  
imposed consecutively to any other mandatory prison term imposed 654  
under that division or under any other provision of law and 655  
consecutively to any other prison term or mandatory prison term 656  
previously or subsequently imposed upon the offender. 657

(2) If an offender who is an inmate in a jail, prison, or 658

other residential detention facility violates section 2917.02, 659  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 660  
(2) of section 2921.34 of the Revised Code, if an offender who 661  
is under detention at a detention facility commits a felony 662  
violation of section 2923.131 of the Revised Code, or if an 663  
offender who is an inmate in a jail, prison, or other 664  
residential detention facility or is under detention at a 665  
detention facility commits another felony while the offender is 666  
an escapee in violation of division (A) (1) or (2) of section 667  
2921.34 of the Revised Code, any prison term imposed upon the 668  
offender for one of those violations shall be served by the 669  
offender consecutively to the prison term or term of 670  
imprisonment the offender was serving when the offender 671  
committed that offense and to any other prison term previously 672  
or subsequently imposed upon the offender. 673

(3) If a prison term is imposed for a violation of 674  
division (B) of section 2911.01 of the Revised Code, a violation 675  
of division (A) of section 2913.02 of the Revised Code in which 676  
the stolen property is a firearm or dangerous ordnance, or a 677  
felony violation of division (B) of section 2921.331 of the 678  
Revised Code, the offender shall serve that prison term 679  
consecutively to any other prison term or mandatory prison term 680  
previously or subsequently imposed upon the offender. 681

(4) If multiple prison terms are imposed on an offender 682  
for convictions of multiple offenses, the court may require the 683  
offender to serve the prison terms consecutively if the court 684  
finds that the consecutive service is necessary to protect the 685  
public from future crime or to punish the offender and that 686  
consecutive sentences are not disproportionate to the 687  
seriousness of the offender's conduct and to the danger the 688  
offender poses to the public, and if the court also finds any of 689

the following: 690

(a) The offender committed one or more of the multiple 691  
offenses while the offender was awaiting trial or sentencing, 692  
was under a sanction imposed pursuant to section 2929.16, 693  
2929.17, or 2929.18 of the Revised Code, or was under post- 694  
release control for a prior offense. 695

(b) At least two of the multiple offenses were committed 696  
as part of one or more courses of conduct, and the harm caused 697  
by two or more of the multiple offenses so committed was so 698  
great or unusual that no single prison term for any of the 699  
offenses committed as part of any of the courses of conduct 700  
adequately reflects the seriousness of the offender's conduct. 701

(c) The offender's history of criminal conduct 702  
demonstrates that consecutive sentences are necessary to protect 703  
the public from future crime by the offender. 704

(5) If a mandatory prison term is imposed upon an offender 705  
pursuant to division (B) (5) or (6) of this section, the offender 706  
shall serve the mandatory prison term consecutively to and prior 707  
to any prison term imposed for the underlying violation of 708  
division (A) (1) or (2) of section 2903.06 of the Revised Code 709  
pursuant to division (A) of this section or section 2929.142 of 710  
the Revised Code. If a mandatory prison term is imposed upon an 711  
offender pursuant to division (B) (5) of this section, and if a 712  
mandatory prison term also is imposed upon the offender pursuant 713  
to division (B) (6) of this section in relation to the same 714  
violation, the offender shall serve the mandatory prison term 715  
imposed pursuant to division (B) (5) of this section 716  
consecutively to and prior to the mandatory prison term imposed 717  
pursuant to division (B) (6) of this section and consecutively to 718  
and prior to any prison term imposed for the underlying 719



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, 750  
in accordance with that division, if the parole board determines 751  
that a period of post-release control is necessary. Section 752  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 753  
a court imposed a sentence including a prison term of a type 754  
described in this division and failed to include in the sentence 755  
pursuant to this division a statement regarding post-release 756  
control. 757

(E) The court shall impose sentence upon the offender in 758  
accordance with section 2971.03 of the Revised Code, and Chapter 759  
2971. of the Revised Code applies regarding the prison term or 760  
term of life imprisonment without parole imposed upon the 761  
offender and the service of that term of imprisonment if any of 762  
the following apply: 763

(1) A person is convicted of or pleads guilty to a violent 764  
sex offense or a designated homicide, assault, or kidnapping 765  
offense, and, in relation to that offense, the offender is 766  
adjudicated a sexually violent predator. 767

(2) A person is convicted of or pleads guilty to a 768  
violation of division (A) (1) (b) of section 2907.02 of the 769  
Revised Code committed on or after January 2, 2007, and either 770  
the court does not impose a sentence of life without parole when 771  
authorized pursuant to division (B) of section 2907.02 of the 772  
Revised Code, or division (B) of section 2907.02 of the Revised 773  
Code provides that the court shall not sentence the offender 774  
pursuant to section 2971.03 of the Revised Code. 775

(3) A person is convicted of or pleads guilty to attempted 776  
rape committed on or after January 2, 2007, and a specification 777  
of the type described in section 2941.1418, 2941.1419, or 778  
2941.1420 of the Revised Code. 779

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

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

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

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

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

with having committed the felony while participating in a 810  
criminal gang, the court shall impose upon the offender an 811  
additional prison term of one, two, or three years. 812

(H) (1) If an offender who is convicted of or pleads guilty 813  
to aggravated murder, murder, or a felony of the first, second, 814  
or third degree that is an offense of violence also is convicted 815  
of or pleads guilty to a specification of the type described in 816  
section 2941.143 of the Revised Code that charges the offender 817  
with having committed the offense in a school safety zone or 818  
towards a person in a school safety zone, the court shall impose 819  
upon the offender an additional prison term of two years. The 820  
offender shall serve the additional two years consecutively to 821  
and prior to the prison term imposed for the underlying offense. 822

(2) (a) If an offender is convicted of or pleads guilty to 823  
a felony violation of section 2907.22, 2907.24, 2907.241, or 824  
2907.25 of the Revised Code and to a specification of the type 825  
described in section 2941.1421 of the Revised Code and if the 826  
court imposes a prison term on the offender for the felony 827  
violation, the court may impose upon the offender an additional 828  
prison term as follows: 829

(i) Subject to division (H) (2) (a) (ii) of this section, an 830  
additional prison term of one, two, three, four, five, or six 831  
months; 832

(ii) If the offender previously has been convicted of or 833  
pleaded guilty to one or more felony or misdemeanor violations 834  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 835  
the Revised Code and also was convicted of or pleaded guilty to 836  
a specification of the type described in section 2941.1421 of 837  
the Revised Code regarding one or more of those violations, an 838  
additional prison term of one, two, three, four, five, six, 839

seven, eight, nine, ten, eleven, or twelve months. 840

(b) In lieu of imposing an additional prison term under 841  
division (H) (2) (a) of this section, the court may directly 842  
impose on the offender a sanction that requires the offender to 843  
wear a real-time processing, continual tracking electronic 844  
monitoring device during the period of time specified by the 845  
court. The period of time specified by the court shall equal the 846  
duration of an additional prison term that the court could have 847  
imposed upon the offender under division (H) (2) (a) of this 848  
section. A sanction imposed under this division shall commence 849  
on the date specified by the court, provided that the sanction 850  
shall not commence until after the offender has served the 851  
prison term imposed for the felony violation of section 2907.22, 852  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 853  
residential sanction imposed for the violation under section 854  
2929.16 of the Revised Code. A sanction imposed under this 855  
division shall be considered to be a community control sanction 856  
for purposes of section 2929.15 of the Revised Code, and all 857  
provisions of the Revised Code that pertain to community control 858  
sanctions shall apply to a sanction imposed under this division, 859  
except to the extent that they would by their nature be clearly 860  
inapplicable. The offender shall pay all costs associated with a 861  
sanction imposed under this division, including the cost of the 862  
use of the monitoring device. 863

(I) At the time of sentencing, the court may recommend the 864  
offender for placement in a program of shock incarceration under 865  
section 5120.031 of the Revised Code or for placement in an 866  
intensive program prison under section 5120.032 of the Revised 867  
Code, disapprove placement of the offender in a program of shock 868  
incarceration or an intensive program prison of that nature, or 869  
make no recommendation on placement of the offender. In no case 870

shall the department of rehabilitation and correction place the 871  
offender in a program or prison of that nature unless the 872  
department determines as specified in section 5120.031 or 873  
5120.032 of the Revised Code, whichever is applicable, that the 874  
offender is eligible for the placement. 875

If the court disapproves placement of the offender in a 876  
program or prison of that nature, the department of 877  
rehabilitation and correction shall not place the offender in 878  
any program of shock incarceration or intensive program prison. 879

If the court recommends placement of the offender in a 880  
program of shock incarceration or in an intensive program 881  
prison, and if the offender is subsequently placed in the 882  
recommended program or prison, the department shall notify the 883  
court of the placement and shall include with the notice a brief 884  
description of the placement. 885

If the court recommends placement of the offender in a 886  
program of shock incarceration or in an intensive program prison 887  
and the department does not subsequently place the offender in 888  
the recommended program or prison, the department shall send a 889  
notice to the court indicating why the offender was not placed 890  
in the recommended program or prison. 891

If the court does not make a recommendation under this 892  
division with respect to an offender and if the department 893  
determines as specified in section 5120.031 or 5120.032 of the 894  
Revised Code, whichever is applicable, that the offender is 895  
eligible for placement in a program or prison of that nature, 896  
the department shall screen the offender and determine if there 897  
is an available program of shock incarceration or an intensive 898  
program prison for which the offender is suited. If there is an 899  
available program of shock incarceration or an intensive program 900

prison for which the offender is suited, the department shall 901  
notify the court of the proposed placement of the offender as 902  
specified in section 5120.031 or 5120.032 of the Revised Code 903  
and shall include with the notice a brief description of the 904  
placement. The court shall have ten days from receipt of the 905  
notice to disapprove the placement. 906

(J) If a person is convicted of or pleads guilty to 907  
aggravated vehicular homicide in violation of division (A) (1) of 908  
section 2903.06 of the Revised Code and division (B) (2) (c) of 909  
that section applies, the person shall be sentenced pursuant to 910  
section 2929.142 of the Revised Code. 911

Sec. 2941.1424. (A) Imposition of a two-year mandatory 912  
prison term upon an offender under division (B) (9) of section 913  
2929.14 of the Revised Code is precluded unless the indictment, 914  
count in the indictment, or information charging the offense 915  
specifies that the victim of the offense is a disabled person. 916  
The specification shall be stated at the end of the body of the 917  
indictment, count, or information, and shall be in substantially 918  
the following form: 919

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 920  
Grand Jurors (or insert the person's or the prosecuting 921  
attorney's name when appropriate) further find and specify that 922  
(set forth that the victim of the offense is a disabled 923  
person)." 924

(B) The specification described in division (A) of this 925  
section may be used in a delinquent child proceeding in the 926  
manner and for the purpose described in section 2152.17 of the 927  
Revised Code. 928

(C) As used in this section: 929

(1) "Disabled person" means a person who has a physical or mental impairment which substantially limits one or more of the person's major life activities. 930  
931  
932

(2) "Physical or mental impairment" means any of the following: 933  
934

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss substantially affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; or endocrine. 935  
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(b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 941  
942  
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(3) "Substantially limits" means substantially interferes with or affects over an extended period of time. Minor temporary ailments or injuries shall not be considered physical or mental impairments that substantially limit a person's major life activities. Examples of minor temporary ailments are colds, influenza, sprains, or minor injuries. 944  
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(4) "Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. 950  
951  
952

**Sec. 2941.1425.** (A) Imposition of a two-year mandatory prison term upon an offender under division (B)(10) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the victim of the offense is an elderly person. The specification shall be stated at the end of the body of the 953  
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indictment, count, or information, and shall be in substantially 959  
the following form: 960

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 961  
Grand Jurors (or insert the person's or the prosecuting 962  
attorney's name when appropriate) further find and specify that 963  
(set forth that the victim of the offense is an elderly 964  
person)." 965

(B) The specification described in division (A) of this 966  
section may be used in a delinquent child proceeding in the 967  
manner and for the purpose described in section 2152.17 of the 968  
Revised Code. 969

(C) As used in this section, "elderly person" means a 970  
person who is sixty-five years of age or older. 971

**Section 2.** That existing sections 2152.17 and 2929.14 of 972  
the Revised Code are hereby repealed. 973