

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 161

Representative Smith, R.

A BILL

To amend sections 2927.01 and 2929.13 of the 1
Revised Code to expand the penalties for abuse 2
of corpse offenses. 3

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

Section 1. That sections 2927.01 and 2929.13 of the 4
Revised Code be amended to read as follows: 5

Sec. 2927.01. (A) No person, except as authorized by law, 6
shall treat a human corpse in a way that the person knows would 7
outrage reasonable family sensibilities. 8

(B) No person, except as authorized by law, shall treat a 9
human corpse in a way that would outrage reasonable community 10
sensibilities. 11

(C) (1) Whoever violates division (A) of this section is 12
guilty of abuse of a corpse~~7~~. Except as otherwise provided in 13
this division, abuse of a corpse is a misdemeanor of the second 14
degree. 15

(2) Whoever violates division (B) of this section is 16
guilty of gross abuse of a corpse~~7~~. Except as otherwise provided 17
in this division, gross abuse of a corpse is a felony of the 18

fifth degree.

19

(3) If the offender commits a violation of this section by
knowingly dismembering, severing, separating, dissecting, or
mutilating any part of a human corpse, a violation of this
section is a felony of the first degree, and notwithstanding the
range of prison terms prescribed in section 2929.14 of the
Revised Code, the court shall impose upon the offender a
mandatory prison term of six, seven, eight, nine, ten, or eleven
years.

20

21

22

23

24

25

26

27

(4) If the offender commits a violation of this section by
knowingly dismembering or mutilating any part of a human corpse
as part of a ceremony, rite, initiation, observance,
performance, or practice, a violation of this section is a
felony of the second degree.

28

29

30

31

32

(5) If the offender commits a violation of this section by
knowingly dismembering, dissecting, mutilating, or incinerating
any part of the human corpse of a child as part of a ceremony,
rite, initiation, observance, performance, or practice, a
violation of this section is a felony of the second degree, and
notwithstanding the range of prison terms prescribed in section
2929.14 of the Revised Code, the court shall impose upon the
offender a mandatory prison term of four, five, six, seven, or
eight years. If the offender previously has been convicted of or
pleaded guilty to a violation of this division, a violation of
this division is a felony of the first degree, and
notwithstanding the range of prison terms prescribed in section
2929.14 of the Revised Code, the court shall impose upon the
offender a mandatory prison term of six, seven, eight, nine,
ten, or eleven years.

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

Sec. 2929.13. (A) Except as provided in division (E), (F),

48

or (G) of this section and unless a specific sanction is 49
required to be imposed or is precluded from being imposed 50
pursuant to law, a court that imposes a sentence upon an 51
offender for a felony may impose any sanction or combination of 52
sanctions on the offender that are provided in sections 2929.14 53
to 2929.18 of the Revised Code. 54

If the offender is eligible to be sentenced to community 55
control sanctions, the court shall consider the appropriateness 56
of imposing a financial sanction pursuant to section 2929.18 of 57
the Revised Code or a sanction of community service pursuant to 58
section 2929.17 of the Revised Code as the sole sanction for the 59
offense. Except as otherwise provided in this division, if the 60
court is required to impose a mandatory prison term for the 61
offense for which sentence is being imposed, the court also 62
shall impose any financial sanction pursuant to section 2929.18 63
of the Revised Code that is required for the offense and may 64
impose any other financial sanction pursuant to that section but 65
may not impose any additional sanction or combination of 66
sanctions under section 2929.16 or 2929.17 of the Revised Code. 67

If the offender is being sentenced for a fourth degree 68
felony OVI offense or for a third degree felony OVI offense, in 69
addition to the mandatory term of local incarceration or the 70
mandatory prison term required for the offense by division (G) 71
(1) or (2) of this section, the court shall impose upon the 72
offender a mandatory fine in accordance with division (B) (3) of 73
section 2929.18 of the Revised Code and may impose whichever of 74
the following is applicable: 75

(1) For a fourth degree felony OVI offense for which 76
sentence is imposed under division (G) (1) of this section, an 77
additional community control sanction or combination of 78

community control sanctions under section 2929.16 or 2929.17 of 79
the Revised Code. If the court imposes upon the offender a 80
community control sanction and the offender violates any 81
condition of the community control sanction, the court may take 82
any action prescribed in division (B) of section 2929.15 of the 83
Revised Code relative to the offender, including imposing a 84
prison term on the offender pursuant to that division. 85

(2) For a third or fourth degree felony OVI offense for 86
which sentence is imposed under division (G) (2) of this section, 87
an additional prison term as described in division (B) (4) of 88
section 2929.14 of the Revised Code or a community control 89
sanction as described in division (G) (2) of this section. 90

(B) (1) (a) Except as provided in division (B) (1) (b) of this 91
section, if an offender is convicted of or pleads guilty to a 92
felony of the fourth or fifth degree that is not an offense of 93
violence or that is a qualifying assault offense, the court 94
shall sentence the offender to a community control sanction or 95
combination of community control sanctions if all of the 96
following apply: 97

(i) The offender previously has not been convicted of or 98
pleaded guilty to a felony offense. 99

(ii) The most serious charge against the offender at the 100
time of sentencing is a felony of the fourth or fifth degree. 101

(iii) If the court made a request of the department of 102
rehabilitation and correction pursuant to division (B) (1) (c) of 103
this section, the department, within the forty-five-day period 104
specified in that division, provided the court with the names 105
of, contact information for, and program details of one or more 106
community control sanctions that are available for persons 107

sentenced by the court. 108

(iv) The offender previously has not been convicted of or 109
pleaded guilty to a misdemeanor offense of violence that the 110
offender committed within two years prior to the offense for 111
which sentence is being imposed. 112

(b) The court has discretion to impose a prison term upon 113
an offender who is convicted of or pleads guilty to a felony of 114
the fourth or fifth degree that is not an offense of violence or 115
that is a qualifying assault offense if any of the following 116
apply: 117

(i) The offender committed the offense while having a 118
firearm on or about the offender's person or under the 119
offender's control. 120

(ii) If the offense is a qualifying assault offense, the 121
offender caused serious physical harm to another person while 122
committing the offense, and, if the offense is not a qualifying 123
assault offense, the offender caused physical harm to another 124
person while committing the offense. 125

(iii) The offender violated a term of the conditions of 126
bond as set by the court. 127

(iv) The court made a request of the department of 128
rehabilitation and correction pursuant to division (B)(1)(c) of 129
this section, and the department, within the forty-five-day 130
period specified in that division, did not provide the court 131
with the name of, contact information for, and program details 132
of any community control sanction that is available for persons 133
sentenced by the court. 134

(v) The offense is a sex offense that is a fourth or fifth 135
degree felony violation of any provision of Chapter 2907. of the 136

Revised Code.	137
(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.	138 139 140
(vii) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.	141 142 143 144
(viii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.	145 146 147 148 149 150
(ix) The offender committed the offense for hire or as part of an organized criminal activity.	151 152
(x) The offender at the time of the offense was serving, or the offender previously had served, a prison term.	153 154
(xi) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.	155 156 157
(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to	158 159 160 161 162 163 164 165

provide the court with the names of, contact information for, 166
and program details of one or more community control sanctions 167
that are available for persons sentenced by the court. Not later 168
than forty-five days after receipt of a request from a court 169
under this division, the department shall provide the court with 170
the names of, contact information for, and program details of 171
one or more community control sanctions that are available for 172
persons sentenced by the court, if any. Upon making a request 173
under this division that relates to a particular offender, a 174
court shall defer sentencing of that offender until it receives 175
from the department the names of, contact information for, and 176
program details of one or more community control sanctions that 177
are available for persons sentenced by the court or for forty- 178
five days, whichever is the earlier. 179

If the department provides the court with the names of, 180
contact information for, and program details of one or more 181
community control sanctions that are available for persons 182
sentenced by the court within the forty-five-day period 183
specified in this division, the court shall impose upon the 184
offender a community control sanction under division (B) (1) (a) 185
of this section, except that the court may impose a prison term 186
under division (B) (1) (b) of this section if a factor described 187
in division (B) (1) (b) (i) or (ii) of this section applies. If the 188
department does not provide the court with the names of, contact 189
information for, and program details of one or more community 190
control sanctions that are available for persons sentenced by 191
the court within the forty-five-day period specified in this 192
division, the court may impose upon the offender a prison term 193
under division (B) (1) (b) (iv) of this section. 194

(d) A sentencing court may impose an additional penalty 195
under division (B) of section 2929.15 of the Revised Code upon 196

an offender sentenced to a community control sanction under 197
division (B) (1) (a) of this section if the offender violates the 198
conditions of the community control sanction, violates a law, or 199
leaves the state without the permission of the court or the 200
offender's probation officer. 201

(2) If division (B) (1) of this section does not apply, 202
except as provided in division (E), (F), or (G) of this section, 203
in determining whether to impose a prison term as a sanction for 204
a felony of the fourth or fifth degree, the sentencing court 205
shall comply with the purposes and principles of sentencing 206
under section 2929.11 of the Revised Code and with section 207
2929.12 of the Revised Code. 208

(C) Except as provided in division (D), (E), (F), or (G) 209
of this section, in determining whether to impose a prison term 210
as a sanction for a felony of the third degree or a felony drug 211
offense that is a violation of a provision of Chapter 2925. of 212
the Revised Code and that is specified as being subject to this 213
division for purposes of sentencing, the sentencing court shall 214
comply with the purposes and principles of sentencing under 215
section 2929.11 of the Revised Code and with section 2929.12 of 216
the Revised Code. 217

(D) (1) Except as provided in division (E) or (F) of this 218
section, for a felony of the first or second degree, for a 219
felony drug offense that is a violation of any provision of 220
Chapter 2925., 3719., or 4729. of the Revised Code for which a 221
presumption in favor of a prison term is specified as being 222
applicable, and for a violation of division (A) (4) or (B) of 223
section 2907.05 of the Revised Code for which a presumption in 224
favor of a prison term is specified as being applicable, it is 225
presumed that a prison term is necessary in order to comply with 226

the purposes and principles of sentencing under section 2929.11 227
of the Revised Code. Division (D)(2) of this section does not 228
apply to a presumption established under this division for a 229
violation of division (A)(4) of section 2907.05 of the Revised 230
Code. 231

(2) Notwithstanding the presumption established under 232
division (D)(1) of this section for the offenses listed in that 233
division other than a violation of division (A)(4) or (B) of 234
section 2907.05 of the Revised Code, the sentencing court may 235
impose a community control sanction or a combination of 236
community control sanctions instead of a prison term on an 237
offender for a felony of the first or second degree or for a 238
felony drug offense that is a violation of any provision of 239
Chapter 2925., 3719., or 4729. of the Revised Code for which a 240
presumption in favor of a prison term is specified as being 241
applicable if it makes both of the following findings: 242

(a) A community control sanction or a combination of 243
community control sanctions would adequately punish the offender 244
and protect the public from future crime, because the applicable 245
factors under section 2929.12 of the Revised Code indicating a 246
lesser likelihood of recidivism outweigh the applicable factors 247
under that section indicating a greater likelihood of 248
recidivism. 249

(b) A community control sanction or a combination of 250
community control sanctions would not demean the seriousness of 251
the offense, because one or more factors under section 2929.12 252
of the Revised Code that indicate that the offender's conduct 253
was less serious than conduct normally constituting the offense 254
are applicable, and they outweigh the applicable factors under 255
that section that indicate that the offender's conduct was more 256

serious than conduct normally constituting the offense. 257

(E) (1) Except as provided in division (F) of this section, 258
for any drug offense that is a violation of any provision of 259
Chapter 2925. of the Revised Code and that is a felony of the 260
third, fourth, or fifth degree, the applicability of a 261
presumption under division (D) of this section in favor of a 262
prison term or of division (B) or (C) of this section in 263
determining whether to impose a prison term for the offense 264
shall be determined as specified in section 2925.02, 2925.03, 265
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 266
2925.36, or 2925.37 of the Revised Code, whichever is applicable 267
regarding the violation. 268

(2) If an offender who was convicted of or pleaded guilty 269
to a felony violates the conditions of a community control 270
sanction imposed for the offense solely by reason of producing 271
positive results on a drug test or by acting pursuant to 272
division (B) (2) (b) of section 2925.11 of the Revised Code with 273
respect to a minor drug possession offense, the court, as 274
punishment for the violation of the sanction, shall not order 275
that the offender be imprisoned unless the court determines on 276
the record either of the following: 277

(a) The offender had been ordered as a sanction for the 278
felony to participate in a drug treatment program, in a drug 279
education program, or in narcotics anonymous or a similar 280
program, and the offender continued to use illegal drugs after a 281
reasonable period of participation in the program. 282

(b) The imprisonment of the offender for the violation is 283
consistent with the purposes and principles of sentencing set 284
forth in section 2929.11 of the Revised Code. 285

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

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms 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 for any of the following offenses:

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted,

the offender would have been guilty of a violation of division 316
(A) (1) (b) of section 2907.02 of the Revised Code and would be 317
sentenced under section 2971.03 of the Revised Code; 318

(3) Gross sexual imposition or sexual battery, if the 319
victim is less than thirteen years of age and if any of the 320
following applies: 321

(a) Regarding gross sexual imposition, the offender 322
previously was convicted of or pleaded guilty to rape, the 323
former offense of felonious sexual penetration, gross sexual 324
imposition, or sexual battery, and the victim of the previous 325
offense was less than thirteen years of age; 326

(b) Regarding gross sexual imposition, the offense was 327
committed on or after August 3, 2006, and evidence other than 328
the testimony of the victim was admitted in the case 329
corroborating the violation. 330

(c) Regarding sexual battery, either of the following 331
applies: 332

(i) The offense was committed prior to August 3, 2006, the 333
offender previously was convicted of or pleaded guilty to rape, 334
the former offense of felonious sexual penetration, or sexual 335
battery, and the victim of the previous offense was less than 336
thirteen years of age. 337

(ii) The offense was committed on or after August 3, 2006. 338

(4) A felony violation of section 2903.04, 2903.06, 339
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 340
or 2923.132 of the Revised Code if the section requires the 341
imposition of a prison term; 342

(5) A first, second, or third degree felony drug offense 343

for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 344
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 345
or 4729.99 of the Revised Code, whichever is applicable 346
regarding the violation, requires the imposition of a mandatory 347
prison term; 348

(6) Any offense that is a first or second degree felony 349
and that is not set forth in division (F) (1), (2), (3), or (4) 350
of this section, if the offender previously was convicted of or 351
pleaded guilty to aggravated murder, murder, any first or second 352
degree felony, or an offense under an existing or former law of 353
this state, another state, or the United States that is or was 354
substantially equivalent to one of those offenses; 355

(7) Any offense that is a third degree felony and either 356
is a violation of section 2903.04 of the Revised Code or an 357
attempt to commit a felony of the second degree that is an 358
offense of violence and involved an attempt to cause serious 359
physical harm to a person or that resulted in serious physical 360
harm to a person if the offender previously was convicted of or 361
pleaded guilty to any of the following offenses: 362

(a) Aggravated murder, murder, involuntary manslaughter, 363
rape, felonious sexual penetration as it existed under section 364
2907.12 of the Revised Code prior to September 3, 1996, a felony 365
of the first or second degree that resulted in the death of a 366
person or in physical harm to a person, or complicity in or an 367
attempt to commit any of those offenses; 368

(b) An offense under an existing or former law of this 369
state, another state, or the United States that is or was 370
substantially equivalent to an offense listed in division (F) (7) 371
(a) of this section that resulted in the death of a person or in 372
physical harm to a person. 373

(8) Any offense, other than a violation of section 2923.12	374
of the Revised Code, that is a felony, if the offender had a	375
firearm on or about the offender's person or under the	376
offender's control while committing the felony, with respect to	377
a portion of the sentence imposed pursuant to division (B) (1) (a)	378
of section 2929.14 of the Revised Code for having the firearm;	379
(9) Any offense of violence that is a felony, if the	380
offender wore or carried body armor while committing the felony	381
offense of violence, with respect to the portion of the sentence	382
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	383
Revised Code for wearing or carrying the body armor;	384
(10) Corrupt activity in violation of section 2923.32 of	385
the Revised Code when the most serious offense in the pattern of	386
corrupt activity that is the basis of the offense is a felony of	387
the first degree;	388
(11) Any violent sex offense or designated homicide,	389
assault, or kidnapping offense if, in relation to that offense,	390
the offender is adjudicated a sexually violent predator;	391
(12) A violation of division (A) (1) or (2) of section	392
2921.36 of the Revised Code, or a violation of division (C) of	393
that section involving an item listed in division (A) (1) or (2)	394
of that section, if the offender is an officer or employee of	395
the department of rehabilitation and correction;	396
(13) A violation of division (A) (1) or (2) of section	397
2903.06 of the Revised Code if the victim of the offense is a	398
peace officer, as defined in section 2935.01 of the Revised	399
Code, or an investigator of the bureau of criminal	400
identification and investigation, as defined in section 2903.11	401
of the Revised Code, with respect to the portion of the sentence	402

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code;

(14) A violation of division (A) (1) or (2) of section 2903.06 of the Revised Code if the offender 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, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code;

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

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

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

(18) A felony violation of section 2903.11, 2903.12, or

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

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

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

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B) (9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D) (2) of section 2903.11, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of

the Revised Code shall be known as "Judy's Law." 462

(21) Any violation of division (A) of section 2903.11 of 463
the Revised Code if the victim of the offense suffered permanent 464
disabling harm as a result of the offense and the victim was 465
under ten years of age at the time of the offense, with respect 466
to a portion of the sentence imposed pursuant to division (B) 467
(10) of section 2929.14 of the Revised Code. 468

(22) A felony violation of section 2925.03, 2925.05, or 469
2925.11 of the Revised Code, if the drug involved in the 470
violation is a fentanyl-related compound or a compound, mixture, 471
preparation, or substance containing a fentanyl-related compound 472
and the offender is convicted of or pleads guilty to a 473
specification of the type described in division (B) of section 474
2941.1410 of the Revised Code that was included in the 475
indictment, count in the indictment, or information charging the 476
offense, with respect to the portion of the sentence imposed 477
under division (B) (11) of section 2929.14 of the Revised Code. 478

(23) A violation of division (C) (3) or (5) of section 479
2927.01 of the Revised Code. 480

(G) Notwithstanding divisions (A) to (E) of this section, 481
if an offender is being sentenced for a fourth degree felony OVI 482
offense or for a third degree felony OVI offense, the court 483
shall impose upon the offender a mandatory term of local 484
incarceration or a mandatory prison term in accordance with the 485
following: 486

(1) If the offender is being sentenced for a fourth degree 487
felony OVI offense and if the offender has not been convicted of 488
and has not pleaded guilty to a specification of the type 489
described in section 2941.1413 of the Revised Code, the court 490

may impose upon the offender a mandatory term of local 491
incarceration of sixty days or one hundred twenty days as 492
specified in division (G) (1) (d) of section 4511.19 of the 493
Revised Code. The court shall not reduce the term pursuant to 494
section 2929.20, 2967.193, or any other provision of the Revised 495
Code. The court that imposes a mandatory term of local 496
incarceration under this division shall specify whether the term 497
is to be served in a jail, a community-based correctional 498
facility, a halfway house, or an alternative residential 499
facility, and the offender shall serve the term in the type of 500
facility specified by the court. A mandatory term of local 501
incarceration imposed under division (G) (1) of this section is 502
not subject to any other Revised Code provision that pertains to 503
a prison term except as provided in division (A) (1) of this 504
section. 505

(2) If the offender is being sentenced for a third degree 506
felony OVI offense, or if the offender is being sentenced for a 507
fourth degree felony OVI offense and the court does not impose a 508
mandatory term of local incarceration under division (G) (1) of 509
this section, the court shall impose upon the offender a 510
mandatory prison term of one, two, three, four, or five years if 511
the offender also is convicted of or also pleads guilty to a 512
specification of the type described in section 2941.1413 of the 513
Revised Code or shall impose upon the offender a mandatory 514
prison term of sixty days or one hundred twenty days as 515
specified in division (G) (1) (d) or (e) of section 4511.19 of the 516
Revised Code if the offender has not been convicted of and has 517
not pleaded guilty to a specification of that type. Subject to 518
divisions (C) to (I) of section 2967.19 of the Revised Code, the 519
court shall not reduce the term pursuant to section 2929.20, 520
2967.19, 2967.193, or any other provision of the Revised Code. 521

The offender shall serve the one-, two-, three-, four-, or five- 522
year mandatory prison term consecutively to and prior to the 523
prison term imposed for the underlying offense and consecutively 524
to any other mandatory prison term imposed in relation to the 525
offense. In no case shall an offender who once has been 526
sentenced to a mandatory term of local incarceration pursuant to 527
division (G) (1) of this section for a fourth degree felony OVI 528
offense be sentenced to another mandatory term of local 529
incarceration under that division for any violation of division 530
(A) of section 4511.19 of the Revised Code. In addition to the 531
mandatory prison term described in division (G) (2) of this 532
section, the court may sentence the offender to a community 533
control sanction under section 2929.16 or 2929.17 of the Revised 534
Code, but the offender shall serve the prison term prior to 535
serving the community control sanction. The department of 536
rehabilitation and correction may place an offender sentenced to 537
a mandatory prison term under this division in an intensive 538
program prison established pursuant to section 5120.033 of the 539
Revised Code if the department gave the sentencing judge prior 540
notice of its intent to place the offender in an intensive 541
program prison established under that section and if the judge 542
did not notify the department that the judge disapproved the 543
placement. Upon the establishment of the initial intensive 544
program prison pursuant to section 5120.033 of the Revised Code 545
that is privately operated and managed by a contractor pursuant 546
to a contract entered into under section 9.06 of the Revised 547
Code, both of the following apply: 548

(a) The department of rehabilitation and correction shall 549
make a reasonable effort to ensure that a sufficient number of 550
offenders sentenced to a mandatory prison term under this 551
division are placed in the privately operated and managed prison 552

so that the privately operated and managed prison has full 553
occupancy. 554

(b) Unless the privately operated and managed prison has 555
full occupancy, the department of rehabilitation and correction 556
shall not place any offender sentenced to a mandatory prison 557
term under this division in any intensive program prison 558
established pursuant to section 5120.033 of the Revised Code 559
other than the privately operated and managed prison. 560

(H) If an offender is being sentenced for a sexually 561
oriented offense or child-victim oriented offense that is a 562
felony committed on or after January 1, 1997, the judge shall 563
require the offender to submit to a DNA specimen collection 564
procedure pursuant to section 2901.07 of the Revised Code. 565

(I) If an offender is being sentenced for a sexually 566
oriented offense or a child-victim oriented offense committed on 567
or after January 1, 1997, the judge shall include in the 568
sentence a summary of the offender's duties imposed under 569
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 570
Code and the duration of the duties. The judge shall inform the 571
offender, at the time of sentencing, of those duties and of 572
their duration. If required under division (A) (2) of section 573
2950.03 of the Revised Code, the judge shall perform the duties 574
specified in that section, or, if required under division (A) (6) 575
of section 2950.03 of the Revised Code, the judge shall perform 576
the duties specified in that division. 577

(J) (1) Except as provided in division (J) (2) of this 578
section, when considering sentencing factors under this section 579
in relation to an offender who is convicted of or pleads guilty 580
to an attempt to commit an offense in violation of section 581
2923.02 of the Revised Code, the sentencing court shall consider 582

the factors applicable to the felony category of the violation 583
of section 2923.02 of the Revised Code instead of the factors 584
applicable to the felony category of the offense attempted. 585

(2) When considering sentencing factors under this section 586
in relation to an offender who is convicted of or pleads guilty 587
to an attempt to commit a drug abuse offense for which the 588
penalty is determined by the amount or number of unit doses of 589
the controlled substance involved in the drug abuse offense, the 590
sentencing court shall consider the factors applicable to the 591
felony category that the drug abuse offense attempted would be 592
if that drug abuse offense had been committed and had involved 593
an amount or number of unit doses of the controlled substance 594
that is within the next lower range of controlled substance 595
amounts than was involved in the attempt. 596

(K) As used in this section: 597

(1) "Community addiction services provider" has the same 598
meaning as in section 5119.01 of the Revised Code. 599

(2) "Drug abuse offense" has the same meaning as in 600
section 2925.01 of the Revised Code. 601

(3) "Minor drug possession offense" has the same meaning 602
as in section 2925.11 of the Revised Code. 603

(4) "Qualifying assault offense" means a violation of 604
section 2903.13 of the Revised Code for which the penalty 605
provision in division (C) (8) (b) or (C) (9) (b) of that section 606
applies. 607

(L) At the time of sentencing an offender for any sexually 608
oriented offense, if the offender is a tier III sex 609
offender/child-victim offender relative to that offense and the 610
offender does not serve a prison term or jail term, the court 611

may require that the offender be monitored by means of a global 612
positioning device. If the court requires such monitoring, the 613
cost of monitoring shall be borne by the offender. If the 614
offender is indigent, the cost of compliance shall be paid by 615
the crime victims reparations fund. 616

Section 2. That existing sections 2927.01 and 2929.13 of 617
the Revised Code are hereby repealed. 618

Section 3. Section 2929.13 of the Revised Code is 619
presented in this act as a composite of the section as amended 620
by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 621
66, and Am. Sub. S.B. 201, all of the 132nd General Assembly. 622
The General Assembly, applying the principle stated in division 623
(B) of section 1.52 of the Revised Code that amendments are to 624
be harmonized if reasonably capable of simultaneous operation, 625
finds that the composite is the resulting version of the section 626
in effect prior to the effective date of the section as 627
presented in this act. 628