

As Introduced

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H. B. No. 57

Representative Maag

Cosponsors: Representatives Becker, Zeltwanger, Henne

A BILL

To amend sections 2929.03, 2929.04, 2929.14, 1
2941.148, 2971.03, 2971.07, and 5120.61 of the 2
Revised Code to change the sentence for 3
aggravated murder. 4

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

Section 1. That sections 2929.03, 2929.04, 2929.14, 5
2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code be 6
amended to read as follows: 7

Sec. 2929.03. (A) If the indictment or count in the 8
indictment charging aggravated murder does not contain one or 9
more specifications of aggravating circumstances listed in 10
division (A) of section 2929.04 of the Revised Code, then, 11
following a verdict of guilty of the charge of aggravated 12
murder, the trial court shall impose sentence on the offender as 13
follows: 14

(1) Except as provided in division (A) (2) of this section, 15
the trial court shall impose one of the following sentences on 16
the offender: 17

(a) Life imprisonment without parole; 18

(b) Subject to division (A) (1) ~~(e)~~ (g) of this section, 19
life imprisonment with parole eligibility after serving ~~twenty-~~ 20
twenty-five years of imprisonment; 21

(c) Subject to division (A) (1) ~~(e)~~ (g) of this section, 22
life imprisonment with parole eligibility after serving ~~twenty-~~ 23
five-thirty full years of imprisonment; 24

(d) Subject to division (A) (1) ~~(e)~~ (g) of this section, 25
life imprisonment with parole eligibility after serving ~~thirty-~~ 26
thirty-five full years of imprisonment; 27

(e) ~~If~~ Subject to division (A) (1) (g) of this section, life 28
imprisonment with parole eligibility after serving forty-five 29
full years of imprisonment; 30

(f) Subject to division (A) (1) (g) of this section, life 31
imprisonment with parole eligibility after serving fifty-five 32
full years of imprisonment; 33

(g) If the victim of the aggravated murder was less than 34
thirteen years of age, the offender also is convicted of or 35
pleads guilty to a sexual motivation specification that was 36
included in the indictment, count in the indictment, or 37
information charging the offense, and the trial court does not 38
impose a sentence of life imprisonment without parole on the 39
offender pursuant to division (A) (1) (a) of this section, the 40
trial court shall sentence the offender pursuant to division (B) 41
(3) of section 2971.03 of the Revised Code to an indefinite term 42
consisting of a minimum term of thirty years and a maximum term 43
of life imprisonment that shall be served pursuant to that 44
section. 45

(2) If the offender also is convicted of or pleads guilty 46
to a sexual motivation specification and a sexually violent 47

predator specification that are included in the indictment, 48
count in the indictment, or information that charged the 49
aggravated murder, the trial court shall impose upon the 50
offender a sentence of life imprisonment without parole that 51
shall be served pursuant to section 2971.03 of the Revised Code 52
unless the offender raised the matter of age pursuant to section 53
2929.023 of the Revised Code and was found at trial not to have 54
been eighteen years of age or older at the time of the 55
commission of the offense. 56

(B) If the indictment or count in the indictment charging 57
aggravated murder contains one or more specifications of 58
aggravating circumstances listed in division (A) of section 59
2929.04 of the Revised Code, the verdict shall separately state 60
whether the accused is found guilty or not guilty of the 61
principal charge and, if guilty of the principal charge, whether 62
the offender was eighteen years of age or older at the time of 63
the commission of the offense, if the matter of age was raised 64
by the offender pursuant to section 2929.023 of the Revised 65
Code, and whether the offender is guilty or not guilty of each 66
specification. The jury shall be instructed on its duties in 67
this regard. The instruction to the jury shall include an 68
instruction that a specification shall be proved beyond a 69
reasonable doubt in order to support a guilty verdict on the 70
specification, but the instruction shall not mention the penalty 71
that may be the consequence of a guilty or not guilty verdict on 72
any charge or specification. 73

(C) (1) If the indictment or count in the indictment 74
charging aggravated murder contains one or more specifications 75
of aggravating circumstances listed in division (A) of section 76
2929.04 of the Revised Code, then, following a verdict of guilty 77
of the charge but not guilty of each of the specifications, ~~and~~ 78

~~regardless of whether the offender raised the matter of age~~ 79
~~pursuant to section 2929.023 of the Revised Code, the trial~~ 80
court shall impose sentence on the offender as follows: 81

(a) Except as provided in division (C)(1)(b) of this 82
section, the trial court shall impose one of the following 83
sentences on the offender: 84

(i) Life imprisonment without parole; 85

(ii) Subject to division (C)(1)(a)~~(v)~~(vii) of this 86
section, life imprisonment with parole eligibility after serving 87
~~twenty~~twenty-five years of imprisonment; 88

(iii) Subject to division (C)(1)(a)~~(v)~~(vii) of this 89
section, life imprisonment with parole eligibility after serving 90
~~twenty-five~~thirty full years of imprisonment; 91

(iv) Subject to division (C)(1)(a)~~(v)~~(vii) of this 92
section, life imprisonment with parole eligibility after serving 93
~~thirty~~thirty-five full years of imprisonment; 94

(v) ~~If~~Subject to division (C)(1)(a)(vii) of this section, 95
life imprisonment with parole eligibility after serving forty- 96
five full years of imprisonment; 97

(vi) Subject to division (C)(1)(a)(vii) of this section, 98
life imprisonment with parole eligibility after serving fifty- 99
five full years of imprisonment; 100

(vii) If the victim of the aggravated murder was less than 101
thirteen years of age, the offender also is convicted of or 102
pleads guilty to a sexual motivation specification that was 103
included in the indictment, count in the indictment, or 104
information charging the offense, and the trial court does not 105
impose a sentence of life imprisonment without parole on the 106

offender pursuant to division (C) (1) (a) (i) of this section, the 107
trial court shall sentence the offender pursuant to division (B) 108
(3) of section 2971.03 of the Revised Code to an indefinite term 109
consisting of a minimum term of thirty years and a maximum term 110
of life imprisonment. 111

(b) If the offender also is convicted of or pleads guilty 112
to a sexual motivation specification and a sexually violent 113
predator specification that are included in the indictment, 114
count in the indictment, or information that charged the 115
aggravated murder, the trial court shall impose upon the 116
offender a sentence of life imprisonment without parole that 117
shall be served pursuant to section 2971.03 of the Revised Code 118
unless the offender raised the matter of age pursuant to section 119
2929.023 of the Revised Code and was found at trial not to have 120
been eighteen years of age or older at the time of the 121
commission of the offense. 122

(2) (a) If the indictment or count in the indictment 123
contains one or more specifications of aggravating circumstances 124
listed in division (A) of section 2929.04 of the Revised Code 125
and if the offender is found guilty of both the charge and one 126
or more of the specifications, the penalty to be imposed on the 127
offender shall be one of the following: 128

(i) Except as provided in division (C) (2) (a) (ii) or (iii) 129
of this section, the penalty to be imposed on the offender shall 130
be death, life imprisonment without parole, life imprisonment 131
with parole eligibility after serving ~~twenty-five~~ thirty full 132
years of imprisonment, ~~or~~ life imprisonment with parole 133
eligibility after serving ~~thirty~~ thirty-five full years of 134
imprisonment, life imprisonment with parole eligibility after 135
serving forty-five full years of imprisonment, or life 136

imprisonment with parole eligibility after serving fifty-five 137
full years of imprisonment. 138

(ii) Except as provided in division (C) (2) (a) (iii) of this 139
section, if the victim of the aggravated murder was less than 140
thirteen years of age, the offender also is convicted of or 141
pleads guilty to a sexual motivation specification that was 142
included in the indictment, count in the indictment, or 143
information charging the offense, and the trial court does not 144
impose a sentence of death or life imprisonment without parole 145
on the offender pursuant to division (C) (2) (a) (i) of this 146
section, the penalty to be imposed on the offender shall be an 147
indefinite term consisting of a minimum term of thirty years and 148
a maximum term of life imprisonment that shall be imposed 149
pursuant to division (B) (3) of section 2971.03 of the Revised 150
Code and served pursuant to that section. 151

(iii) If the offender also is convicted of or pleads 152
guilty to a sexual motivation specification and a sexually 153
violent predator specification that are included in the 154
indictment, count in the indictment, or information that charged 155
the aggravated murder, the penalty to be imposed on the offender 156
shall be death or life imprisonment without parole that shall be 157
served pursuant to section 2971.03 of the Revised Code unless 158
the offender raised the matter of age pursuant to section 159
2929.023 of the Revised Code and was found at trial not to have 160
been eighteen years of age or older at the time of the 161
commission of the offense. 162

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 163
(ii), or (iii) of this section shall be determined pursuant to 164
divisions (D) and (E) of this section and shall be determined by 165
one of the following: 166

(i) By the panel of three judges that tried the offender 167
upon the offender's waiver of the right to trial by jury; 168

(ii) By the trial jury and the trial judge, if the 169
offender was tried by jury. 170

(D) (1) Death may not be imposed as a penalty for 171
aggravated murder if the offender raised the matter of age at 172
trial pursuant to section 2929.023 of the Revised Code and was 173
not found at trial to have been eighteen years of age or older 174
at the time of the commission of the offense. When death may be 175
imposed as a penalty for aggravated murder, the court shall 176
proceed under this division. When death may be imposed as a 177
penalty, the court, upon the request of the defendant, shall 178
require a pre-sentence investigation to be made and, upon the 179
request of the defendant, shall require a mental examination to 180
be made, and shall require reports of the investigation and of 181
any mental examination submitted to the court, pursuant to 182
section 2947.06 of the Revised Code. No statement made or 183
information provided by a defendant in a mental examination or 184
proceeding conducted pursuant to this division shall be 185
disclosed to any person, except as provided in this division, or 186
be used in evidence against the defendant on the issue of guilt 187
in any retrial. A pre-sentence investigation or mental 188
examination shall not be made except upon request of the 189
defendant. Copies of any reports prepared under this division 190
shall be furnished to the court, to the trial jury if the 191
offender was tried by a jury, to the prosecutor, and to the 192
offender or the offender's counsel for use under this division. 193
The court, and the trial jury if the offender was tried by a 194
jury, shall consider any report prepared pursuant to this 195
division and furnished to it and any evidence raised at trial 196
that is relevant to the aggravating circumstances the offender 197

was found guilty of committing or to any factors in mitigation 198
of the imposition of the sentence of death, shall hear testimony 199
and other evidence that is relevant to the nature and 200
circumstances of the aggravating circumstances the offender was 201
found guilty of committing, the mitigating factors set forth in 202
division (B) of section 2929.04 of the Revised Code, and any 203
other factors in mitigation of the imposition of the sentence of 204
death, and shall hear the statement, if any, of the offender, 205
and the arguments, if any, of counsel for the defense and 206
prosecution, that are relevant to the penalty that should be 207
imposed on the offender. The defendant shall be given great 208
latitude in the presentation of evidence of the mitigating 209
factors set forth in division (B) of section 2929.04 of the 210
Revised Code and of any other factors in mitigation of the 211
imposition of the sentence of death. If the offender chooses to 212
make a statement, the offender is subject to cross-examination 213
only if the offender consents to make the statement under oath 214
or affirmation. 215

The defendant shall have the burden of going forward with 216
the evidence of any factors in mitigation of the imposition of 217
the sentence of death. The prosecution shall have the burden of 218
proving, by proof beyond a reasonable doubt, that the 219
aggravating circumstances the defendant was found guilty of 220
committing are sufficient to outweigh the factors in mitigation 221
of the imposition of the sentence of death. 222

(2) Upon consideration of the relevant evidence raised at 223
trial, the testimony, other evidence, statement of the offender, 224
arguments of counsel, and, if applicable, the reports submitted 225
pursuant to division (D)(1) of this section, the trial jury, if 226
the offender was tried by a jury, shall determine whether the 227
aggravating circumstances the offender was found guilty of 228

committing are sufficient to outweigh the mitigating factors 229
present in the case. If the trial jury unanimously finds, by 230
proof beyond a reasonable doubt, that the aggravating 231
circumstances the offender was found guilty of committing 232
outweigh the mitigating factors, the trial jury shall recommend 233
to the court that the sentence of death be imposed on the 234
offender. Absent such a finding, the jury shall recommend that 235
the offender be sentenced to one of the following: 236

(a) Except as provided in division (D) (2) (b) or (c) of 237
this section, to life imprisonment without parole, life 238
imprisonment with parole eligibility after serving ~~twenty-five~~ 239
thirty full years of imprisonment, ~~or~~ life imprisonment with 240
parole eligibility after serving ~~thirty-thirty-five~~ full years 241
of imprisonment, life imprisonment with parole eligibility after 242
serving forty-five full years of imprisonment, or life 243
imprisonment with parole eligibility after serving fifty-five 244
full years of imprisonment; 245

(b) Except as provided in division (D) (2) (c) of this 246
section, if the victim of the aggravated murder was less than 247
thirteen years of age, the offender also is convicted of or 248
pleads guilty to a sexual motivation specification that was 249
included in the indictment, count in the indictment, or 250
information charging the offense, and the jury does not 251
recommend a sentence of life imprisonment without parole 252
pursuant to division (D) (2) (a) of this section, to an indefinite 253
term consisting of a minimum term of thirty years and a maximum 254
term of life imprisonment to be imposed pursuant to division (B) 255
(3) of section 2971.03 of the Revised Code and served pursuant 256
to that section. 257

(c) If the offender also is convicted of or pleads guilty 258

to a sexual motivation specification and a sexually violent 259
predator specification that are included in the indictment, 260
count in the indictment, or information that charged the 261
aggravated murder, to life imprisonment without parole. 262

If the trial jury recommends that the offender be 263
sentenced to life imprisonment without parole, life imprisonment 264
with parole eligibility after serving ~~twenty-five~~ thirty full 265
years of imprisonment, life imprisonment with parole eligibility 266
after serving ~~thirty~~ thirty-five full years of imprisonment, 267
life imprisonment with parole eligibility after serving forty- 268
five full years of imprisonment, life imprisonment with parole 269
eligibility after serving fifty-five full years of imprisonment, 270
or an indefinite term consisting of a minimum term of thirty 271
years and a maximum term of life imprisonment to be imposed 272
pursuant to division (B) (3) of section 2971.03 of the Revised 273
Code, the court shall impose the sentence recommended by the 274
jury upon the offender. If the sentence is an indefinite term 275
consisting of a minimum term of thirty years and a maximum term 276
of life imprisonment imposed as described in division (D) (2) (b) 277
of this section or a sentence of life imprisonment without 278
parole imposed under division (D) (2) (c) of this section, the 279
sentence shall be served pursuant to section 2971.03 of the 280
Revised Code. If the trial jury recommends that the sentence of 281
death be imposed upon the offender, the court shall proceed to 282
impose sentence pursuant to division (D) (3) of this section. 283

(3) Upon consideration of the relevant evidence raised at 284
trial, the testimony, other evidence, statement of the offender, 285
arguments of counsel, and, if applicable, the reports submitted 286
to the court pursuant to division (D) (1) of this section, if, 287
after receiving pursuant to division (D) (2) of this section the 288
trial jury's recommendation that the sentence of death be 289

imposed, the court finds, by proof beyond a reasonable doubt, or 290
if the panel of three judges unanimously finds, by proof beyond 291
a reasonable doubt, that the aggravating circumstances the 292
offender was found guilty of committing outweigh the mitigating 293
factors, it shall impose sentence of death on the offender. 294
Absent such a finding by the court or panel, the court or the 295
panel shall impose one of the following sentences on the 296
offender: 297

(a) Except as provided in division (D) (3) (b) of this 298
section, one of the following: 299

(i) Life imprisonment without parole; 300

(ii) Subject to division (D) (3) (a) ~~(iv)~~ (vi) of this 301
section, life imprisonment with parole eligibility after serving 302
~~twenty-five~~ thirty full years of imprisonment; 303

(iii) Subject to division (D) (3) (a) ~~(iv)~~ (vi) of this 304
section, life imprisonment with parole eligibility after serving 305
~~thirty~~ thirty-five full years of imprisonment; 306

(iv) ~~If~~ Subject to division (D) (3) (a) (vi) of this section, 307
life imprisonment with parole eligibility after serving forty- 308
five full years of imprisonment; 309

(v) Subject to division (D) (3) (a) (vi) of this section, 310
life imprisonment with parole eligibility after serving fifty- 311
five full years of imprisonment; 312

(vi) If the victim of the aggravated murder was less than 313
thirteen years of age, the offender also is convicted of or 314
pleads guilty to a sexual motivation specification that was 315
included in the indictment, count in the indictment, or 316
information charging the offense, and the trial court does not 317
impose a sentence of life imprisonment without parole on the 318

offender pursuant to division (D) (3) (a) (i) of this section, the 319
court or panel shall sentence the offender pursuant to division 320
(B) (3) of section 2971.03 of the Revised Code to an indefinite 321
term consisting of a minimum term of thirty years and a maximum 322
term of life imprisonment. 323

(b) If the offender also is convicted of or pleads guilty 324
to a sexual motivation specification and a sexually violent 325
predator specification that are included in the indictment, 326
count in the indictment, or information that charged the 327
aggravated murder, life imprisonment without parole that shall 328
be served pursuant to section 2971.03 of the Revised Code. 329

(E) If the offender raised the matter of age at trial 330
pursuant to section 2929.023 of the Revised Code, was convicted 331
of aggravated murder and one or more specifications of an 332
aggravating circumstance listed in division (A) of section 333
2929.04 of the Revised Code, and was not found at trial to have 334
been eighteen years of age or older at the time of the 335
commission of the offense, the court or the panel of three 336
judges shall not impose a sentence of death on the offender. 337
Instead, the court or panel shall impose one of the following 338
sentences on the offender: 339

~~(1) Except as provided in division (E) (2) of this section,~~ 340
~~one of the following:~~ 341

~~(a) (1) Life imprisonment without parole;~~ 342

~~(b) (2) Subject to division (E) (2) (d) (6) of this section,~~ 343
life imprisonment with parole eligibility after serving ~~twenty-~~ 344
~~five~~ thirty full years of imprisonment; 345

~~(c) (3) Subject to division (E) (2) (d) (6) of this section,~~ 346
life imprisonment with parole eligibility after serving ~~thirty-~~ 347

thirty-five full years of imprisonment; 348

~~(d) If (4) Subject to division (E) (6) of this section,~~ 349
life imprisonment with parole eligibility after serving forty- 350
five full years of imprisonment; 351

(5) Subject to division (E) (6) of this section, life 352
imprisonment with parole eligibility after serving fifty-five 353
full years of imprisonment; 354

(6) If the victim of the aggravated murder was less than 355
thirteen years of age, the offender also is convicted of or 356
pleads guilty to a sexual motivation specification that was 357
included in the indictment, count in the indictment, or 358
information charging the offense, and the trial court does not 359
impose a sentence of life imprisonment without parole on the 360
offender pursuant to division (E) ~~(2) (a)~~ (1) of this section, the 361
court or panel shall sentence the offender pursuant to division 362
(B) (3) of section 2971.03 of the Revised Code to an indefinite 363
term consisting of a minimum term of thirty years and a maximum 364
term of life imprisonment. 365

~~(2) If the offender also is convicted of or pleads guilty~~ 366
~~to a sexual motivation specification and a sexually violent~~ 367
~~predator specification that are included in the indictment,~~ 368
~~count in the indictment, or information that charged the~~ 369
~~aggravated murder, life imprisonment without parole that shall~~ 370
~~be served pursuant to section 2971.03 of the Revised Code.~~ 371

(F) The court or the panel of three judges, when it 372
imposes sentence of death, shall state in a separate opinion its 373
specific findings as to the existence of any of the mitigating 374
factors set forth in division (B) of section 2929.04 of the 375
Revised Code, the existence of any other mitigating factors, the 376

aggravating circumstances the offender was found guilty of 377
committing, and the reasons why the aggravating circumstances 378
the offender was found guilty of committing were sufficient to 379
outweigh the mitigating factors. The court or panel, when it 380
imposes life imprisonment or an indefinite term consisting of a 381
minimum term of thirty years and a maximum term of life 382
imprisonment under division (D) of this section, shall state in 383
a separate opinion its specific findings of which of the 384
mitigating factors set forth in division (B) of section 2929.04 385
of the Revised Code it found to exist, what other mitigating 386
factors it found to exist, what aggravating circumstances the 387
offender was found guilty of committing, and why it could not 388
find that these aggravating circumstances were sufficient to 389
outweigh the mitigating factors. For cases in which a sentence 390
of death is imposed for an offense committed before January 1, 391
1995, the court or panel shall file the opinion required to be 392
prepared by this division with the clerk of the appropriate 393
court of appeals and with the clerk of the supreme court within 394
fifteen days after the court or panel imposes sentence. For 395
cases in which a sentence of death is imposed for an offense 396
committed on or after January 1, 1995, the court or panel shall 397
file the opinion required to be prepared by this division with 398
the clerk of the supreme court within fifteen days after the 399
court or panel imposes sentence. The judgment in a case in which 400
a sentencing hearing is held pursuant to this section is not 401
final until the opinion is filed. 402

(G) (1) Whenever the court or a panel of three judges 403
imposes a sentence of death for an offense committed before 404
January 1, 1995, the clerk of the court in which the judgment is 405
rendered shall deliver the entire record in the case to the 406
appellate court. 407

(2) Whenever the court or a panel of three judges imposes 408
a sentence of death for an offense committed on or after January 409
1, 1995, the clerk of the court in which the judgment is 410
rendered shall deliver the entire record in the case to the 411
supreme court. 412

Sec. 2929.04. (A) Imposition of the death penalty for 413
aggravated murder is precluded unless one or more of the 414
following is specified in the indictment or count in the 415
indictment pursuant to section 2941.14 of the Revised Code and 416
proved beyond a reasonable doubt: 417

(1) The offense was the assassination of the president of 418
the United States or a person in line of succession to the 419
presidency, the governor or lieutenant governor of this state, 420
the president-elect or vice president-elect of the United 421
States, the governor-elect or lieutenant governor-elect of this 422
state, or a candidate for any of the offices described in this 423
division. For purposes of this division, a person is a candidate 424
if the person has been nominated for election according to law, 425
if the person has filed a petition or petitions according to law 426
to have the person's name placed on the ballot in a primary or 427
general election, or if the person campaigns as a write-in 428
candidate in a primary or general election. 429

(2) The offense was committed for hire. 430

(3) The offense was committed for the purpose of escaping 431
detection, apprehension, trial, or punishment for another 432
offense committed by the offender. 433

(4) The offense was committed while the offender was under 434
detention or while the offender was at large after having broken 435
detention. As used in division (A)(4) of this section, 436

"detention" has the same meaning as in section 2921.01 of the Revised Code, except that detention does not include hospitalization, institutionalization, or confinement in a mental health facility or mental retardation and developmentally disabled facility unless at the time of the commission of the offense either of the following circumstances apply:

(a) The offender was in the facility as a result of being charged with a violation of a section of the Revised Code.

(b) The offender was under detention as a result of being convicted of or pleading guilty to a violation of a section of the Revised Code.

(5) Prior to the offense at bar, the offender was convicted of an offense an essential element of which was the purposeful killing of or attempt to kill another, or the offense at bar was part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons by the offender.

(6) The victim of the offense was a law enforcement officer, as defined in section 2911.01 of the Revised Code, whom the offender had reasonable cause to know or knew to be a law enforcement officer as so defined, and either the victim, at the time of the commission of the offense, was engaged in the victim's duties, or it was the offender's specific purpose to kill a law enforcement officer as so defined.

(7) The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary, and either the offender was the principal offender in the commission of the

aggravated murder or, if not the principal offender, committed 466
the aggravated murder with prior calculation and design. 467

(8) The victim of the aggravated murder was a witness to 468
an offense who was purposely killed to prevent the victim's 469
testimony in any criminal proceeding and the aggravated murder 470
was not committed during the commission, attempted commission, 471
or flight immediately after the commission or attempted 472
commission of the offense to which the victim was a witness, or 473
the victim of the aggravated murder was a witness to an offense 474
and was purposely killed in retaliation for the victim's 475
testimony in any criminal proceeding. 476

(9) The offender, in the commission of the offense, 477
purposefully caused the death of another who was under thirteen 478
years of age at the time of the commission of the offense, and 479
either the offender was the principal offender in the commission 480
of the offense or, if not the principal offender, committed the 481
offense with prior calculation and design. 482

(10) The offense was committed while the offender was 483
committing, attempting to commit, or fleeing immediately after 484
committing or attempting to commit terrorism. 485

(11) The offense was a violation of division (A) of 486
section 2903.01 of the Revised Code. 487

(B) If one or more of the aggravating circumstances listed 488
in division (A) of this section is specified in the indictment 489
or count in the indictment and proved beyond a reasonable doubt, 490
and if the offender did not raise the matter of age pursuant to 491
section 2929.023 of the Revised Code or if the offender, after 492
raising the matter of age, was found at trial to have been 493
eighteen years of age or older at the time of the commission of 494

the offense, the court, trial jury, or panel of three judges 495
shall consider, and weigh against the aggravating circumstances 496
proved beyond a reasonable doubt, the nature and circumstances 497
of the offense, the history, character, and background of the 498
offender, and all of the following factors: 499

(1) Whether the victim of the offense induced or 500
facilitated it; 501

(2) Whether it is unlikely that the offense would have 502
been committed, but for the fact that the offender was under 503
duress, coercion, or strong provocation; 504

(3) Whether, at the time of committing the offense, the 505
offender, because of a mental disease or defect, lacked 506
substantial capacity to appreciate the criminality of the 507
offender's conduct or to conform the offender's conduct to the 508
requirements of the law; 509

(4) The youth of the offender; 510

(5) The offender's lack of a significant history of prior 511
criminal convictions and delinquency adjudications; 512

(6) If the offender was a participant in the offense but 513
not the principal offender, the degree of the offender's 514
participation in the offense and the degree of the offender's 515
participation in the acts that led to the death of the victim; 516

(7) Any other factors that are relevant to the issue of 517
whether the offender should be sentenced to death. 518

(C) The defendant shall be given great latitude in the 519
presentation of evidence of the factors listed in division (B) 520
of this section and of any other factors in mitigation of the 521
imposition of the sentence of death. 522

The existence of any of the mitigating factors listed in 523
division (B) of this section does not preclude the imposition of 524
a sentence of death on the offender but shall be weighed 525
pursuant to divisions (D) (2) and (3) of section 2929.03 of the 526
Revised Code by the trial court, trial jury, or the panel of 527
three judges against the aggravating circumstances the offender 528
was found guilty of committing. 529

Sec. 2929.14. (A) Except as provided in division (B) (1), 530
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 531
(G), (H), or (J) of this section or in division (D) (6) of 532
section 2919.25 of the Revised Code and except in relation to an 533
offense for which a sentence of death or life imprisonment is to 534
be imposed, if the court imposing a sentence upon an offender 535
for a felony elects or is required to impose a prison term on 536
the offender pursuant to this chapter, the court shall impose a 537
definite prison term that shall be one of the following: 538

(1) For a felony of the first degree, the prison term 539
shall be three, four, five, six, seven, eight, nine, ten, or 540
eleven years. 541

(2) For a felony of the second degree, the prison term 542
shall be two, three, four, five, six, seven, or eight years. 543

(3) (a) For a felony of the third degree that is a 544
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 545
2907.05 of the Revised Code or that is a violation of section 546
2911.02 or 2911.12 of the Revised Code if the offender 547
previously has been convicted of or pleaded guilty in two or 548
more separate proceedings to two or more violations of section 549
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 550
prison term shall be twelve, eighteen, twenty-four, thirty, 551
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 552

(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 the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony;

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

(iii) A prison term of one year if the specification is of

the type described in section 2941.141 of the Revised Code that 582
charges the offender with having a firearm on or about the 583
offender's person or under the offender's control while 584
committing the felony. 585

(b) If a court imposes a prison term on an offender under 586
division (B) (1) (a) of this section, the prison term shall not be 587
reduced pursuant to section 2967.19, section 2929.20, section 588
2967.193, or any other provision of Chapter 2967. or Chapter 589
5120. of the Revised Code. Except as provided in division (B) (1) 590
(g) of this section, a court shall not impose more than one 591
prison term on an offender under division (B) (1) (a) of this 592
section for felonies committed as part of the same act or 593
transaction. 594

(c) Except as provided in division (B) (1) (e) of this 595
section, if an offender who is convicted of or pleads guilty to 596
a violation of section 2923.161 of the Revised Code or to a 597
felony that includes, as an essential element, purposely or 598
knowingly causing or attempting to cause the death of or 599
physical harm to another, also is convicted of or pleads guilty 600
to a specification of the type described in section 2941.146 of 601
the Revised Code that charges the offender with committing the 602
offense by discharging a firearm from a motor vehicle other than 603
a manufactured home, the court, after imposing a prison term on 604
the offender for the violation of section 2923.161 of the 605
Revised Code or for the other felony offense under division (A), 606
(B) (2), or (B) (3) of this section, shall impose an additional 607
prison term of five years upon the offender that shall not be 608
reduced pursuant to section 2929.20, section 2967.19, section 609
2967.193, or any other provision of Chapter 2967. or Chapter 610
5120. of the Revised Code. A court shall not impose more than 611
one additional prison term on an offender under division (B) (1) 612

(c) of this section for felonies committed as part of the same 613
act or transaction. If a court imposes an additional prison term 614
on an offender under division (B) (1) (c) of this section relative 615
to an offense, the court also shall impose a prison term under 616
division (B) (1) (a) of this section relative to the same offense, 617
provided the criteria specified in that division for imposing an 618
additional prison term are satisfied relative to the offender 619
and the offense. 620

(d) If an offender who is convicted of or pleads guilty to 621
an offense of violence that is a felony also is convicted of or 622
pleads guilty to a specification of the type described in 623
section 2941.1411 of the Revised Code that charges the offender 624
with wearing or carrying body armor while committing the felony 625
offense of violence, the court shall impose on the offender a 626
prison term of two years. The prison term so imposed, subject to 627
divisions (C) to (I) of section 2967.19 of the Revised Code, 628
shall not be reduced pursuant to section 2929.20, section 629
2967.19, section 2967.193, or any other provision of Chapter 630
2967. or Chapter 5120. of the Revised Code. A court shall not 631
impose more than one prison term on an offender under division 632
(B) (1) (d) of this section for felonies committed as part of the 633
same act or transaction. If a court imposes an additional prison 634
term under division (B) (1) (a) or (c) of this section, the court 635
is not precluded from imposing an additional prison term under 636
division (B) (1) (d) of this section. 637

(e) The court shall not impose any of the prison terms 638
described in division (B) (1) (a) of this section or any of the 639
additional prison terms described in division (B) (1) (c) of this 640
section upon an offender for a violation of section 2923.12 or 641
2923.123 of the Revised Code. The court shall not impose any of 642
the prison terms described in division (B) (1) (a) or (b) of this 643

section upon an offender for a violation of section 2923.122 644
that involves a deadly weapon that is a firearm other than a 645
dangerous ordnance, section 2923.16, or section 2923.121 of the 646
Revised Code. The court shall not impose any of the prison terms 647
described in division (B)(1)(a) of this section or any of the 648
additional prison terms described in division (B)(1)(c) of this 649
section upon an offender for a violation of section 2923.13 of 650
the Revised Code unless all of the following apply: 651

(i) The offender previously has been convicted of 652
aggravated murder, murder, or any felony of the first or second 653
degree. 654

(ii) Less than five years have passed since the offender 655
was released from prison or post-release control, whichever is 656
later, for the prior offense. 657

(f) If an offender is convicted of or pleads guilty to a 658
felony that includes, as an essential element, causing or 659
attempting to cause the death of or physical harm to another and 660
also is convicted of or pleads guilty to a specification of the 661
type described in section 2941.1412 of the Revised Code that 662
charges the offender with committing the offense by discharging 663
a firearm at a peace officer as defined in section 2935.01 of 664
the Revised Code or a corrections officer, as defined in section 665
2941.1412 of the Revised Code, the court, after imposing a 666
prison term on the offender for the felony offense under 667
division (A), (B)(2), or (B)(3) of this section, shall impose an 668
additional prison term of seven years upon the offender that 669
shall not be reduced pursuant to section 2929.20, section 670
2967.19, section 2967.193, or any other provision of Chapter 671
2967. or Chapter 5120. of the Revised Code. If an offender is 672
convicted of or pleads guilty to two or more felonies that 673

include, as an essential element, causing or attempting to cause 674
the death or physical harm to another and also is convicted of 675
or pleads guilty to a specification of the type described under 676
division (B) (1) (f) of this section in connection with two or 677
more of the felonies of which the offender is convicted or to 678
which the offender pleads guilty, the sentencing court shall 679
impose on the offender the prison term specified under division 680
(B) (1) (f) of this section for each of two of the specifications 681
of which the offender is convicted or to which the offender 682
pleads guilty and, in its discretion, also may impose on the 683
offender the prison term specified under that division for any 684
or all of the remaining specifications. If a court imposes an 685
additional prison term on an offender under division (B) (1) (f) 686
of this section relative to an offense, the court shall not 687
impose a prison term under division (B) (1) (a) or (c) of this 688
section relative to the same offense. 689

(g) If an offender is convicted of or pleads guilty to two 690
or more felonies, if one or more of those felonies are 691
aggravated murder, murder, attempted aggravated murder, 692
attempted murder, aggravated robbery, felonious assault, or 693
rape, and if the offender is convicted of or pleads guilty to a 694
specification of the type described under division (B) (1) (a) of 695
this section in connection with two or more of the felonies, the 696
sentencing court shall impose on the offender the prison term 697
specified under division (B) (1) (a) of this section for each of 698
the two most serious specifications of which the offender is 699
convicted or to which the offender pleads guilty and, in its 700
discretion, also may impose on the offender the prison term 701
specified under that division for any or all of the remaining 702
specifications. 703

(2) (a) If division (B) (2) (b) of this section does not 704

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 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.

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

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

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

(b) The court shall impose on an offender the longest prison term authorized or required for the offense and shall impose on the offender 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 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, 765
terrorism and the court does not impose a sentence of life 766
imprisonment without parole, any felony of the first degree that 767
is an offense of violence and the court does not impose a 768
sentence of life imprisonment without parole, or any felony of 769
the second degree that is an offense of violence and the trier 770
of fact finds that the offense involved an attempt to cause or a 771
threat to cause serious physical harm to a person or resulted in 772
serious physical harm to a person. 773

(c) For purposes of division (B) (2) (b) of this section, 774
two or more offenses committed at the same time or as part of 775
the same act or event shall be considered one offense, and that 776
one offense shall be the offense with the greatest penalty. 777

(d) A sentence imposed under division (B) (2) (a) or (b) of 778
this section shall not be reduced pursuant to section 2929.20, 779
section 2967.19, or section 2967.193, or any other provision of 780
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 781
shall serve an additional prison term imposed under this section 782
consecutively to and prior to the prison term imposed for the 783
underlying offense. 784

(e) When imposing a sentence pursuant to division (B) (2) 785
(a) or (b) of this section, the court shall state its findings 786
explaining the imposed sentence. 787

(3) Except when an offender commits a violation of section 788
2903.01 or 2907.02 of the Revised Code and the penalty imposed 789
for the violation is life imprisonment or commits a violation of 790
section 2903.02 of the Revised Code, if the offender commits a 791
violation of section 2925.03 or 2925.11 of the Revised Code and 792
that section classifies the offender as a major drug offender, 793
if the offender commits a felony violation of section 2925.02, 794

2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 795
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 796
division (C) of section 4729.51, or division (J) of section 797
4729.54 of the Revised Code that includes the sale, offer to 798
sell, or possession of a schedule I or II controlled substance, 799
with the exception of marihuana, and the court imposing sentence 800
upon the offender finds that the offender is guilty of a 801
specification of the type described in section 2941.1410 of the 802
Revised Code charging that the offender is a major drug 803
offender, if the court imposing sentence upon an offender for a 804
felony finds that the offender is guilty of corrupt activity 805
with the most serious offense in the pattern of corrupt activity 806
being a felony of the first degree, or if the offender is guilty 807
of an attempted violation of section 2907.02 of the Revised Code 808
and, had the offender completed the violation of section 2907.02 809
of the Revised Code that was attempted, the offender would have 810
been subject to a sentence of life imprisonment or life 811
imprisonment without parole for the violation of section 2907.02 812
of the Revised Code, the court shall impose upon the offender 813
for the felony violation a mandatory prison term of the maximum 814
prison term prescribed for a felony of the first degree that, 815
subject to divisions (C) to (I) of section 2967.19 of the 816
Revised Code, cannot be reduced pursuant to section 2929.20, 817
section 2967.19, or any other provision of Chapter 2967. or 818
5120. of the Revised Code. 819

(4) If the offender is being sentenced for a third or 820
fourth degree felony OVI offense under division (G) (2) of 821
section 2929.13 of the Revised Code, the sentencing court shall 822
impose upon the offender a mandatory prison term in accordance 823
with that division. In addition to the mandatory prison term, if 824
the offender is being sentenced for a fourth degree felony OVI 825

offense, the court, notwithstanding division (A) (4) of this 826
section, may sentence the offender to a definite prison term of 827
not less than six months and not more than thirty months, and if 828
the offender is being sentenced for a third degree felony OVI 829
offense, the sentencing court may sentence the offender to an 830
additional prison term of any duration specified in division (A) 831
(3) of this section. In either case, the additional prison term 832
imposed shall be reduced by the sixty or one hundred twenty days 833
imposed upon the offender as the mandatory prison term. The 834
total of the additional prison term imposed under division (B) 835
(4) of this section plus the sixty or one hundred twenty days 836
imposed as the mandatory prison term shall equal a definite term 837
in the range of six months to thirty months for a fourth degree 838
felony OVI offense and shall equal one of the authorized prison 839
terms specified in division (A) (3) of this section for a third 840
degree felony OVI offense. If the court imposes an additional 841
prison term under division (B) (4) of this section, the offender 842
shall serve the additional prison term after the offender has 843
served the mandatory prison term required for the offense. In 844
addition to the mandatory prison term or mandatory and 845
additional prison term imposed as described in division (B) (4) 846
of this section, the court also may sentence the offender to a 847
community control sanction under section 2929.16 or 2929.17 of 848
the Revised Code, but the offender shall serve all of the prison 849
terms so imposed prior to serving the community control 850
sanction. 851

If the offender is being sentenced for a fourth degree 852
felony OVI offense under division (G) (1) of section 2929.13 of 853
the Revised Code and the court imposes a mandatory term of local 854
incarceration, the court may impose a prison term as described 855
in division (A) (1) of that section. 856

(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, 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) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) 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, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of

section 2967.19 of the Revised Code, shall not be reduced 888
pursuant to section 2929.20, section 2967.19, section 2967.193, 889
or any other provision of Chapter 2967. or Chapter 5120. of the 890
Revised Code. A court shall not impose more than one prison term 891
on an offender under division (B) (6) of this section for 892
felonies committed as part of the same act. 893

(7) (a) If an offender is convicted of or pleads guilty to 894
a felony violation of section 2905.01, 2905.02, 2907.21, 895
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 896
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 897
the Revised Code and also is convicted of or pleads guilty to a 898
specification of the type described in section 2941.1422 of the 899
Revised Code that charges that the offender knowingly committed 900
the offense in furtherance of human trafficking, the court shall 901
impose on the offender a mandatory prison term that is one of 902
the following: 903

(i) If the offense is a felony of the first degree, a 904
definite prison term of not less than five years and not greater 905
than ten years; 906

(ii) If the offense is a felony of the second or third 907
degree, a definite prison term of not less than three years and 908
not greater than the maximum prison term allowed for the offense 909
by division (A) of section 2929.14 of the Revised Code; 910

(iii) If the offense is a felony of the fourth or fifth 911
degree, a definite prison term that is the maximum prison term 912
allowed for the offense by division (A) of section 2929.14 of 913
the Revised Code. 914

(b) Subject to divisions (C) to (I) of section 2967.19 of 915
the Revised Code, the prison term imposed under division (B) (7) 916

(a) of this section shall not be reduced pursuant to section 917
2929.20, section 2967.19, section 2967.193, or any other 918
provision of Chapter 2967. of the Revised Code. A court shall 919
not impose more than one prison term on an offender under 920
division (B) (7) (a) of this section for felonies committed as 921
part of the same act, scheme, or plan. 922

(8) If an offender is convicted of or pleads guilty to a 923
felony violation of section 2903.11, 2903.12, or 2903.13 of the 924
Revised Code and also is convicted of or pleads guilty to a 925
specification of the type described in section 2941.1423 of the 926
Revised Code that charges that the victim of the violation was a 927
woman whom the offender knew was pregnant at the time of the 928
violation, notwithstanding the range of prison terms prescribed 929
in division (A) of this section for felonies of the same degree 930
as the violation, the court shall impose on the offender a 931
mandatory prison term that is either a definite prison term of 932
six months or one of the prison terms prescribed in section 933
2929.14 of the Revised Code for felonies of the same degree as 934
the violation. 935

(C) (1) (a) Subject to division (C) (1) (b) of this section, 936
if a mandatory prison term is imposed upon an offender pursuant 937
to division (B) (1) (a) of this section for having a firearm on or 938
about the offender's person or under the offender's control 939
while committing a felony, if a mandatory prison term is imposed 940
upon an offender pursuant to division (B) (1) (c) of this section 941
for committing a felony specified in that division by 942
discharging a firearm from a motor vehicle, or if both types of 943
mandatory prison terms are imposed, the offender shall serve any 944
mandatory prison term imposed under either division 945
consecutively to any other mandatory prison term imposed under 946
either division or under division (B) (1) (d) of this section, 947

consecutively to and prior to any prison term imposed for the 948
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 949
this section or any other section of the Revised Code, and 950
consecutively to any other prison term or mandatory prison term 951
previously or subsequently imposed upon the offender. 952

(b) If a mandatory prison term is imposed upon an offender 953
pursuant to division (B) (1) (d) of this section for wearing or 954
carrying body armor while committing an offense of violence that 955
is a felony, the offender shall serve the mandatory term so 956
imposed consecutively to any other mandatory prison term imposed 957
under that division or under division (B) (1) (a) or (c) of this 958
section, consecutively to and prior to any prison term imposed 959
for the underlying felony under division (A), (B) (2), or (B) (3) 960
of this section or any other section of the Revised Code, and 961
consecutively to any other prison term or mandatory prison term 962
previously or subsequently imposed upon the offender. 963

(c) If a mandatory prison term is imposed upon an offender 964
pursuant to division (B) (1) (f) of this section, the offender 965
shall serve the mandatory prison term so imposed consecutively 966
to and prior to any prison term imposed for the underlying 967
felony under division (A), (B) (2), or (B) (3) of this section or 968
any other section of the Revised Code, and consecutively to any 969
other prison term or mandatory prison term previously or 970
subsequently imposed upon the offender. 971

(d) If a mandatory prison term is imposed upon an offender 972
pursuant to division (B) (7) or (8) of this section, the offender 973
shall serve the mandatory prison term so imposed consecutively 974
to any other mandatory prison term imposed under that division 975
or under any other provision of law and consecutively to any 976
other prison term or mandatory prison term previously or 977

subsequently imposed upon the offender. 978

(2) If an offender who is an inmate in a jail, prison, or 979
other residential detention facility violates section 2917.02, 980
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 981
(2) of section 2921.34 of the Revised Code, if an offender who 982
is under detention at a detention facility commits a felony 983
violation of section 2923.131 of the Revised Code, or if an 984
offender who is an inmate in a jail, prison, or other 985
residential detention facility or is under detention at a 986
detention facility commits another felony while the offender is 987
an escapee in violation of division (A) (1) or (2) of section 988
2921.34 of the Revised Code, any prison term imposed upon the 989
offender for one of those violations shall be served by the 990
offender consecutively to the prison term or term of 991
imprisonment the offender was serving when the offender 992
committed that offense and to any other prison term previously 993
or subsequently imposed upon the offender. 994

(3) If a prison term is imposed for a violation of 995
division (B) of section 2911.01 of the Revised Code, a violation 996
of division (A) of section 2913.02 of the Revised Code in which 997
the stolen property is a firearm or dangerous ordnance, or a 998
felony violation of division (B) of section 2921.331 of the 999
Revised Code, the offender shall serve that prison term 1000
consecutively to any other prison term or mandatory prison term 1001
previously or subsequently imposed upon the offender. 1002

(4) If multiple prison terms are imposed on an offender 1003
for convictions of multiple offenses, the court may require the 1004
offender to serve the prison terms consecutively if the court 1005
finds that the consecutive service is necessary to protect the 1006
public from future crime or to punish the offender and that 1007

consecutive sentences are not disproportionate to the 1008
seriousness of the offender's conduct and to the danger the 1009
offender poses to the public, and if the court also finds any of 1010
the following: 1011

(a) The offender committed one or more of the multiple 1012
offenses while the offender was awaiting trial or sentencing, 1013
was under a sanction imposed pursuant to section 2929.16, 1014
2929.17, or 2929.18 of the Revised Code, or was under post- 1015
release control for a prior offense. 1016

(b) At least two of the multiple offenses were committed 1017
as part of one or more courses of conduct, and the harm caused 1018
by two or more of the multiple offenses so committed was so 1019
great or unusual that no single prison term for any of the 1020
offenses committed as part of any of the courses of conduct 1021
adequately reflects the seriousness of the offender's conduct. 1022

(c) The offender's history of criminal conduct 1023
demonstrates that consecutive sentences are necessary to protect 1024
the public from future crime by the offender. 1025

(5) If a mandatory prison term is imposed upon an offender 1026
pursuant to division (B) (5) or (6) of this section, the offender 1027
shall serve the mandatory prison term consecutively to and prior 1028
to any prison term imposed for the underlying violation of 1029
division (A) (1) or (2) of section 2903.06 of the Revised Code 1030
pursuant to division (A) of this section or section 2929.142 of 1031
the Revised Code. If a mandatory prison term is imposed upon an 1032
offender pursuant to division (B) (5) of this section, and if a 1033
mandatory prison term also is imposed upon the offender pursuant 1034
to division (B) (6) of this section in relation to the same 1035
violation, the offender shall serve the mandatory prison term 1036
imposed pursuant to division (B) (5) of this section 1037

consecutively to and prior to the mandatory prison term imposed 1038
pursuant to division (B) (6) of this section and consecutively to 1039
and prior to any prison term imposed for the underlying 1040
violation of division (A) (1) or (2) of section 2903.06 of the 1041
Revised Code pursuant to division (A) of this section or section 1042
2929.142 of the Revised Code. 1043

(6) When consecutive prison terms are imposed pursuant to 1044
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1045
of this section, the term to be served is the aggregate of all 1046
of the terms so imposed. 1047

(D) (1) If a court imposes a prison term for a felony of 1048
the first degree, for a felony of the second degree, for a 1049
felony sex offense, or for a felony of the third degree that is 1050
not a felony sex offense and in the commission of which the 1051
offender caused or threatened to cause physical harm to a 1052
person, it shall include in the sentence a requirement that the 1053
offender be subject to a period of post-release control after 1054
the offender's release from imprisonment, in accordance with 1055
that division. If a court imposes a sentence including a prison 1056
term of a type described in this division on or after July 11, 1057
2006, the failure of a court to include a post-release control 1058
requirement in the sentence pursuant to this division does not 1059
negate, limit, or otherwise affect the mandatory period of post- 1060
release control that is required for the offender under division 1061
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1062
the Revised Code applies if, prior to July 11, 2006, a court 1063
imposed a sentence including a prison term of a type described 1064
in this division and failed to include in the sentence pursuant 1065
to this division a statement regarding post-release control. 1066

(2) If a court imposes a prison term for a felony of the 1067

third, fourth, or fifth degree that is not subject to division 1068
(D) (1) of this section, it shall include in the sentence a 1069
requirement that the offender be subject to a period of post- 1070
release control after the offender's release from imprisonment, 1071
in accordance with that division, if the parole board determines 1072
that a period of post-release control is necessary. Section 1073
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1074
a court imposed a sentence including a prison term of a type 1075
described in this division and failed to include in the sentence 1076
pursuant to this division a statement regarding post-release 1077
control. 1078

(E) The court shall impose sentence upon the offender in 1079
accordance with section 2971.03 of the Revised Code, and Chapter 1080
2971. of the Revised Code applies regarding the prison term or 1081
term of life imprisonment without parole imposed upon the 1082
offender and the service of that term of imprisonment if any of 1083
the following apply: 1084

(1) A person is convicted of or pleads guilty to a violent 1085
sex offense or a designated homicide, assault, or kidnapping 1086
offense, and, in relation to that offense, the offender is 1087
adjudicated a sexually violent predator. 1088

(2) A person is convicted of or pleads guilty to a 1089
violation of division (A) (1) (b) of section 2907.02 of the 1090
Revised Code committed on or after January 2, 2007, and either 1091
the court does not impose a sentence of life without parole when 1092
authorized pursuant to division (B) of section 2907.02 of the 1093
Revised Code, or division (B) of section 2907.02 of the Revised 1094
Code provides that the court shall not sentence the offender 1095
pursuant to section 2971.03 of the Revised Code. 1096

(3) A person is convicted of or pleads guilty to attempted 1097

rape committed on or after January 2, 2007, and a specification 1098
of the type described in section 2941.1418, 2941.1419, or 1099
2941.1420 of the Revised Code. 1100

(4) A person is convicted of or pleads guilty to a 1101
violation of section 2905.01 of the Revised Code committed on or 1102
after January 1, 2008, and that section requires the court to 1103
sentence the offender pursuant to section 2971.03 of the Revised 1104
Code. 1105

(5) A person is convicted of or pleads guilty to 1106
aggravated murder committed on or after January 1, 2008, and 1107
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) ~~(e)~~ 1108
(g), (C) (1) (a) ~~(v)~~ (vii), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ 1109
(vi), or (E) ~~(1) (d)~~ (6) of section 2929.03, or division (A) or 1110
(B) of section 2929.06 of the Revised Code requires the court to 1111
sentence the offender pursuant to division (B) (3) of section 1112
2971.03 of the Revised Code. 1113

(6) A person is convicted of or pleads guilty to murder 1114
committed on or after January 1, 2008, and division (B) (2) of 1115
section 2929.02 of the Revised Code requires the court to 1116
sentence the offender pursuant to section 2971.03 of the Revised 1117
Code. 1118

(F) If a person who has been convicted of or pleaded 1119
guilty to a felony is sentenced to a prison term or term of 1120
imprisonment under this section, sections 2929.02 to 2929.06 of 1121
the Revised Code, section 2929.142 of the Revised Code, section 1122
2971.03 of the Revised Code, or any other provision of law, 1123
section 5120.163 of the Revised Code applies regarding the 1124
person while the person is confined in a state correctional 1125
institution. 1126

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 1157
a specification of the type described in section 2941.1421 of 1158
the Revised Code regarding one or more of those violations, an 1159
additional prison term of one, two, three, four, five, six, 1160
seven, eight, nine, ten, eleven, or twelve months. 1161

(b) In lieu of imposing an additional prison term under 1162
division (H)(2)(a) of this section, the court may directly 1163
impose on the offender a sanction that requires the offender to 1164
wear a real-time processing, continual tracking electronic 1165
monitoring device during the period of time specified by the 1166
court. The period of time specified by the court shall equal the 1167
duration of an additional prison term that the court could have 1168
imposed upon the offender under division (H)(2)(a) of this 1169
section. A sanction imposed under this division shall commence 1170
on the date specified by the court, provided that the sanction 1171
shall not commence until after the offender has served the 1172
prison term imposed for the felony violation of section 2907.22, 1173
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1174
residential sanction imposed for the violation under section 1175
2929.16 of the Revised Code. A sanction imposed under this 1176
division shall be considered to be a community control sanction 1177
for purposes of section 2929.15 of the Revised Code, and all 1178
provisions of the Revised Code that pertain to community control 1179
sanctions shall apply to a sanction imposed under this division, 1180
except to the extent that they would by their nature be clearly 1181
inapplicable. The offender shall pay all costs associated with a 1182
sanction imposed under this division, including the cost of the 1183
use of the monitoring device. 1184

(I) At the time of sentencing, the court may recommend the 1185
offender for placement in a program of shock incarceration under 1186
section 5120.031 of the Revised Code or for placement in an 1187

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

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there 1218
is an available program of shock incarceration or an intensive 1219
program prison for which the offender is suited. If there is an 1220
available program of shock incarceration or an intensive program 1221
prison for which the offender is suited, the department shall 1222
notify the court of the proposed placement of the offender as 1223
specified in section 5120.031 or 5120.032 of the Revised Code 1224
and shall include with the notice a brief description of the 1225
placement. The court shall have ten days from receipt of the 1226
notice to disapprove the placement. 1227

(J) If a person is convicted of or pleads guilty to 1228
aggravated vehicular homicide in violation of division (A) (1) of 1229
section 2903.06 of the Revised Code and division (B) (2) (c) of 1230
that section applies, the person shall be sentenced pursuant to 1231
section 2929.142 of the Revised Code. 1232

Sec. 2941.148. (A) (1) The application of Chapter 2971. of 1233
the Revised Code to an offender is precluded unless one of the 1234
following applies: 1235

(a) The offender is charged with a violent sex offense, 1236
and the indictment, count in the indictment, or information 1237
charging the violent sex offense also includes a specification 1238
that the offender is a sexually violent predator, or the 1239
offender is charged with a designated homicide, assault, or 1240
kidnapping offense, and the indictment, count in the indictment, 1241
or information charging the designated homicide, assault, or 1242
kidnapping offense also includes both a specification of the 1243
type described in section 2941.147 of the Revised Code and a 1244
specification that the offender is a sexually violent predator. 1245

(b) The offender is convicted of or pleads guilty to a 1246
violation of division (A) (1) (b) of section 2907.02 of the 1247

Revised Code committed on or after January 2, 2007, and division 1248
(B) of section 2907.02 of the Revised Code does not prohibit the 1249
court from sentencing the offender pursuant to section 2971.03 1250
of the Revised Code. 1251

(c) The offender is convicted of or pleads guilty to 1252
attempted rape committed on or after January 2, 2007, and to a 1253
specification of the type described in section 2941.1418, 1254
2941.1419, or 2941.1420 of the Revised Code. 1255

(d) The offender is convicted of or pleads guilty to a 1256
violation of section 2905.01 of the Revised Code and to a 1257
specification of the type described in section 2941.147 of the 1258
Revised Code, and section 2905.01 of the Revised Code requires a 1259
court to sentence the offender pursuant to section 2971.03 of 1260
the Revised Code. 1261

(e) The offender is convicted of or pleads guilty to 1262
aggravated murder and to a specification of the type described 1263
in section 2941.147 of the Revised Code, and division (A) (2) (b) 1264
(ii) of section 2929.022, division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ 1265
(vii), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1) (d)~~ 1266
(6) of section 2929.03, or division (A) or (B) of section 1267
2929.06 of the Revised Code requires a court to sentence the 1268
offender pursuant to division (B) (3) of section 2971.03 of the 1269
Revised Code. 1270

(f) The offender is convicted of or pleads guilty to 1271
murder and to a specification of the type described in section 1272
2941.147 of the Revised Code, and division (B) (2) of section 1273
2929.02 of the Revised Code requires a court to sentence the 1274
offender pursuant to section 2971.03 of the Revised Code. 1275

(2) A specification required under division (A) (1) (a) of 1276

this section that an offender is a sexually violent predator 1277
shall be stated at the end of the body of the indictment, count, 1278
or information and shall be stated in substantially the 1279
following form: 1280

"Specification (or, specification to the first count). The 1281
grand jury (or insert the person's or prosecuting attorney's 1282
name when appropriate) further find and specify that the 1283
offender is a sexually violent predator." 1284

(B) In determining for purposes of this section whether a 1285
person is a sexually violent predator, all of the factors set 1286
forth in divisions (H) (1) to (6) of section 2971.01 of the 1287
Revised Code that apply regarding the person may be considered 1288
as evidence tending to indicate that it is likely that the 1289
person will engage in the future in one or more sexually violent 1290
offenses. 1291

(C) As used in this section, "designated homicide, 1292
assault, or kidnapping offense," "violent sex offense," and 1293
"sexually violent predator" have the same meanings as in section 1294
2971.01 of the Revised Code. 1295

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 1296
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 1297
another section of the Revised Code, other than divisions (B) 1298
and (C) of section 2929.14 of the Revised Code, that authorizes 1299
or requires a specified prison term or a mandatory prison term 1300
for a person who is convicted of or pleads guilty to a felony or 1301
that specifies the manner and place of service of a prison term 1302
or term of imprisonment, the court shall impose a sentence upon 1303
a person who is convicted of or pleads guilty to a violent sex 1304
offense and who also is convicted of or pleads guilty to a 1305
sexually violent predator specification that was included in the 1306

indictment, count in the indictment, or information charging 1307
that offense, and upon a person who is convicted of or pleads 1308
guilty to a designated homicide, assault, or kidnapping offense 1309
and also is convicted of or pleads guilty to both a sexual 1310
motivation specification and a sexually violent predator 1311
specification that were included in the indictment, count in the 1312
indictment, or information charging that offense, as follows: 1313

(1) If the offense for which the sentence is being imposed 1314
is aggravated murder and if the court does not impose upon the 1315
offender a sentence of death, it shall impose upon the offender 1316
a term of life imprisonment without parole. If the court 1317
sentences the offender to death and the sentence of death is 1318
vacated, overturned, or otherwise set aside, the court shall 1319
impose upon the offender a term of life imprisonment without 1320
parole. 1321

(2) If the offense for which the sentence is being imposed 1322
is murder; or if the offense is rape committed in violation of 1323
division (A) (1) (b) of section 2907.02 of the Revised Code when 1324
the offender purposely compelled the victim to submit by force 1325
or threat of force, when the victim was less than ten years of 1326
age, when the offender previously has been convicted of or 1327
pleaded guilty to either rape committed in violation of that 1328
division or a violation of an existing or former law of this 1329
state, another state, or the United States that is substantially 1330
similar to division (A) (1) (b) of section 2907.02 of the Revised 1331
Code, or when the offender during or immediately after the 1332
commission of the rape caused serious physical harm to the 1333
victim; or if the offense is an offense other than aggravated 1334
murder or murder for which a term of life imprisonment may be 1335
imposed, it shall impose upon the offender a term of life 1336
imprisonment without parole. 1337

(3) (a) Except as otherwise provided in division (A) (3) (b), 1338
(c), (d), or (e) or (A) (4) of this section, if the offense for 1339
which the sentence is being imposed is an offense other than 1340
aggravated murder, murder, or rape and other than an offense for 1341
which a term of life imprisonment may be imposed, it shall 1342
impose an indefinite prison term consisting of a minimum term 1343
fixed by the court from among the range of terms available as a 1344
definite term for the offense, but not less than two years, and 1345
a maximum term of life imprisonment. 1346

(b) Except as otherwise provided in division (A) (4) of 1347
this section, if the offense for which the sentence is being 1348
imposed is kidnapping that is a felony of the first degree, it 1349
shall impose an indefinite prison term as follows: 1350

(i) If the kidnapping is committed on or after January 1, 1351
2008, and the victim of the offense is less than thirteen years 1352
of age, except as otherwise provided in this division, it shall 1353
impose an indefinite prison term consisting of a minimum term of 1354
fifteen years and a maximum term of life imprisonment. If the 1355
kidnapping is committed on or after January 1, 2008, the victim 1356
of the offense is less than thirteen years of age, and the 1357
offender released the victim in a safe place unharmed, it shall 1358
impose an indefinite prison term consisting of a minimum term of 1359
ten years and a maximum term of life imprisonment. 1360

(ii) If the kidnapping is committed prior to January 1, 1361
2008, or division (A) (3) (b) (i) of this section does not apply, 1362
it shall impose an indefinite term consisting of a minimum term 1363
fixed by the court that is not less than ten years and a maximum 1364
term of life imprisonment. 1365

(c) Except as otherwise provided in division (A) (4) of 1366
this section, if the offense for which the sentence is being 1367

imposed is kidnapping that is a felony of the second degree, it 1368
shall impose an indefinite prison term consisting of a minimum 1369
term fixed by the court that is not less than eight years, and a 1370
maximum term of life imprisonment. 1371

(d) Except as otherwise provided in division (A)(4) of 1372
this section, if the offense for which the sentence is being 1373
imposed is rape for which a term of life imprisonment is not 1374
imposed under division (A)(2) of this section or division (B) of 1375
section 2907.02 of the Revised Code, it shall impose an 1376
indefinite prison term as follows: 1377

(i) If the rape is committed on or after January 2, 2007, 1378
in violation of division (A)(1)(b) of section 2907.02 of the 1379
Revised Code, it shall impose an indefinite prison term 1380
consisting of a minimum term of twenty-five years and a maximum 1381
term of life imprisonment. 1382

(ii) If the rape is committed prior to January 2, 2007, or 1383
the rape is committed on or after January 2, 2007, other than in 1384
violation of division (A)(1)(b) of section 2907.02 of the 1385
Revised Code, it shall impose an indefinite prison term 1386
consisting of a minimum term fixed by the court that is not less 1387
than ten years, and a maximum term of life imprisonment. 1388

(e) Except as otherwise provided in division (A)(4) of 1389
this section, if the offense for which sentence is being imposed 1390
is attempted rape, it shall impose an indefinite prison term as 1391
follows: 1392

(i) Except as otherwise provided in division (A)(3)(e) 1393
(ii), (iii), or (iv) of this section, it shall impose an 1394
indefinite prison term pursuant to division (A)(3)(a) of this 1395
section. 1396

(ii) If the attempted rape for which sentence is being 1397
imposed was committed on or after January 2, 2007, and if the 1398
offender also is convicted of or pleads guilty to a 1399
specification of the type described in section 2941.1418 of the 1400
Revised Code, it shall impose an indefinite prison term 1401
consisting of a minimum term of five years and a maximum term of 1402
twenty-five years. 1403

(iii) If the attempted rape for which sentence is being 1404
imposed was committed on or after January 2, 2007, and if the 1405
offender also is convicted of or pleads guilty to a 1406
specification of the type described in section 2941.1419 of the 1407
Revised Code, it shall impose an indefinite prison term 1408
consisting of a minimum term of ten years and a maximum of life 1409
imprisonment. 1410

(iv) If the attempted rape for which sentence is being 1411
imposed was committed on or after January 2, 2007, and if the 1412
offender also is convicted of or pleads guilty to a 1413
specification of the type described in section 2941.1420 of the 1414
Revised Code, it shall impose an indefinite prison term 1415
consisting of a minimum term of fifteen years and a maximum of 1416
life imprisonment. 1417

(4) For any offense for which the sentence is being 1418
imposed, if the offender previously has been convicted of or 1419
pleaded guilty to a violent sex offense and also to a sexually 1420
violent predator specification that was included in the 1421
indictment, count in the indictment, or information charging 1422
that offense, or previously has been convicted of or pleaded 1423
guilty to a designated homicide, assault, or kidnapping offense 1424
and also to both a sexual motivation specification and a 1425
sexually violent predator specification that were included in 1426

the indictment, count in the indictment, or information charging 1427
that offense, it shall impose upon the offender a term of life 1428
imprisonment without parole. 1429

(B) (1) Notwithstanding section 2929.13, division (A) or 1430
(D) of section 2929.14, or another section of the Revised Code 1431
other than division (B) of section 2907.02 or divisions (B) and 1432
(C) of section 2929.14 of the Revised Code that authorizes or 1433
requires a specified prison term or a mandatory prison term for 1434
a person who is convicted of or pleads guilty to a felony or 1435
that specifies the manner and place of service of a prison term 1436
or term of imprisonment, if a person is convicted of or pleads 1437
guilty to a violation of division (A) (1) (b) of section 2907.02 1438
of the Revised Code committed on or after January 2, 2007, if 1439
division (A) of this section does not apply regarding the 1440
person, and if the court does not impose a sentence of life 1441
without parole when authorized pursuant to division (B) of 1442
section 2907.02 of the Revised Code, the court shall impose upon 1443
the person an indefinite prison term consisting of one of the 1444
following: 1445

(a) Except as otherwise required in division (B) (1) (b) or 1446
(c) of this section, a minimum term of ten years and a maximum 1447
term of life imprisonment. 1448

(b) If the victim was less than ten years of age, a 1449
minimum term of fifteen years and a maximum of life 1450
imprisonment. 1451

(c) If the offender purposely compels the victim to submit 1452
by force or threat of force, or if the offender previously has 1453
been convicted of or pleaded guilty to violating division (A) (1) 1454
(b) of section 2907.02 of the Revised Code or to violating an 1455
existing or former law of this state, another state, or the 1456

United States that is substantially similar to division (A) (1) 1457
(b) of that section, or if the offender during or immediately 1458
after the commission of the offense caused serious physical harm 1459
to the victim, a minimum term of twenty-five years and a maximum 1460
of life imprisonment. 1461

(2) Notwithstanding section 2929.13, division (A) or (D) 1462
of section 2929.14, or another section of the Revised Code other 1463
than divisions (B) and (C) of section 2929.14 of the Revised 1464
Code that authorizes or requires a specified prison term or a 1465
mandatory prison term for a person who is convicted of or pleads 1466
guilty to a felony or that specifies the manner and place of 1467
service of a prison term or term of imprisonment and except as 1468
otherwise provided in division (B) of section 2907.02 of the 1469
Revised Code, if a person is convicted of or pleads guilty to 1470
attempted rape committed on or after January 2, 2007, and if 1471
division (A) of this section does not apply regarding the 1472
person, the court shall impose upon the person an indefinite 1473
prison term consisting of one of the following: 1474

(a) If the person also is convicted of or pleads guilty to 1475
a specification of the type described in section 2941.1418 of 1476
the Revised Code, the court shall impose upon the person an 1477
indefinite prison term consisting of a minimum term of five 1478
years and a maximum term of twenty-five years. 1479

(b) If the person also is convicted of or pleads guilty to 1480
a specification of the type described in section 2941.1419 of 1481
the Revised Code, the court shall impose upon the person an 1482
indefinite prison term consisting of a minimum term of ten years 1483
and a maximum term of life imprisonment. 1484

(c) If the person also is convicted of or pleads guilty to 1485
a specification of the type described in section 2941.1420 of 1486

the Revised Code, the court shall impose upon the person an 1487
indefinite prison term consisting of a minimum term of fifteen 1488
years and a maximum term of life imprisonment. 1489

(3) Notwithstanding section 2929.13, division (A) or (D) 1490
of section 2929.14, or another section of the Revised Code other 1491
than divisions (B) and (C) of section 2929.14 of the Revised 1492
Code that authorizes or requires a specified prison term or a 1493
mandatory prison term for a person who is convicted of or pleads 1494
guilty to a felony or that specifies the manner and place of 1495
service of a prison term or term of imprisonment, if a person is 1496
convicted of or pleads guilty to an offense described in 1497
division (B) (3) (a), (b), (c), or (d) of this section committed 1498
on or after January 1, 2008, if the person also is convicted of 1499
or pleads guilty to a sexual motivation specification that was 1500
included in the indictment, count in the indictment, or 1501
information charging that offense, and if division (A) of this 1502
section does not apply regarding the person, the court shall 1503
impose upon the person an indefinite prison term consisting of 1504
one of the following: 1505

(a) An indefinite prison term consisting of a minimum of 1506
ten years and a maximum term of life imprisonment if the offense 1507
for which the sentence is being imposed is kidnapping, the 1508
victim of the offense is less than thirteen years of age, and 1509
the offender released the victim in a safe place unharmed; 1510

(b) An indefinite prison term consisting of a minimum of 1511
fifteen years and a maximum term of life imprisonment if the 1512
offense for which the sentence is being imposed is kidnapping 1513
when the victim of the offense is less than thirteen years of 1514
age and division (B) (3) (a) of this section does not apply; 1515

(c) An indefinite term consisting of a minimum of thirty 1516

years and a maximum term of life imprisonment if the offense for 1517
which the sentence is being imposed is aggravated murder, when 1518
the victim of the offense is less than thirteen years of age, a 1519
sentence of death or life imprisonment without parole is not 1520
imposed for the offense, and division (A) (2) (b) (ii) of section 1521
2929.022, division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ (vii), (C) (2) (a) 1522
(ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1)~~ (d) ~~(6)~~ of section 1523
2929.03, or division (A) or (B) of section 2929.06 of the 1524
Revised Code requires that the sentence for the offense be 1525
imposed pursuant to this division; 1526

(d) An indefinite prison term consisting of a minimum of 1527
thirty years and a maximum term of life imprisonment if the 1528
offense for which the sentence is being imposed is murder when 1529
the victim of the offense is less than thirteen years of age. 1530

(C) (1) If the offender is sentenced to a prison term 1531
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 1532
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 1533
parole board shall have control over the offender's service of 1534
the term during the entire term unless the parole board 1535
terminates its control in accordance with section 2971.04 of the 1536
Revised Code. 1537

(2) Except as provided in division (C) (3) of this section, 1538
an offender sentenced to a prison term or term of life 1539
imprisonment without parole pursuant to division (A) of this 1540
section shall serve the entire prison term or term of life 1541
imprisonment in a state correctional institution. The offender 1542
is not eligible for judicial release under section 2929.20 of 1543
the Revised Code. 1544

(3) For a prison term imposed pursuant to division (A) (3), 1545
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 1546

(b), (c), or (d) of this section, the court, in accordance with 1547
section 2971.05 of the Revised Code, may terminate the prison 1548
term or modify the requirement that the offender serve the 1549
entire term in a state correctional institution if all of the 1550
following apply: 1551

(a) The offender has served at least the minimum term 1552
imposed as part of that prison term. 1553

(b) The parole board, pursuant to section 2971.04 of the 1554
Revised Code, has terminated its control over the offender's 1555
service of that prison term. 1556

(c) The court has held a hearing and found, by clear and 1557
convincing evidence, one of the following: 1558

(i) In the case of termination of the prison term, that 1559
the offender is unlikely to commit a sexually violent offense in 1560
the future; 1561

(ii) In the case of modification of the requirement, that 1562
the offender does not represent a substantial risk of physical 1563
harm to others. 1564

(4) An offender who has been sentenced to a term of life 1565
imprisonment without parole pursuant to division (A)(1), (2), or 1566
(4) of this section shall not be released from the term of life 1567
imprisonment or be permitted to serve a portion of it in a place 1568
other than a state correctional institution. 1569

(D) If a court sentences an offender to a prison term or 1570
term of life imprisonment without parole pursuant to division 1571
(A) of this section and the court also imposes on the offender 1572
one or more additional prison terms pursuant to division (B) of 1573
section 2929.14 of the Revised Code, all of the additional 1574
prison terms shall be served consecutively with, and prior to, 1575

the prison term or term of life imprisonment without parole 1576
imposed upon the offender pursuant to division (A) of this 1577
section. 1578

(E) If the offender is convicted of or pleads guilty to 1579
two or more offenses for which a prison term or term of life 1580
imprisonment without parole is required to be imposed pursuant 1581
to division (A) of this section, divisions (A) to (D) of this 1582
section shall be applied for each offense. All minimum terms 1583
imposed upon the offender pursuant to division (A) (3) or (B) of 1584
this section for those offenses shall be aggregated and served 1585
consecutively, as if they were a single minimum term imposed 1586
under that division. 1587

(F) (1) If an offender is convicted of or pleads guilty to 1588
a violent sex offense and also is convicted of or pleads guilty 1589
to a sexually violent predator specification that was included 1590
in the indictment, count in the indictment, or information 1591
charging that offense, or is convicted of or pleads guilty to a 1592
designated homicide, assault, or kidnapping offense and also is 1593
convicted of or pleads guilty to both a sexual motivation 1594
specification and a sexually violent predator specification that 1595
were included in the indictment, count in the indictment, or 1596
information charging that offense, the conviction of or plea of 1597
guilty to the offense and the sexually violent predator 1598
specification automatically classifies the offender as a tier 1599
III sex offender/child-victim offender for purposes of Chapter 1600
2950. of the Revised Code. 1601

(2) If an offender is convicted of or pleads guilty to 1602
committing on or after January 2, 2007, a violation of division 1603
(A) (1) (b) of section 2907.02 of the Revised Code and either the 1604
offender is sentenced under section 2971.03 of the Revised Code 1605

or a sentence of life without parole is imposed under division 1606
(B) of section 2907.02 of the Revised Code, the conviction of or 1607
plea of guilty to the offense automatically classifies the 1608
offender as a tier III sex offender/child-victim offender for 1609
purposes of Chapter 2950. of the Revised Code. 1610

(3) If a person is convicted of or pleads guilty to 1611
committing on or after January 2, 2007, attempted rape and also 1612
is convicted of or pleads guilty to a specification of the type 1613
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1614
Revised Code, the conviction of or plea of guilty to the offense 1615
and the specification automatically classify the offender as a 1616
tier III sex offender/child-victim offender for purposes of 1617
Chapter 2950. of the Revised Code. 1618

(4) If a person is convicted of or pleads guilty to one of 1619
the offenses described in division (B) (3) (a), (b), (c), or (d) 1620
of this section and a sexual motivation specification related to 1621
the offense and the victim of the offense is less than thirteen 1622
years of age, the conviction of or plea of guilty to the offense 1623
automatically classifies the offender as a tier III sex 1624
offender/child-victim offender for purposes of Chapter 2950. of 1625
the Revised Code. 1626

Sec. 2971.07. (A) This chapter does not apply to any 1627
offender unless the offender is one of the following: 1628

(1) The offender is convicted of or pleads guilty to a 1629
violent sex offense and also is convicted of or pleads guilty to 1630
a sexually violent predator specification that was included in 1631
the indictment, count in the indictment, or information charging 1632
that offense. 1633

(2) The offender is convicted of or pleads guilty to a 1634

designated homicide, assault, or kidnapping offense and also is 1635
convicted of or pleads guilty to both a sexual motivation 1636
specification and a sexually violent predator specification that 1637
were included in the indictment, count in the indictment, or 1638
information charging that offense. 1639

(3) The offender is convicted of or pleads guilty to a 1640
violation of division (A) (1) (b) of section 2907.02 of the 1641
Revised Code committed on or after January 2, 2007, and the 1642
court does not sentence the offender to a term of life without 1643
parole pursuant to division (B) of section 2907.02 of the 1644
Revised Code or division (B) of that section prohibits the court 1645
from sentencing the offender pursuant to section 2971.03 of the 1646
Revised Code. 1647

(4) The offender is convicted of or pleads guilty to 1648
attempted rape committed on or after January 2, 2007, and also 1649
is convicted of or pleads guilty to a specification of the type 1650
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1651
Revised Code. 1652

(5) The offender is convicted of or pleads guilty to a 1653
violation of section 2905.01 of the Revised Code and also is 1654
convicted of or pleads guilty to a sexual motivation 1655
specification that was included in the indictment, count in the 1656
indictment, or information charging that offense, and that 1657
section requires a court to sentence the offender pursuant to 1658
section 2971.03 of the Revised Code. 1659

(6) The offender is convicted of or pleads guilty to 1660
aggravated murder and also is convicted of or pleads guilty to a 1661
sexual motivation specification that was included in the 1662
indictment, count in the indictment, or information charging 1663
that offense, and division (A) (2) (b) (ii) of section 2929.022, 1664

division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ (vii), (C) (2) (a) (ii), (D) (2) 1665
(b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1) (d)~~ (6) of section 2929.03, or 1666
division (A) or (B) of section 2929.06 of the Revised Code 1667
requires a court to sentence the offender pursuant to division 1668
(B) (3) of section 2971.03 of the Revised Code. 1669

(7) The offender is convicted of or pleads guilty to 1670
murder and also is convicted of or pleads guilty to a sexual 1671
motivation specification that was included in the indictment, 1672
count in the indictment, or information charging that offense, 1673
and division (B) (2) of section 2929.02 of the Revised Code 1674
requires a court to sentence the offender pursuant to section 1675
2971.03 of the Revised Code. 1676

(B) This chapter does not limit or affect a court in 1677
imposing upon an offender described in divisions (A) (1) to (9) 1678
of this section any financial sanction under section 2929.18 or 1679
any other section of the Revised Code, or, except as 1680
specifically provided in this chapter, any other sanction that 1681
is authorized or required for the offense or violation by any 1682
other provision of law. 1683

(C) If an offender is sentenced to a prison term under 1684
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1685
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1686
Code and if, pursuant to section 2971.05 of the Revised Code, 1687
the court modifies the requirement that the offender serve the 1688
entire prison term in a state correctional institution or places 1689
the offender on conditional release that involves the placement 1690
of the offender under the supervision of the adult parole 1691
authority, authorized field officers of the authority who are 1692
engaged within the scope of their supervisory duties or 1693
responsibilities may search, with or without a warrant, the 1694

person of the offender, the place of residence of the offender, 1695
and a motor vehicle, another item of tangible or intangible 1696
personal property, or any other real property in which the 1697
offender has the express or implied permission of a person with 1698
a right, title, or interest to use, occupy, or possess if the 1699
field officer has reasonable grounds to believe that the 1700
offender is not abiding by the law or otherwise is not complying 1701
with the terms and conditions of the offender's modification or 1702
release. The authority shall provide each offender with a 1703
written notice that informs the offender that authorized field 1704
officers of the authority who are engaged within the scope of 1705
their supervisory duties or responsibilities may conduct those 1706
types of searches during the period of the modification or 1707
release if they have reasonable grounds to believe that the 1708
offender is not abiding by the law or otherwise is not complying 1709
with the terms and conditions of the offender's modification or 1710
release. 1711

Sec. 5120.61. (A) (1) Not later than ninety days after 1712
January 1, 1997, the department of rehabilitation and correction 1713
shall adopt standards that it will use under this section to 1714
assess the following criminal offenders and may periodically 1715
revise the standards: 1716

(a) A criminal offender who is convicted of or pleads 1717
guilty to a violent sex offense or designated homicide, assault, 1718
or kidnapping offense and is adjudicated a sexually violent 1719
predator in relation to that offense; 1720

(b) A criminal offender who is convicted of or pleads 1721
guilty to a violation of division (A) (1) (b) of section 2907.02 1722
of the Revised Code committed on or after January 2, 2007, and 1723
either who is sentenced under section 2971.03 of the Revised 1724

Code or upon whom a sentence of life without parole is imposed 1725
under division (B) of section 2907.02 of the Revised Code; 1726

(c) A criminal offender who is convicted of or pleads 1727
guilty to attempted rape committed on or after January 2, 2007, 1728
and a specification of the type described in section 2941.1418, 1729
2941.1419, or 2941.1420 of the Revised Code; 1730

(d) A criminal offender who is convicted of or pleads 1731
guilty to a violation of section 2905.01 of the Revised Code and 1732
also is convicted of or pleads guilty to a sexual motivation 1733
specification that was included in the indictment, count in the 1734
indictment, or information charging that offense, and who is 1735
sentenced pursuant to section 2971.03 of the Revised Code; 1736

(e) A criminal offender who is convicted of or pleads 1737
guilty to aggravated murder and also is convicted of or pleads 1738
guilty to a sexual motivation specification that was included in 1739
the indictment, count in the indictment, or information charging 1740
that offense, and who pursuant to division (A) (2) (b) (ii) of 1741
section 2929.022, division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ (vii), (C) 1742
(2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1) (d)~~ (6) of 1743
section 2929.03, or division (A) or (B) of section 2929.06 of 1744
the Revised Code is sentenced pursuant to division (B) (3) of 1745
section 2971.03 of the Revised Code; 1746

(f) A criminal offender who is convicted of or pleads 1747
guilty to murder and also is convicted of or pleads guilty to a 1748
sexual motivation specification that was included in the 1749
indictment, count in the indictment, or information charging 1750
that offense, and who pursuant to division (B) (2) of section 1751
2929.02 of the Revised Code is sentenced pursuant to section 1752
2971.03 of the Revised Code. 1753

(2) When the department is requested by the parole board 1754
or the court to provide a risk assessment report of the offender 1755
under section 2971.04 or 2971.05 of the Revised Code, it shall 1756
assess the offender and complete the assessment as soon as 1757
possible after the offender has commenced serving the prison 1758
term or term of life imprisonment without parole imposed under 1759
division (A), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or 1760
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1761
Code. Thereafter, the department shall update a risk assessment 1762
report pertaining to an offender as follows: 1763

(a) Periodically, in the discretion of the department, 1764
provided that each report shall be updated no later than two 1765
years after its initial preparation or most recent update; 1766

(b) Upon the request of the parole board for use in 1767
determining pursuant to section 2971.04 of the Revised Code 1768
whether it should terminate its control over an offender's 1769
service of a prison term imposed upon the offender under 1770
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1771
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1772
Code; 1773

(c) Upon the request of the court. 1774

(3) After the department of rehabilitation and correction 1775
assesses an offender pursuant to division (A) (2) of this 1776
section, it shall prepare a report that contains its risk 1777
assessment for the offender or, if a risk assessment report 1778
previously has been prepared, it shall update the risk 1779
assessment report. 1780

(4) The department of rehabilitation and correction shall 1781
provide each risk assessment report that it prepares or updates 1782

pursuant to this section regarding an offender to all of the 1783
following: 1784

(a) The parole board for its use in determining pursuant 1785
to section 2971.04 of the Revised Code whether it should 1786
terminate its control over an offender's service of a prison 1787
term imposed upon the offender under division (A) (3), (B) (1) (a), 1788
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 1789
(d) of section 2971.03 of the Revised Code, if the parole board 1790
has not terminated its control over the offender; 1791

(b) The court for use in determining, pursuant to section 1792
2971.05 of the Revised Code, whether to modify the requirement 1793
that the offender serve the entire prison term imposed upon the 1794
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 1795
(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 1796
2971.03 of the Revised Code in a state correctional institution, 1797
whether to revise any modification previously made, or whether 1798
to terminate the prison term; 1799

(c) The prosecuting attorney who prosecuted the case, or 1800
the successor in office to that prosecuting attorney; 1801

(d) The offender. 1802

(B) When the department of rehabilitation and correction 1803
provides a risk assessment report regarding an offender to the 1804
parole board or court pursuant to division (A) (4) (a) or (b) of 1805
this section, the department, prior to the parole board's or 1806
court's hearing, also shall provide to the offender or to the 1807
offender's attorney of record a copy of the report and a copy of 1808
any other relevant documents the department possesses regarding 1809
the offender that the department does not consider to be 1810
confidential. 1811

(C) As used in this section:	1812
(1) "Adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.	1813 1814 1815 1816
(2) "Designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code.	1817 1818 1819
Section 2. That existing sections 2929.03, 2929.04, 2929.14, 2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code are hereby repealed.	1820 1821 1822
Section 3. This act shall be known as "Justin's Law."	1823