

As Introduced

135th General Assembly

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H. B. No. 377

Representatives Williams, Santucci

Cosponsors: Representatives Edwards, King, Hall, Johnson, Wiggam, Young, T., Click, Stein, Bird, Kick, Dell'Aquila, Lorenz, Miller, K., Creech, Carruthers, Fowler Arthur, Humphrey, Barhorst, Cutrona, Klopfenstein, Dobos, Manning, Pavliga, Schmidt, Plummer, Dean, Richardson, Demetriou, Pizzulli, McClain, Miller, M., Hillyer, Brennan, Willis, Merrin, Lipps, Rogers

A BILL

To amend sections 2903.41, 2905.01, 2905.02, 1
2905.32, and 2971.03 of the Revised Code to 2
enact the Human Trafficking Prevention Act to 3
increase the penalty for human trafficking of a 4
minor or person with a developmental disability, 5
kidnapping, and abduction. 6

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

Section 1. That sections 2903.41, 2905.01, 2905.02, 7
2905.32, and 2971.03 of the Revised Code be amended to read as 8
follows: 9

Sec. 2903.41. As used in sections 2903.41 to 2903.44 of 10
the Revised Code: 11

(A) "Violent offender" means any of the following: 12

(1) A person who on or after the effective date of this 13
section is convicted of or pleads guilty to any of the 14
following: 15

(a) A violation of section 2903.01, 2903.02, 2903.03, or 16
2905.01 of the Revised Code or a violation of section 2905.02 of 17
the Revised Code that is a felony of the ~~second~~first degree; 18

(b) Any attempt to commit, conspiracy to commit, or 19
complicity in committing any offense listed in division (A) (1) 20
(a) of this section. 21

(2) A person who on the effective date of this section has 22
been convicted of or pleaded guilty to an offense listed in 23
division (A) (1) of this section and is confined in a jail, 24
workhouse, state correctional institution, or other institution, 25
serving a prison term, term of imprisonment, or other term of 26
confinement for the offense. 27

(B) "Community control sanction," "jail," and "prison" 28
have the same meanings as in section 2929.01 of the Revised 29
Code. 30

(C) "Out-of-state violent offender" means a person who is 31
convicted of, pleads guilty to, has been convicted of, or has 32
pleaded guilty to a violation of any existing or former 33
municipal ordinance or law of another state or the United 34
States, or any existing or former law applicable in a military 35
court or in an Indian tribal court, that is or was substantially 36
equivalent to any offense listed in division (A) (1) of this 37
section. 38

(D) "Qualifying out-of-state violent offender" means an 39
out-of-state violent offender who is aware of the existence of 40
the violent offender database. 41

(E) "Post-release control sanction" and "supervised 42
release" have the same meanings as in section 2950.01 of the 43
Revised Code. 44

(F) "Change of address" means a change to a violent offender's or out-of-state violent offender's residence address, employment address, or school or institution of higher education address.

(G) "Violent offender database" means the database of violent offenders and out-of-state violent offenders that is established and maintained by the bureau of criminal identification and investigation under division (F) (2) of section 2903.43 of the Revised Code, that is operated by sheriffs under sections 2903.42 and 2903.43 of the Revised Code, and for which sheriffs obtain information from violent offenders and out-of-state violent offenders pursuant to sections 2903.42 and 2903.43 of the Revised Code.

(H) "Violent offender database duties" and "VOD duties" mean the duty to enroll, duty to re-enroll, and duty to provide notice of a change of address imposed on a violent offender or a qualifying out-of-state violent offender under section 2903.42, 2903.421, 2903.43, or 2903.44 of the Revised Code.

(I) "Ten-year enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, ten years from the date on which the offender initially enrolls in the violent offender database.

(J) "Extended enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, the offender's

enrollment period as extended pursuant to division (D) (2) of 75
section 2903.43 of the Revised Code. 76

(K) "Prosecutor" means one of the following: 77

(1) As used in section 2903.42 of the Revised Code, the 78
office of the prosecuting attorney who handled a violent 79
offender's underlying case or the office of that prosecutor's 80
successor. 81

(2) As used in sections 2903.421, 2903.43, and 2903.44 of 82
the Revised Code, the office of the prosecuting attorney of the 83
county in which a violent offender resides or of the county in 84
which an out-of-state violent offender resides or occupies a 85
dwelling. 86

Sec. 2905.01. (A) No person, by force, threat, or 87
deception, or, in the case of a victim under the age of ~~thirteen-~~ 88
eighteen or mentally incompetent, by any means, shall remove 89
another from the place where the other person is found or 90
restrain the liberty of the other person, for any of the 91
following purposes: 92

(1) To hold for ransom, or as a shield or hostage; 93

(2) To facilitate the commission of any felony or flight 94
thereafter; 95

(3) To terrorize, or to inflict serious physical harm on 96
the victim or another; 97

(4) To engage in sexual activity, as defined in section 98
2907.01 of the Revised Code, with the victim against the 99
victim's will; 100

(5) To hinder, impede, or obstruct a function of 101
government, or to force any action or concession on the part of 102

governmental authority; 103

(6) To hold in a condition of involuntary servitude. 104

(B) No person, by force, threat, or deception, or, in the 105
case of a victim under the age of thirteen or mentally 106
incompetent, by any means, shall knowingly and unlawfully do any 107
of the following, under circumstances that create a substantial 108
risk of serious physical harm to the victim or, in the case of a 109
minor victim, under circumstances that either create a 110
substantial risk of serious physical harm to the victim or cause 111
physical harm to the victim: 112

(1) Remove another from the place where the other person 113
is found; 114

(2) Restrain another of the other person's liberty. 115

(C) (1) Whoever violates this section is guilty of 116
kidnapping. Except as otherwise provided in this division or 117
division (C) (2) ~~or~~, (3), or (4) of this section, ~~kidnapping a~~ 118
violation of division (A) (1), (2), (3), or (5) or (B) (1) or (2) 119
of this section is a felony of the first degree. Except as 120
otherwise provided in this division or division (C) (2) ~~or~~, (3), or 121
(4) of this section, if an offender who violates division (A) 122
(1) ~~to~~, (2), (3), or (5), or (B) (1), or (B) (2) (2) of this 123
section releases the victim in a safe place unharmed, kidnapping 124
is a felony of the second degree. 125

~~(2)~~ (2) (a) Except as provided in division (C) (2) (b) of this 126
section, a violation of division (A) (4) or (6) of this section 127
is a felony of the first degree, and, notwithstanding the 128
definite or indefinite sentence provided for a felony of the 129
first degree in section 2929.14 of the Revised Code, the 130
offender shall be sentenced pursuant to that section to an 131

indefinite prison term consisting of a minimum term of twenty- 132
five years and a maximum term of life imprisonment. 133

(b) If the offender releases the victim in a safe place 134
unharmed, the offender shall be sentenced pursuant to that 135
section to an indefinite term consisting of a minimum term of 136
fifteen years and a maximum term of life imprisonment. 137

(3) If the offender in any case also is convicted of or 138
pleads guilty to a specification as described in section 139
2941.1422 of the Revised Code that was included in the 140
indictment, count in the indictment, or information charging the 141
offense, the court shall order the offender to make restitution 142
as provided in division (B) (8) of section 2929.18 of the Revised 143
Code and, except as otherwise provided in division ~~(C) (3)~~ (C) (4) 144
of this section, shall sentence the offender to a mandatory 145
prison term as provided in division (B) (7) of section 2929.14 of 146
the Revised Code. 147

~~(3)~~ (4) If the victim of the offense a violation of 148
division (A) (1), (2), (3), or (5) or (B) (1) or (2) of this 149
section is less than thirteen eighteen years of age and if the 150
offender also is convicted of or pleads guilty to a sexual 151
motivation specification that was included in the indictment, 152
count in the indictment, or information charging the offense, 153
kidnapping is a felony of the first degree, and, notwithstanding 154
the definite or indefinite sentence provided for a felony of the 155
first degree in section 2929.14 of the Revised Code, the 156
offender shall be sentenced pursuant to section 2971.03 of the 157
Revised Code as follows: 158

(a) Except as otherwise provided in division ~~(C) (3) (b)~~ (C) 159
(4) (b) of this section, the offender shall be sentenced pursuant 160
to that section to an indefinite prison term consisting of a 161

minimum term of ~~fifteen~~twenty-five years and a maximum term of 162
life imprisonment. 163

(b) If the offender releases the victim in a safe place 164
unharmd, the offender shall be sentenced pursuant to that 165
section to an indefinite term consisting of a minimum term of 166
~~ten~~fifteen years and a maximum term of life imprisonment. 167

(D) As used in this section: 168

(1) "Involuntary servitude" has the same meaning as in 169
section 2905.31 of the Revised Code. 170

(2) "Sexual motivation specification" has the same meaning 171
as in section 2971.01 of the Revised Code. 172

Sec. 2905.02. (A) No person, without privilege to do so, 173
shall knowingly do any of the following: 174

(1) By force or threat, remove another from the place 175
where the other person is found; 176

(2) By force or threat, restrain the liberty of another 177
person under circumstances that create a risk of physical harm 178
to the victim or place the other person in fear; 179

(3) Hold another in a condition of involuntary servitude. 180

(B) No person, with a sexual motivation, shall violate 181
division (A) of this section. 182

~~(C)~~(C) (1) Whoever violates this section is guilty of 183
abduction. ~~A~~ 184

(2) ~~A~~ violation of division (A) (1) or (2) of this section 185
or a violation of division (B) of this section involving conduct 186
of the type described in division (A) (1) or (2) of this section 187
is a felony of the third degree. ~~A~~ 188

(3) A violation of division (A) (3) of this section or a 189
violation of division (B) of this section involving conduct of 190
the type described in division (A) (3) of this section is a 191
felony of the ~~second~~ first degree. ~~If~~ Notwithstanding the 192
definite or indefinite sentence provided for a felony of the 193
first degree in section 2929.14 of the Revised Code, the 194
offender shall be sentenced for a violation of division (A) (3) 195
of this section or a violation of division (B) of this section 196
to an indefinite prison term consisting of a minimum term of 197
twenty-five years and a maximum term of life imprisonment. 198

(4) If the offender in any case also is convicted of or 199
pleads guilty to a specification as described in section 200
2941.1422 of the Revised Code that was included in the 201
indictment, count in the indictment, or information charging the 202
offense, the court shall sentence the offender to a mandatory 203
prison term as provided in division (B) (7) of section 2929.14 of 204
the Revised Code and shall order the offender to make 205
restitution as provided in division (B) (8) of section 2929.18 of 206
the Revised Code. 207

(D) As used in this section: 208

(1) "Involuntary servitude" has the same meaning as in 209
section 2905.31 of the Revised Code. 210

(2) "Sexual motivation" has the same meaning as in section 211
2971.01 of the Revised Code. 212

Sec. 2905.32. (A) No person shall ~~knowingly~~ recklessly 213
recruit, lure, entice, isolate, harbor, transport, provide, 214
obtain, or maintain, or ~~knowingly~~ recklessly attempt to recruit, 215
lure, entice, isolate, harbor, transport, provide, obtain, or 216
maintain, another person if either of the following applies: 217

(1) The offender knows <u>or has reasonable cause to believe</u>	218
that the other person will be subjected to involuntary servitude	219
or be compelled to engage in sexual activity for hire, engage in	220
a performance that is obscene, sexually oriented, or nudity	221
oriented, or be a model or participant in the production of	222
material that is obscene, sexually oriented, or nudity oriented.	223
(2) The other person is less than eighteen years of age or	224
is a person with a developmental disability whom the offender	225
knows or has reasonable cause to believe is a person with a	226
developmental disability, and either the offender knows <u>or has</u>	227
<u>reasonable cause to believe</u> that the other person will be	228
subjected to involuntary servitude or the offender's knowing	229
recruitment, luring, enticement, isolation, harboring,	230
transportation, provision, obtaining, or maintenance of the	231
other person or knowing attempt to recruit, lure, entice,	232
isolate, harbor, transport, provide, obtain, or maintain the	233
other person is for any of the following purposes:	234
(a) For the other person to engage in sexual activity for	235
hire with one or more third parties;	236
(b) To engage in a performance for hire that is obscene,	237
sexually oriented, or nudity oriented;	238
(c) To be a model or participant for hire in the	239
production of material that is obscene, sexually oriented, or	240
nudity oriented.	241
(B) For a prosecution under division (A) (1) of this	242
section, the element "compelled" does not require that the	243
compulsion be openly displayed or physically exerted. The	244
element "compelled" has been established if the state proves	245
that the offender overcame the victim's will by force, fear,	246

duress, intimidation, or fraud, by furnishing or offering a 247
controlled substance to the victim, or by manipulating the 248
victim's controlled substance addiction. 249

(C) In a prosecution under this section, proof that the 250
defendant engaged in sexual activity with any person, or 251
solicited sexual activity with any person, whether or not for 252
hire, without more, does not constitute a violation of this 253
section. 254

(D) A prosecution for a violation of this section does not 255
preclude a prosecution of a violation of any other section of 256
the Revised Code. One or more acts, a series of acts, or a 257
course of behavior that can be prosecuted under this section or 258
any other section of the Revised Code may be prosecuted under 259
this section, the other section of the Revised Code, or both 260
sections. However, if an offender is convicted of or pleads 261
guilty to a violation of this section and also is convicted of 262
or pleads guilty to a violation of section 2907.21 of the 263
Revised Code based on the same conduct involving the same victim 264
that was the basis of the violation of this section, or is 265
convicted of or pleads guilty to any other violation of Chapter 266
2907. of the Revised Code based on the same conduct involving 267
the same victim that was the basis of the violation of this 268
section, the two offenses are allied offenses of similar import 269
under section 2941.25 of the Revised Code. 270

~~(E)~~ (E) (1) Whoever violates this section is guilty of 271
trafficking in persons, a felony of the first degree. For a 272
violation committed prior to March 22, 2019, notwithstanding the 273
range of definite terms set forth in division (A) (1) (b) of 274
section 2929.14 of the Revised Code, the court shall sentence 275
the offender to a definite prison term of ten, eleven, twelve, 276

thirteen, fourteen, or fifteen years. ~~For~~ Except as provided in 277
division (E) (2) or (3) of this section, for a violation of 278
division (A) (1) or (2) of this section committed on or after 279
March 22, 2019, notwithstanding the range of minimum terms set 280
forth in division (A) (1) (a) of section 2929.14 of the Revised 281
Code, the court shall sentence the offender to an indefinite 282
prison term pursuant to that division, with a minimum term under 283
that sentence of ten, eleven, twelve, thirteen, fourteen, or 284
fifteen years. 285

(2) For a violation of division (A) (1) of this section 286
committed on or after the effective date of this amendment, 287
notwithstanding the definite or indefinite sentence provided for 288
a felony of the first degree in section 2929.14 of the Revised 289
Code, the court shall sentence the offender to an indefinite 290
prison term consisting of a minimum term of fifteen years and a 291
maximum term of life imprisonment. 292

(3) Whoever violates division (A) (2) of this section is 293
guilty of trafficking in minors or in persons with developmental 294
disabilities, a felony of the first degree. For a violation of 295
division (A) (2) of this section committed on or after the 296
effective date of this amendment, notwithstanding the definite 297
or indefinite sentence provided for a felony of the first degree 298
in section 2929.14 of the Revised Code, the court shall sentence 299
the offender to an indefinite prison term consisting of a 300
minimum term of twenty-five years and a maximum term of life 301
imprisonment. 302

(F) As used in this section: 303

(1) "Person with a developmental disability" means a 304
person whose ability to resist or consent to an act is 305
substantially impaired because of a mental or physical condition 306

or because of advanced age. 307

(2) "Sexual activity for hire," "performance for hire," 308
and "model or participant for hire" mean an implicit or explicit 309
agreement to provide sexual activity, engage in an obscene, 310
sexually oriented, or nudity oriented performance, or be a model 311
or participant in the production of obscene, sexually oriented, 312
or nudity oriented material, whichever is applicable, in 313
exchange for anything of value paid to any of the following: 314

(a) The person engaging in such sexual activity, 315
performance, or modeling or participation; 316

(b) Any person who recruits, lures, entices, isolates, 317
harbors, transports, provides, obtains, or maintains, or 318
attempts to recruit, lure, entice, isolate, harbor, transport, 319
provide, obtain, or maintain the person described in division 320
(F) (2) (a) of this section; 321

(c) Any person associated with a person described in 322
division (F) (2) (a) or (b) of this section. 323

(3) "Material that is obscene, sexually oriented, or 324
nudity oriented" and "performance that is obscene, sexually 325
oriented, or nudity oriented" have the same meanings as in 326
section 2929.01 of the Revised Code. 327

(4) "Third party" means, with respect to conduct described 328
in division (A) (2) (a) of this section, any person other than the 329
offender. 330

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 331
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 332
another section of the Revised Code, other than divisions (B) 333
and (C) of section 2929.14 of the Revised Code, that authorizes 334
or requires a specified prison term or a mandatory prison term 335

for a person who is convicted of or pleads guilty to a felony or 336
that specifies the manner and place of service of a prison term 337
or term of imprisonment, the court shall impose a sentence upon 338
a person who is convicted of or pleads guilty to a violent sex 339
offense and who also is convicted of or pleads guilty to a 340
sexually violent predator specification that was included in the 341
indictment, count in the indictment, or information charging 342
that offense, and upon a person who is convicted of or pleads 343
guilty to a designated homicide, assault, or kidnapping offense 344
and also is convicted of or pleads guilty to both a sexual 345
motivation specification and a sexually violent predator 346
specification that were included in the indictment, count in the 347
indictment, or information charging that offense, as follows: 348

(1) Except as provided in division (A) (5) of this section, 349
if the offense for which the sentence is being imposed is 350
aggravated murder and if the court does not impose upon the 351
offender a sentence of death, it shall impose upon the offender 352
a term of life imprisonment without parole. If the court 353
sentences the offender to death and the sentence of death is 354
vacated, overturned, or otherwise set aside, the court shall 355
impose upon the offender a term of life imprisonment without 356
parole. 357

(2) Except as provided in division (A) (5) of this section, 358
if the offense for which the sentence is being imposed is 359
murder; or if the offense is rape committed in violation of 360
division (A) (1) (b) of section 2907.02 of the Revised Code when 361
the offender purposely compelled the victim to submit by force 362
or threat of force, when the victim was less than ten years of 363
age, when the offender previously has been convicted of or 364
pleaded guilty to either rape committed in violation of that 365
division or a violation of an existing or former law of this 366

state, another state, or the United States that is substantially 367
similar to division (A) (1) (b) of section 2907.02 of the Revised 368
Code, or when the offender during or immediately after the 369
commission of the rape caused serious physical harm to the 370
victim; or if the offense is an offense other than aggravated 371
murder or murder for which a term of life imprisonment may be 372
imposed, it shall impose upon the offender a term of life 373
imprisonment without parole. 374

(3) (a) Except as otherwise provided in division (A) (3) (b), 375
(c), (d), or (e) or (A) (4) of this section, if the offense for 376
which the sentence is being imposed is an offense other than 377
aggravated murder, murder, or rape and other than an offense for 378
which a term of life imprisonment may be imposed, it shall 379
impose an indefinite prison term consisting of a minimum term 380
fixed by the court as described in this division, but not less 381
than two years, and a maximum term of life imprisonment. Except 382
as otherwise specified in this division, the minimum term shall 383
be fixed by the court from among the range of terms available as 384
a definite term for the offense. If the offense is a felony of 385
the first or second degree committed on or after March 22, 2019, 386
the minimum term shall be fixed by the court from among the 387
range of terms available as a minimum term for the offense under 388
division (A) (1) (a) or (2) (a) of that section. 389

(b) Except as otherwise provided in division (A) (4) of 390
this section, if the offense for which the sentence is being 391
imposed is kidnapping that is a felony of the first degree, it 392
shall impose an indefinite prison term as follows: 393

(i) If the kidnapping is committed on or after January 1, 394
2008, and the victim of the offense is less than ~~thirteen~~ 395
eighteen years of age, except as otherwise provided in this 396

division, it shall impose an indefinite prison term consisting 397
of a minimum term of ~~fifteen-twenty-five~~ years and a maximum 398
term of life imprisonment. If the kidnapping is committed on or 399
after January 1, 2008, the victim of the offense is less than 400
~~thirteen-eighteen~~ years of age, and the offender released the 401
victim in a safe place unharmed, it shall impose an indefinite 402
prison term consisting of a minimum term of ~~ten-fifteen~~ years 403
and a maximum term of life imprisonment. 404

(ii) If the kidnapping is committed prior to January 1, 405
2008, or division (A) (3) (b) (i) of this section does not apply, 406
it shall impose an indefinite term consisting of a minimum term 407
fixed by the court that is not less than ten years and a maximum 408
term of life imprisonment. 409

(c) Except as otherwise provided in division (A) (4) of 410
this section, if the offense for which the sentence is being 411
imposed is kidnapping that is a felony of the second degree, it 412
shall impose an indefinite prison term consisting of a minimum 413
term fixed by the court that is not less than eight years, and a 414
maximum term of life imprisonment. 415

(d) Except as otherwise provided in division (A) (4) of 416
this section, if the offense for which the sentence is being 417
imposed is rape for which a term of life imprisonment is not 418
imposed under division (A) (2) of this section or division (B) of 419
section 2907.02 of the Revised Code, it shall impose an 420
indefinite prison term as follows: 421

(i) If the rape is committed on or after January 2, 2007, 422
in violation of division (A) (1) (b) of section 2907.02 of the 423
Revised Code, it shall impose an indefinite prison term 424
consisting of a minimum term of twenty-five years and a maximum 425
term of life imprisonment. 426

(ii) If the rape is committed prior to January 2, 2007, or 427
the rape is committed on or after January 2, 2007, other than in 428
violation of division (A) (1) (b) of section 2907.02 of the 429
Revised Code, it shall impose an indefinite prison term 430
consisting of a minimum term fixed by the court that is not less 431
than ten years, and a maximum term of life imprisonment. 432

(e) Except as otherwise provided in division (A) (4) of 433
this section, if the offense for which sentence is being imposed 434
is attempted rape, it shall impose an indefinite prison term as 435
follows: 436

(i) Except as otherwise provided in division (A) (3) (e) 437
(ii), (iii), or (iv) of this section, it shall impose an 438
indefinite prison term pursuant to division (A) (3) (a) of this 439
section. 440

(ii) If the attempted rape for which sentence is being 441
imposed was committed on or after January 2, 2007, and if the 442
offender also is convicted of or pleads guilty to a 443
specification of the type described in section 2941.1418 of the 444
Revised Code, it shall impose an indefinite prison term 445
consisting of a minimum term of five years and a maximum term of 446
twenty-five years. 447

(iii) If the attempted rape for which sentence is being 448
imposed was committed on or after January 2, 2007, and if the 449
offender also is convicted of or pleads guilty to a 450
specification of the type described in section 2941.1419 of the 451
Revised Code, it shall impose an indefinite prison term 452
consisting of a minimum term of ten years and a maximum of life 453
imprisonment. 454

(iv) If the attempted rape for which sentence is being 455

imposed was committed on or after January 2, 2007, and if the 456
offender also is convicted of or pleads guilty to a 457
specification of the type described in section 2941.1420 of the 458
Revised Code, it shall impose an indefinite prison term 459
consisting of a minimum term of fifteen years and a maximum of 460
life imprisonment. 461

(4) Except as provided in division (A) (5) of this section, 462
for any offense for which the sentence is being imposed, if the 463
offender previously has been convicted of or pleaded guilty to a 464
violent sex offense and also to a sexually violent predator 465
specification that was included in the indictment, count in the 466
indictment, or information charging that offense, or previously 467
has been convicted of or pleaded guilty to a designated 468
homicide, assault, or kidnapping offense and also to both a 469
sexual motivation specification and a sexually violent predator 470
specification that were included in the indictment, count in the 471
indictment, or information charging that offense, it shall 472
impose upon the offender a term of life imprisonment without 473
parole. 474

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 475
section, the court shall not impose a sentence of life 476
imprisonment without parole upon any person for an offense that 477
was committed when the person was under eighteen years of age. 478
In any case described in division (A) (1), (2), or (4) of this 479
section, if the offense was committed when the person was under 480
eighteen years of age, the court shall impose an indefinite 481
prison term consisting of a minimum term of thirty years and a 482
maximum term of life imprisonment. 483

(B) (1) Notwithstanding section 2929.13, division (A) or 484
(D) of section 2929.14, or another section of the Revised Code 485

other than division (B) of section 2907.02 or divisions (B) and 486
(C) of section 2929.14 of the Revised Code that authorizes or 487
requires a specified prison term or a mandatory prison term for 488
a person who is convicted of or pleads guilty to a felony or 489
that specifies the manner and place of service of a prison term 490
or term of imprisonment, if a person is convicted of or pleads 491
guilty to a violation of division (A) (1) (b) of section 2907.02 492
of the Revised Code committed on or after January 2, 2007, if 493
division (A) of this section does not apply regarding the 494
person, and if the court does not impose a sentence of life 495
without parole when authorized pursuant to division (B) of 496
section 2907.02 of the Revised Code, the court shall impose upon 497
the person an indefinite prison term consisting of one of the 498
following: 499

(a) Except as otherwise required in division (B) (1) (b) or 500
(c) of this section, a minimum term of ten years and a maximum 501
term of life imprisonment. 502

(b) If the victim was less than ten years of age, a 503
minimum term of fifteen years and a maximum of life 504
imprisonment. 505

(c) If the offender purposely compels the victim to submit 506
by force or threat of force, or if the offender previously has 507
been convicted of or pleaded guilty to violating division (A) (1) 508
(b) of section 2907.02 of the Revised Code or to violating an 509
existing or former law of this state, another state, or the 510
United States that is substantially similar to division (A) (1) 511
(b) of that section, or if the offender during or immediately 512
after the commission of the offense caused serious physical harm 513
to the victim, a minimum term of twenty-five years and a maximum 514
of life imprisonment. 515

(2) Notwithstanding section 2929.13, division (A) or (D) 516
of section 2929.14, or another section of the Revised Code other 517
than divisions (B) and (C) of section 2929.14 of the Revised 518
Code that authorizes or requires a specified prison term or a 519
mandatory prison term for a person who is convicted of or pleads 520
guilty to a felony or that specifies the manner and place of 521
service of a prison term or term of imprisonment and except as 522
otherwise provided in division (B) of section 2907.02 of the 523
Revised Code, if a person is convicted of or pleads guilty to 524
attempted rape committed on or after January 2, 2007, and if 525
division (A) of this section does not apply regarding the 526
person, the court shall impose upon the person an indefinite 527
prison term consisting of one of the following: 528

(a) If the person also is convicted of or pleads guilty to 529
a specification of the type described in section 2941.1418 of 530
the Revised Code, the court shall impose upon the person an 531
indefinite prison term consisting of a minimum term of five 532
years and a maximum term of twenty-five years. 533

(b) If the person also is convicted of or pleads guilty to 534
a specification of the type described in section 2941.1419 of 535
the Revised Code, the court shall impose upon the person an 536
indefinite prison term consisting of a minimum term of ten years 537
and a maximum term of life imprisonment. 538

(c) If the person also is convicted of or pleads guilty to 539
a specification of the type described in section 2941.1420 of 540
the Revised Code, the court shall impose upon the person an 541
indefinite prison term consisting of a minimum term of fifteen 542
years and a maximum term of life imprisonment. 543

(3) Notwithstanding section 2929.13, division (A) or (D) 544
of section 2929.14, or another section of the Revised Code other 545

than divisions (B) and (C) of section 2929.14 of the Revised 546
Code that authorizes or requires a specified prison term or a 547
mandatory prison term for a person who is convicted of or pleads 548
guilty to a felony or that specifies the manner and place of 549
service of a prison term or term of imprisonment, if a person is 550
convicted of or pleads guilty to an offense described in 551
division (B) (3) (a), (b), (c), or (d) of this section committed 552
on or after January 1, 2008, if the person also is convicted of 553
or pleads guilty to a sexual motivation specification that was 554
included in the indictment, count in the indictment, or 555
information charging that offense, and if division (A) of this 556
section does not apply regarding the person, the court shall 557
impose upon the person an indefinite prison term consisting of 558
one of the following: 559

(a) An indefinite prison term consisting of a minimum of 560
~~ten-fifteen~~ years and a maximum term of life imprisonment if the 561
offense for which the sentence is being imposed is kidnapping, 562
the victim of the offense is less than ~~thirteen-eighteen~~ years 563
of age, and the offender released the victim in a safe place 564
unharmd; 565

(b) An indefinite prison term consisting of a minimum of 566
~~fifteen-twenty-five~~ years and a maximum term of life 567
imprisonment if the offense for which the sentence is being 568
imposed is kidnapping when the victim of the offense is less 569
than ~~thirteen-eighteen~~ years of age and division (B) (3) (a) of 570
this section does not apply; 571

(c) An indefinite term consisting of a minimum of thirty 572
years and a maximum term of life imprisonment if the offense for 573
which the sentence is being imposed is aggravated murder, when 574
the victim of the offense is less than thirteen years of age, a 575

sentence of death or life imprisonment without parole is not 576
imposed for the offense, and division (A) (2) (b) (ii) of section 577
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 578
(2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or 579
division (A) or (B) of section 2929.06 of the Revised Code 580
requires that the sentence for the offense be imposed pursuant 581
to this division; 582

(d) An indefinite prison term consisting of a minimum of 583
thirty years and a maximum term of life imprisonment if the 584
offense for which the sentence is being imposed is murder when 585
the victim of the offense is less than thirteen years of age. 586

(C) (1) If the offender is sentenced to a prison term 587
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 588
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 589
parole board shall have control over the offender's service of 590
the term during the entire term unless the parole board 591
terminates its control in accordance with section 2971.04 of the 592
Revised Code. 593

(2) Except as provided in division (C) (3) or (G) of this 594
section, an offender sentenced to a prison term or term of life 595
imprisonment without parole pursuant to division (A) of this 596
section shall serve the entire prison term or term of life 597
imprisonment in a state correctional institution. The offender 598
is not eligible for judicial release under section 2929.20 of 599
the Revised Code. 600

(3) For a prison term imposed pursuant to division (A) (3), 601
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 602
(b), (c), or (d) of this section, subject to the application of 603
division (G) of this section, the court, in accordance with 604
section 2971.05 of the Revised Code, may terminate the prison 605

term or modify the requirement that the offender serve the 606
entire term in a state correctional institution if all of the 607
following apply: 608

(a) The offender has served at least the minimum term 609
imposed as part of that prison term. 610

(b) The parole board, pursuant to section 2971.04 of the 611
Revised Code, has terminated its control over the offender's 612
service of that prison term. 613

(c) The court has held a hearing and found, by clear and 614
convincing evidence, one of the following: 615

(i) In the case of termination of the prison term, that 616
the offender is unlikely to commit a sexually violent offense in 617
the future; 618

(ii) In the case of modification of the requirement, that 619
the offender does not represent a substantial risk of physical 620
harm to others. 621

(4) Except as provided in division (G) of this section, an 622
offender who has been sentenced to a term of life imprisonment 623
without parole pursuant to division (A) (1), (2), or (4) of this 624
section shall not be released from the term of life imprisonment 625
or be permitted to serve a portion of it in a place other than a 626
state correctional institution. 627

(D) If a court sentences an offender to a prison term or 628
term of life imprisonment without parole pursuant to division 629
(A) of this section and the court also imposes on the offender 630
one or more additional prison terms pursuant to division (B) of 631
section 2929.14 of the Revised Code, all of the additional 632
prison terms shall be served consecutively with, and prior to, 633
the prison term or term of life imprisonment without parole 634

imposed upon the offender pursuant to division (A) of this 635
section. 636

(E) If the offender is convicted of or pleads guilty to 637
two or more offenses for which a prison term or term of life 638
imprisonment without parole is required to be imposed pursuant 639
to division (A) of this section, divisions (A) to (D) of this 640
section shall be applied for each offense. All minimum terms 641
imposed upon the offender pursuant to division (A) (3) or (B) of 642
this section for those offenses shall be aggregated and served 643
consecutively, as if they were a single minimum term imposed 644
under that division. 645

(F) (1) If an offender is convicted of or pleads guilty to 646
a violent sex offense and also is convicted of or pleads guilty 647
to a sexually violent predator specification that was included 648
in the indictment, count in the indictment, or information 649
charging that offense, or is convicted of or pleads guilty to a 650
designated homicide, assault, or kidnapping offense and also is 651
convicted of or pleads guilty to both a sexual motivation 652
specification and a sexually violent predator specification that 653
were included in the indictment, count in the indictment, or 654
information charging that offense, the conviction of or plea of 655
guilty to the offense and the sexually violent predator 656
specification automatically classifies the offender as a tier 657
III sex offender/child-victim offender for purposes of Chapter 658
2950. of the Revised Code. 659

(2) If an offender is convicted of or pleads guilty to 660
committing on or after January 2, 2007, a violation of division 661
(A) (1) (b) of section 2907.02 of the Revised Code and either the 662
offender is sentenced under section 2971.03 of the Revised Code 663
or a sentence of life without parole is imposed under division 664

(B) of section 2907.02 of the Revised Code, the conviction of or 665
plea of guilty to the offense automatically classifies the 666
offender as a tier III sex offender/child-victim offender for 667
purposes of Chapter 2950. of the Revised Code. 668

(3) If a person is convicted of or pleads guilty to 669
committing on or after January 2, 2007, attempted rape and also 670
is convicted of or pleads guilty to a specification of the type 671
described in section 2941.1418, 2941.1419, or 2941.1420 of the 672
Revised Code, the conviction of or plea of guilty to the offense 673
and the specification automatically classify the offender as a 674
tier III sex offender/child-victim offender for purposes of 675
Chapter 2950. of the Revised Code. 676

(4) If a person is convicted of or pleads guilty to one of 677
the offenses described in division (B) (3) (a), (b), (c), or (d) 678
of this section and a sexual motivation specification related to 679
the offense and the victim of the offense is less than thirteen 680
years of age, the conviction of or plea of guilty to the offense 681
automatically classifies the offender as a tier III sex 682
offender/child-victim offender for purposes of Chapter 2950. of 683
the Revised Code. 684

(G) Notwithstanding divisions (A) to (E) of this section, 685
if an offender receives or received a sentence of life 686
imprisonment without parole, a definite sentence, or a sentence 687
to an indefinite prison term under this chapter for an offense 688
committed when the offender was under eighteen years of age, the 689
offender is eligible for parole and the offender's parole 690
eligibility shall be determined under section 2967.132 of the 691
Revised Code. 692

Section 2. That existing sections 2903.41, 2905.01, 693
2905.02, 2905.32, and 2971.03 of the Revised Code are hereby 694

repealed. 695

Section 3. This act shall be known as the Human 696
Trafficking Prevention Act. 697

Section 4. Section 2971.03 of the Revised Code is 698
presented in this act as a composite of the section as amended 699
by both H.B. 136 and S.B. 256 of the 133rd General Assembly. The 700
General Assembly, applying the principle stated in division (B) 701
of section 1.52 of the Revised Code that amendments are to be 702
harmonized if reasonably capable of simultaneous operation, 703
finds that the composite is the resulting version of the section 704
in effect prior to the effective date of the section as 705
presented in this act. 706