

As Introduced

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

S. B. No. 100

Senator Thomas

Cosponsors: Senators Sykes, Fedor, Williams, Craig

A BILL

To amend sections 2929.02, 2929.14, 2967.13, 1
2971.03, and 5149.101 and to enact section 2
2967.132 of the Revised Code relative to parole 3
eligibility for persons with an indefinite or 4
life sentence imposed for an offense committed 5
when the person was less than 18 years of age. 6

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

Section 1. That sections 2929.02, 2929.14, 2967.13, 7
2971.03, and 5149.101 be amended and section 2967.132 of the 8
Revised Code be enacted to read as follows: 9

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty 10
to aggravated murder in violation of section 2903.01 of the 11
Revised Code shall suffer death or be imprisoned for life, as 12
determined pursuant to sections 2929.022, 2929.03, and 2929.04 13
of the Revised Code, except that no person who raises the matter 14
of age pursuant to section 2929.023 of the Revised Code and who 15
is not found to have been eighteen years of age or older at the 16
time of the commission of the offense shall suffer death. In 17
addition, the offender may be fined an amount fixed by the 18

court, but not more than twenty-five thousand dollars. 19

(B) (1) Except as otherwise provided in division (B) (2) or 20
(3) of this section, whoever is convicted of or pleads guilty to 21
murder in violation of section 2903.02 of the Revised Code shall 22
be imprisoned for an indefinite term of fifteen years to life. 23

(2) Except as otherwise provided in division (B) (3) of 24
this section, if a person is convicted of or pleads guilty to 25
murder in violation of section 2903.02 of the Revised Code, the 26
victim of the offense was less than thirteen years of age, and 27
the offender also is convicted of or pleads guilty to a sexual 28
motivation specification that was included in the indictment, 29
count in the indictment, or information charging the offense, 30
the court shall impose an indefinite prison term of thirty years 31
to life pursuant to division (B) (3) of section 2971.03 of the 32
Revised Code. 33

(3) If a person is convicted of or pleads guilty to murder 34
in violation of section 2903.02 of the Revised Code and also is 35
convicted of or pleads guilty to a sexual motivation 36
specification and a sexually violent predator specification that 37
were included in the indictment, count in the indictment, or 38
information that charged the murder, the court shall impose upon 39
the offender a term of life imprisonment without parole that 40
shall be served pursuant to section 2971.03 of the Revised Code. 41

(4) In addition, the offender may be fined an amount fixed 42
by the court, but not more than fifteen thousand dollars. 43

(C) If an offender receives or received a sentence of life 44
imprisonment without parole, a sentence of life imprisonment, or 45
a sentence to an indefinite prison term under this chapter for 46
an offense committed when the offender was less than eighteen 47

years of age, the offender's parole eligibility shall be 48
determined under section 2967.132 of the Revised Code. 49

(D) The court shall not impose a fine or fines for 50
aggravated murder or murder which, in the aggregate and to the 51
extent not suspended by the court, exceeds the amount which the 52
offender is or will be able to pay by the method and within the 53
time allowed without undue hardship to the offender or to the 54
dependents of the offender, or will prevent the offender from 55
making reparation for the victim's wrongful death. 56

~~(D)~~(E) (1) In addition to any other sanctions imposed for a 57
violation of section 2903.01 or 2903.02 of the Revised Code, if 58
the offender used a motor vehicle as the means to commit the 59
violation, the court shall impose upon the offender a class two 60
suspension of the offender's driver's license, commercial 61
driver's license, temporary instruction permit, probationary 62
license, or nonresident operating privilege as specified in 63
division (A) (2) of section 4510.02 of the Revised Code. 64

(2) As used in division ~~(D)~~(E) of this section, "motor 65
vehicle" has the same meaning as in section 4501.01 of the 66
Revised Code. 67

Sec. 2929.14. (A) Except as provided in division (B) (1), 68
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 69
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 70
in division (D) (6) of section 2919.25 of the Revised Code and 71
except in relation to an offense for which a sentence of death 72
or life imprisonment is to be imposed, if the court imposing a 73
sentence upon an offender for a felony elects or is required to 74
impose a prison term on the offender pursuant to this chapter, 75
the court shall impose a prison term that shall be one of the 76
following: 77

(1) (a) For a felony of the first degree committed on or 78
after the effective date of this amendment, the prison term 79
shall be an indefinite prison term with a stated minimum term 80
selected by the court of three, four, five, six, seven, eight, 81
nine, ten, or eleven years and a maximum term that is determined 82
pursuant to section 2929.144 of the Revised Code, except that if 83
the section that criminalizes the conduct constituting the 84
felony specifies a different minimum term or penalty for the 85
offense, the specific language of that section shall control in 86
determining the minimum term or otherwise sentencing the 87
offender but the minimum term or sentence imposed under that 88
specific language shall be considered for purposes of the 89
Revised Code as if it had been imposed under this division. 90

(b) For a felony of the first degree committed prior to 91
the effective date of this amendment, the prison term shall be a 92
definite prison term of three, four, five, six, seven, eight, 93
nine, ten, or eleven years. 94

(2) (a) For a felony of the second degree committed on or 95
after the effective date of this amendment, the prison term 96
shall be an indefinite prison term with a stated minimum term 97
selected by the court of two, three, four, five, six, seven, or 98
eight years and a maximum term that is determined pursuant to 99
section 2929.144 of the Revised Code, except that if the section 100
that criminalizes the conduct constituting the felony specifies 101
a different minimum term or penalty for the offense, the 102
specific language of that section shall control in determining 103
the minimum term or otherwise sentencing the offender but the 104
minimum term or sentence imposed under that specific language 105
shall be considered for purposes of the Revised Code as if it 106
had been imposed under this division. 107

(b) For a felony of the second degree committed prior to 108
the effective date of this amendment, the prison term shall be a 109
definite term of two, three, four, five, six, seven, or eight 110
years. 111

(3) (a) For a felony of the third degree that is a 112
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 113
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 114
Code or that is a violation of section 2911.02 or 2911.12 of the 115
Revised Code if the offender previously has been convicted of or 116
pleaded guilty in two or more separate proceedings to two or 117
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 118
of the Revised Code, the prison term shall be a definite term of 119
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 120
forty-eight, fifty-four, or sixty months. 121

(b) For a felony of the third degree that is not an 122
offense for which division (A) (3) (a) of this section applies, 123
the prison term shall be a definite term of nine, twelve, 124
eighteen, twenty-four, thirty, or thirty-six months. 125

(4) For a felony of the fourth degree, the prison term 126
shall be a definite term of six, seven, eight, nine, ten, 127
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 128
or eighteen months. 129

(5) For a felony of the fifth degree, the prison term 130
shall be a definite term of six, seven, eight, nine, ten, 131
eleven, or twelve months. 132

(B) (1) (a) Except as provided in division (B) (1) (e) of this 133
section, if an offender who is convicted of or pleads guilty to 134
a felony also is convicted of or pleads guilty to a 135
specification of the type described in section 2941.141, 136

2941.144, or 2941.145 of the Revised Code, the court shall 137
impose on the offender one of the following prison terms: 138

(i) A prison term of six years if the specification is of 139
the type described in division (A) of section 2941.144 of the 140
Revised Code that charges the offender with having a firearm 141
that is an automatic firearm or that was equipped with a firearm 142
muffler or suppressor on or about the offender's person or under 143
the offender's control while committing the offense; 144

(ii) A prison term of three years if the specification is 145
of the type described in division (A) of section 2941.145 of the 146
Revised Code that charges the offender with having a firearm on 147
or about the offender's person or under the offender's control 148
while committing the offense and displaying the firearm, 149
brandishing the firearm, indicating that the offender possessed 150
the firearm, or using it to facilitate the offense; 151

(iii) A prison term of one year if the specification is of 152
the type described in division (A) of section 2941.141 of the 153
Revised Code that charges the offender with having a firearm on 154
or about the offender's person or under the offender's control 155
while committing the offense; 156

(iv) A prison term of nine years if the specification is 157
of the type described in division (D) of section 2941.144 of the 158
Revised Code that charges the offender with having a firearm 159
that is an automatic firearm or that was equipped with a firearm 160
muffler or suppressor on or about the offender's person or under 161
the offender's control while committing the offense and 162
specifies that the offender previously has been convicted of or 163
pleaded guilty to a specification of the type described in 164
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 165
the Revised Code; 166

(v) A prison term of fifty-four months if the 167
specification is of the type described in division (D) of 168
section 2941.145 of the Revised Code that charges the offender 169
with having a firearm on or about the offender's person or under 170
the offender's control while committing the offense and 171
displaying the firearm, brandishing the firearm, indicating that 172
the offender possessed the firearm, or using the firearm to 173
facilitate the offense and that the offender previously has been 174
convicted of or pleaded guilty to a specification of the type 175
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 176
2941.1412 of the Revised Code; 177

(vi) A prison term of eighteen months if the specification 178
is of the type described in division (D) of section 2941.141 of 179
the Revised Code that charges the offender with having a firearm 180
on or about the offender's person or under the offender's 181
control while committing the offense and that the offender 182
previously has been convicted of or pleaded guilty to a 183
specification of the type described in section 2941.141, 184
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 185

(b) If a court imposes a prison term on an offender under 186
division (B) (1) (a) of this section, the prison term shall not be 187
reduced pursuant to section 2967.19, section 2929.20, section 188
2967.193, or any other provision of Chapter 2967. or Chapter 189
5120. of the Revised Code. Except as provided in division (B) (1) 190
(g) of this section, a court shall not impose more than one 191
prison term on an offender under division (B) (1) (a) of this 192
section for felonies committed as part of the same act or 193
transaction. 194

(c) (i) Except as provided in division (B) (1) (e) of this 195
section, if an offender who is convicted of or pleads guilty to 196

a violation of section 2923.161 of the Revised Code or to a 197
felony that includes, as an essential element, purposely or 198
knowingly causing or attempting to cause the death of or 199
physical harm to another, also is convicted of or pleads guilty 200
to a specification of the type described in division (A) of 201
section 2941.146 of the Revised Code that charges the offender 202
with committing the offense by discharging a firearm from a 203
motor vehicle other than a manufactured home, the court, after 204
imposing a prison term on the offender for the violation of 205
section 2923.161 of the Revised Code or for the other felony 206
offense under division (A), (B) (2), or (B) (3) of this section, 207
shall impose an additional prison term of five years upon the 208
offender that shall not be reduced pursuant to section 2929.20, 209
section 2967.19, section 2967.193, or any other provision of 210
Chapter 2967. or Chapter 5120. of the Revised Code. 211

(ii) Except as provided in division (B) (1) (e) of this 212
section, if an offender who is convicted of or pleads guilty to 213
a violation of section 2923.161 of the Revised Code or to a 214
felony that includes, as an essential element, purposely or 215
knowingly causing or attempting to cause the death of or 216
physical harm to another, also is convicted of or pleads guilty 217
to a specification of the type described in division (C) of 218
section 2941.146 of the Revised Code that charges the offender 219
with committing the offense by discharging a firearm from a 220
motor vehicle other than a manufactured home and that the 221
offender previously has been convicted of or pleaded guilty to a 222
specification of the type described in section 2941.141, 223
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 224
the court, after imposing a prison term on the offender for the 225
violation of section 2923.161 of the Revised Code or for the 226
other felony offense under division (A), (B) (2), or (3) of this 227

section, shall impose an additional prison term of ninety months 228
upon the offender that shall not be reduced pursuant to section 229
2929.20, 2967.19, 2967.193, or any other provision of Chapter 230
2967. or Chapter 5120. of the Revised Code. 231

(iii) A court shall not impose more than one additional 232
prison term on an offender under division (B) (1) (c) of this 233
section for felonies committed as part of the same act or 234
transaction. If a court imposes an additional prison term on an 235
offender under division (B) (1) (c) of this section relative to an 236
offense, the court also shall impose a prison term under 237
division (B) (1) (a) of this section relative to the same offense, 238
provided the criteria specified in that division for imposing an 239
additional prison term are satisfied relative to the offender 240
and the offense. 241

(d) If an offender who is convicted of or pleads guilty to 242
an offense of violence that is a felony also is convicted of or 243
pleads guilty to a specification of the type described in 244
section 2941.1411 of the Revised Code that charges the offender 245
with wearing or carrying body armor while committing the felony 246
offense of violence, the court shall impose on the offender an 247
additional prison term of two years. The prison term so imposed, 248
subject to divisions (C) to (I) of section 2967.19 of the 249
Revised Code, shall not be reduced pursuant to section 2929.20, 250
section 2967.19, section 2967.193, or any other provision of 251
Chapter 2967. or Chapter 5120. of the Revised Code. A court 252
shall not impose more than one prison term on an offender under 253
division (B) (1) (d) of this section for felonies committed as 254
part of the same act or transaction. If a court imposes an 255
additional prison term under division (B) (1) (a) or (c) of this 256
section, the court is not precluded from imposing an additional 257
prison term under division (B) (1) (d) of this section. 258

(e) The court shall not impose any of the prison terms 259
described in division (B) (1) (a) of this section or any of the 260
additional prison terms described in division (B) (1) (c) of this 261
section upon an offender for a violation of section 2923.12 or 262
2923.123 of the Revised Code. The court shall not impose any of 263
the prison terms described in division (B) (1) (a) or (b) of this 264
section upon an offender for a violation of section 2923.122 265
that involves a deadly weapon that is a firearm other than a 266
dangerous ordnance, section 2923.16, or section 2923.121 of the 267
Revised Code. The court shall not impose any of the prison terms 268
described in division (B) (1) (a) of this section or any of the 269
additional prison terms described in division (B) (1) (c) of this 270
section upon an offender for a violation of section 2923.13 of 271
the Revised Code unless all of the following apply: 272

(i) The offender previously has been convicted of 273
aggravated murder, murder, or any felony of the first or second 274
degree. 275

(ii) Less than five years have passed since the offender 276
was released from prison or post-release control, whichever is 277
later, for the prior offense. 278

(f) (i) If an offender is convicted of or pleads guilty to 279
a felony that includes, as an essential element, causing or 280
attempting to cause the death of or physical harm to another and 281
also is convicted of or pleads guilty to a specification of the 282
type described in division (A) of section 2941.1412 of the 283
Revised Code that charges the offender with committing the 284
offense by discharging a firearm at a peace officer as defined 285
in section 2935.01 of the Revised Code or a corrections officer, 286
as defined in section 2941.1412 of the Revised Code, the court, 287
after imposing a prison term on the offender for the felony 288

offense under division (A), (B) (2), or (B) (3) of this section, 289
shall impose an additional prison term of seven years upon the 290
offender that shall not be reduced pursuant to section 2929.20, 291
section 2967.19, section 2967.193, or any other provision of 292
Chapter 2967. or Chapter 5120. of the Revised Code. 293

(ii) If an offender is convicted of or pleads guilty to a 294
felony that includes, as an essential element, causing or 295
attempting to cause the death of or physical harm to another and 296
also is convicted of or pleads guilty to a specification of the 297
type described in division (B) of section 2941.1412 of the 298
Revised Code that charges the offender with committing the 299
offense by discharging a firearm at a peace officer, as defined 300
in section 2935.01 of the Revised Code, or a corrections 301
officer, as defined in section 2941.1412 of the Revised Code, 302
and that the offender previously has been convicted of or 303
pleaded guilty to a specification of the type described in 304
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 305
the Revised Code, the court, after imposing a prison term on the 306
offender for the felony offense under division (A), (B) (2), or 307
(3) of this section, shall impose an additional prison term of 308
one hundred twenty-six months upon the offender that shall not 309
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 310
any other provision of Chapter 2967. or 5120. of the Revised 311
Code. 312

(iii) If an offender is convicted of or pleads guilty to 313
two or more felonies that include, as an essential element, 314
causing or attempting to cause the death or physical harm to 315
another and also is convicted of or pleads guilty to a 316
specification of the type described under division (B) (1) (f) of 317
this section in connection with two or more of the felonies of 318
which the offender is convicted or to which the offender pleads 319

guilty, the sentencing court shall impose on the offender the 320
prison term specified under division (B) (1) (f) of this section 321
for each of two of the specifications of which the offender is 322
convicted or to which the offender pleads guilty and, in its 323
discretion, also may impose on the offender the prison term 324
specified under that division for any or all of the remaining 325
specifications. If a court imposes an additional prison term on 326
an offender under division (B) (1) (f) of this section relative to 327
an offense, the court shall not impose a prison term under 328
division (B) (1) (a) or (c) of this section relative to the same 329
offense. 330

(g) If an offender is convicted of or pleads guilty to two 331
or more felonies, if one or more of those felonies are 332
aggravated murder, murder, attempted aggravated murder, 333
attempted murder, aggravated robbery, felonious assault, or 334
rape, and if the offender is convicted of or pleads guilty to a 335
specification of the type described under division (B) (1) (a) of 336
this section in connection with two or more of the felonies, the 337
sentencing court shall impose on the offender the prison term 338
specified under division (B) (1) (a) of this section for each of 339
the two most serious specifications of which the offender is 340
convicted or to which the offender pleads guilty and, in its 341
discretion, also may impose on the offender the prison term 342
specified under that division for any or all of the remaining 343
specifications. 344

(2) (a) If division (B) (2) (b) of this section does not 345
apply, the court may impose on an offender, in addition to the 346
longest prison term authorized or required for the offense or, 347
for offenses for which division (A) (1) (a) or (2) (a) of this 348
section applies, in addition to the longest minimum prison term 349
authorized or required for the offense, an additional definite 350

prison term of one, two, three, four, five, six, seven, eight, 351
nine, or ten years if all of the following criteria are met: 352

(i) The offender is convicted of or pleads guilty to a 353
specification of the type described in section 2941.149 of the 354
Revised Code that the offender is a repeat violent offender. 355

(ii) The offense of which the offender currently is 356
convicted or to which the offender currently pleads guilty is 357
aggravated murder and the court does not impose a sentence of 358
death or life imprisonment without parole, murder, terrorism and 359
the court does not impose a sentence of life imprisonment 360
without parole, any felony of the first degree that is an 361
offense of violence and the court does not impose a sentence of 362
life imprisonment without parole, or any felony of the second 363
degree that is an offense of violence and the trier of fact 364
finds that the offense involved an attempt to cause or a threat 365
to cause serious physical harm to a person or resulted in 366
serious physical harm to a person. 367

(iii) The court imposes the longest prison term for the 368
offense or the longest minimum prison term for the offense, 369
whichever is applicable, that is not life imprisonment without 370
parole. 371

(iv) The court finds that the prison terms imposed 372
pursuant to division (B) (2) (a) (iii) of this section and, if 373
applicable, division (B) (1) or (3) of this section are 374
inadequate to punish the offender and protect the public from 375
future crime, because the applicable factors under section 376
2929.12 of the Revised Code indicating a greater likelihood of 377
recidivism outweigh the applicable factors under that section 378
indicating a lesser likelihood of recidivism. 379

(v) The court finds that the prison terms imposed pursuant 380
to division (B) (2) (a) (iii) of this section and, if applicable, 381
division (B) (1) or (3) of this section are demeaning to the 382
seriousness of the offense, because one or more of the factors 383
under section 2929.12 of the Revised Code indicating that the 384
offender's conduct is more serious than conduct normally 385
constituting the offense are present, and they outweigh the 386
applicable factors under that section indicating that the 387
offender's conduct is less serious than conduct normally 388
constituting the offense. 389

(b) The court shall impose on an offender the longest 390
prison term authorized or required for the offense or, for 391
offenses for which division (A) (1) (a) or (2) (a) of this section 392
applies, the longest minimum prison term authorized or required 393
for the offense, and shall impose on the offender an additional 394
definite prison term of one, two, three, four, five, six, seven, 395
eight, nine, or ten years if all of the following criteria are 396
met: 397

(i) The offender is convicted of or pleads guilty to a 398
specification of the type described in section 2941.149 of the 399
Revised Code that the offender is a repeat violent offender. 400

(ii) The offender within the preceding twenty years has 401
been convicted of or pleaded guilty to three or more offenses 402
described in division (CC) (1) of section 2929.01 of the Revised 403
Code, including all offenses described in that division of which 404
the offender is convicted or to which the offender pleads guilty 405
in the current prosecution and all offenses described in that 406
division of which the offender previously has been convicted or 407
to which the offender previously pleaded guilty, whether 408
prosecuted together or separately. 409

(iii) The offense or offenses of which the offender 410
currently is convicted or to which the offender currently pleads 411
guilty is aggravated murder and the court does not impose a 412
sentence of death or life imprisonment without parole, murder, 413
terrorism and the court does not impose a sentence of life 414
imprisonment without parole, any felony of the first degree that 415
is an offense of violence and the court does not impose a 416
sentence of life imprisonment without parole, or any felony of 417
the second degree that is an offense of violence and the trier 418
of fact finds that the offense involved an attempt to cause or a 419
threat to cause serious physical harm to a person or resulted in 420
serious physical harm to a person. 421

(c) For purposes of division (B) (2) (b) of this section, 422
two or more offenses committed at the same time or as part of 423
the same act or event shall be considered one offense, and that 424
one offense shall be the offense with the greatest penalty. 425

(d) A sentence imposed under division (B) (2) (a) or (b) of 426
this section shall not be reduced pursuant to section 2929.20, 427
section 2967.19, or section 2967.193, or any other provision of 428
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 429
shall serve an additional prison term imposed under division (B) 430
(2) (a) or (b) of this section consecutively to and prior to the 431
prison term imposed for the underlying offense. 432

(e) When imposing a sentence pursuant to division (B) (2) 433
(a) or (b) of this section, the court shall state its findings 434
explaining the imposed sentence. 435

(3) Except when an offender commits a violation of section 436
2903.01 or 2907.02 of the Revised Code and the penalty imposed 437
for the violation is life imprisonment or commits a violation of 438
section 2903.02 of the Revised Code, if the offender commits a 439

violation of section 2925.03 or 2925.11 of the Revised Code and 440
that section classifies the offender as a major drug offender, 441
if the offender commits a violation of section 2925.05 of the 442
Revised Code and division (E)(1) of that section classifies the 443
offender as a major drug offender, if the offender commits a 444
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 445
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 446
division (C) or (D) of section 3719.172, division (E) of section 447
4729.51, or division (J) of section 4729.54 of the Revised Code 448
that includes the sale, offer to sell, or possession of a 449
schedule I or II controlled substance, with the exception of 450
marihuana, and the court imposing sentence upon the offender 451
finds that the offender is guilty of a specification of the type 452
described in division (A) of section 2941.1410 of the Revised 453
Code charging that the offender is a major drug offender, if the 454
court imposing sentence upon an offender for a felony finds that 455
the offender is guilty of corrupt activity with the most serious 456
offense in the pattern of corrupt activity being a felony of the 457
first degree, or if the offender is guilty of an attempted 458
violation of section 2907.02 of the Revised Code and, had the 459
offender completed the violation of section 2907.02 of the 460
Revised Code that was attempted, the offender would have been 461
subject to a sentence of life imprisonment or life imprisonment 462
without parole for the violation of section 2907.02 of the 463
Revised Code, the court shall impose upon the offender for the 464
felony violation a mandatory prison term determined as described 465
in this division that, subject to divisions (C) to (I) of 466
section 2967.19 of the Revised Code, cannot be reduced pursuant 467
to section 2929.20, section 2967.19, or any other provision of 468
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 469
term shall be the maximum definite prison term prescribed in 470
division (A)(1)(b) of this section for a felony of the first 471

degree, except that for offenses for which division (A) (1) (a) of 472
this section applies, the mandatory prison term shall be the 473
longest minimum prison term prescribed in that division for the 474
offense. 475

(4) If the offender is being sentenced for a third or 476
fourth degree felony OVI offense under division (G) (2) of 477
section 2929.13 of the Revised Code, the sentencing court shall 478
impose upon the offender a mandatory prison term in accordance 479
with that division. In addition to the mandatory prison term, if 480
the offender is being sentenced for a fourth degree felony OVI 481
offense, the court, notwithstanding division (A) (4) of this 482
section, may sentence the offender to a definite prison term of 483
not less than six months and not more than thirty months, and if 484
the offender is being sentenced for a third degree felony OVI 485
offense, the sentencing court may sentence the offender to an 486
additional prison term of any duration specified in division (A) 487
(3) of this section. In either case, the additional prison term 488
imposed shall be reduced by the sixty or one hundred twenty days 489
imposed upon the offender as the mandatory prison term. The 490
total of the additional prison term imposed under division (B) 491
(4) of this section plus the sixty or one hundred twenty days 492
imposed as the mandatory prison term shall equal a definite term 493
in the range of six months to thirty months for a fourth degree 494
felony OVI offense and shall equal one of the authorized prison 495
terms specified in division (A) (3) of this section for a third 496
degree felony OVI offense. If the court imposes an additional 497
prison term under division (B) (4) of this section, the offender 498
shall serve the additional prison term after the offender has 499
served the mandatory prison term required for the offense. In 500
addition to the mandatory prison term or mandatory and 501
additional prison term imposed as described in division (B) (4) 502

of this section, the court also may sentence the offender to a 503
community control sanction under section 2929.16 or 2929.17 of 504
the Revised Code, but the offender shall serve all of the prison 505
terms so imposed prior to serving the community control 506
sanction. 507

If the offender is being sentenced for a fourth degree 508
felony OVI offense under division (G) (1) of section 2929.13 of 509
the Revised Code and the court imposes a mandatory term of local 510
incarceration, the court may impose a prison term as described 511
in division (A) (1) of that section. 512

(5) If an offender is convicted of or pleads guilty to a 513
violation of division (A) (1) or (2) of section 2903.06 of the 514
Revised Code and also is convicted of or pleads guilty to a 515
specification of the type described in section 2941.1414 of the 516
Revised Code that charges that the victim of the offense is a 517
peace officer, as defined in section 2935.01 of the Revised 518
Code, or an investigator of the bureau of criminal 519
identification and investigation, as defined in section 2903.11 520
of the Revised Code, the court shall impose on the offender a 521
prison term of five years. If a court imposes a prison term on 522
an offender under division (B) (5) of this section, the prison 523
term, subject to divisions (C) to (I) of section 2967.19 of the 524
Revised Code, shall not be reduced pursuant to section 2929.20, 525
section 2967.19, section 2967.193, or any other provision of 526
Chapter 2967. or Chapter 5120. of the Revised Code. A court 527
shall not impose more than one prison term on an offender under 528
division (B) (5) of this section for felonies committed as part 529
of the same act. 530

(6) If an offender is convicted of or pleads guilty to a 531
violation of division (A) (1) or (2) of section 2903.06 of the 532

Revised Code and also is convicted of or pleads guilty to a 533
specification of the type described in section 2941.1415 of the 534
Revised Code that charges that the offender previously has been 535
convicted of or pleaded guilty to three or more violations of 536
division (A) or (B) of section 4511.19 of the Revised Code or an 537
equivalent offense, as defined in section 2941.1415 of the 538
Revised Code, or three or more violations of any combination of 539
those divisions and offenses, the court shall impose on the 540
offender a prison term of three years. If a court imposes a 541
prison term on an offender under division (B) (6) of this 542
section, the prison term, subject to divisions (C) to (I) of 543
section 2967.19 of the Revised Code, shall not be reduced 544
pursuant to section 2929.20, section 2967.19, section 2967.193, 545
or any other provision of Chapter 2967. or Chapter 5120. of the 546
Revised Code. A court shall not impose more than one prison term 547
on an offender under division (B) (6) of this section for 548
felonies committed as part of the same act. 549

(7) (a) If an offender is convicted of or pleads guilty to 550
a felony violation of section 2905.01, 2905.02, 2907.21, 551
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 552
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 553
section 2919.22 of the Revised Code and also is convicted of or 554
pleads guilty to a specification of the type described in 555
section 2941.1422 of the Revised Code that charges that the 556
offender knowingly committed the offense in furtherance of human 557
trafficking, the court shall impose on the offender a mandatory 558
prison term that is one of the following: 559

(i) If the offense is a felony of the first degree, a 560
definite prison term of not less than five years and not greater 561
than eleven years, except that if the offense is a felony of the 562
first degree committed on or after the effective date of this 563

amendment, the court shall impose as the minimum prison term a 564
mandatory term of not less than five years and not greater than 565
eleven years; 566

(ii) If the offense is a felony of the second or third 567
degree, a definite prison term of not less than three years and 568
not greater than the maximum prison term allowed for the offense 569
by division (A) (2) (b) or (3) of this section, except that if the 570
offense is a felony of the second degree committed on or after 571
the effective date of this amendment, the court shall impose as 572
the minimum prison term a mandatory term of not less than three 573
years and not greater than eight years; 574

(iii) If the offense is a felony of the fourth or fifth 575
degree, a definite prison term that is the maximum prison term 576
allowed for the offense by division (A) of section 2929.14 of 577
the Revised Code. 578

(b) Subject to divisions (C) to (I) of section 2967.19 of 579
the Revised Code, the prison term imposed under division (B) (7) 580
(a) of this section shall not be reduced pursuant to section 581
2929.20, section 2967.19, section 2967.193, or any other 582
provision of Chapter 2967. of the Revised Code. A court shall 583
not impose more than one prison term on an offender under 584
division (B) (7) (a) of this section for felonies committed as 585
part of the same act, scheme, or plan. 586

(8) If an offender is convicted of or pleads guilty to a 587
felony violation of section 2903.11, 2903.12, or 2903.13 of the 588
Revised Code and also is convicted of or pleads guilty to a 589
specification of the type described in section 2941.1423 of the 590
Revised Code that charges that the victim of the violation was a 591
woman whom the offender knew was pregnant at the time of the 592
violation, notwithstanding the range prescribed in division (A) 593

of this section as the definite prison term or minimum prison 594
term for felonies of the same degree as the violation, the court 595
shall impose on the offender a mandatory prison term that is 596
either a definite prison term of six months or one of the prison 597
terms prescribed in division (A) of this section for felonies of 598
the same degree as the violation, except that if the violation 599
is a felony of the first or second degree committed on or after 600
the effective date of this amendment, the court shall impose as 601
the minimum prison term under division (A) (1) (a) or (2) (a) of 602
this section a mandatory term that is one of the terms 603
prescribed in that division, whichever is applicable, for the 604
offense. 605

(9) (a) If an offender is convicted of or pleads guilty to 606
a violation of division (A) (1) or (2) of section 2903.11 of the 607
Revised Code and also is convicted of or pleads guilty to a 608
specification of the type described in section 2941.1425 of the 609
Revised Code, the court shall impose on the offender a mandatory 610
prison term of six years if either of the following applies: 611

(i) The violation is a violation of division (A) (1) of 612
section 2903.11 of the Revised Code and the specification 613
charges that the offender used an accelerant in committing the 614
violation and the serious physical harm to another or to 615
another's unborn caused by the violation resulted in a 616
permanent, serious disfigurement or permanent, substantial 617
incapacity; 618

(ii) The violation is a violation of division (A) (2) of 619
section 2903.11 of the Revised Code and the specification 620
charges that the offender used an accelerant in committing the 621
violation, that the violation caused physical harm to another or 622
to another's unborn, and that the physical harm resulted in a 623

permanent, serious disfigurement or permanent, substantial 624
incapacity. 625

(b) If a court imposes a prison term on an offender under 626
division (B) (9) (a) of this section, the prison term shall not be 627
reduced pursuant to section 2929.20, section 2967.19, section 628
2967.193, or any other provision of Chapter 2967. or Chapter 629
5120. of the Revised Code. A court shall not impose more than 630
one prison term on an offender under division (B) (9) of this 631
section for felonies committed as part of the same act. 632

(c) The provisions of divisions (B) (9) and (C) (6) of this 633
section and of division (D) (2) of section 2903.11, division (F) 634
(20) of section 2929.13, and section 2941.1425 of the Revised 635
Code shall be known as "Judy's Law." 636

(10) If an offender is convicted of or pleads guilty to a 637
violation of division (A) of section 2903.11 of the Revised Code 638
and also is convicted of or pleads guilty to a specification of 639
the type described in section 2941.1426 of the Revised Code that 640
charges that the victim of the offense suffered permanent 641
disabling harm as a result of the offense and that the victim 642
was under ten years of age at the time of the offense, 643
regardless of whether the offender knew the age of the victim, 644
the court shall impose upon the offender an additional definite 645
prison term of six years. A prison term imposed on an offender 646
under division (B) (10) of this section shall not be reduced 647
pursuant to section 2929.20, section 2967.193, or any other 648
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 649
If a court imposes an additional prison term on an offender 650
under this division relative to a violation of division (A) of 651
section 2903.11 of the Revised Code, the court shall not impose 652
any other additional prison term on the offender relative to the 653

same offense. 654

(11) If an offender is convicted of or pleads guilty to a 655
felony violation of section 2925.03 or 2925.05 of the Revised 656
Code or a felony violation of section 2925.11 of the Revised 657
Code for which division (C)(11) of that section applies in 658
determining the sentence for the violation, if the drug involved 659
in the violation is a fentanyl-related compound or a compound, 660
mixture, preparation, or substance containing a fentanyl-related 661
compound, and if the offender also is convicted of or pleads 662
guilty to a specification of the type described in division (B) 663
of section 2941.1410 of the Revised Code that charges that the 664
offender is a major drug offender, in addition to any other 665
penalty imposed for the violation, the court shall impose on the 666
offender a mandatory prison term of three, four, five, six, 667
seven, or eight years. If a court imposes a prison term on an 668
offender under division (B)(11) of this section, the prison 669
term, subject to divisions (C) to (I) of section 2967.19 of the 670
Revised Code, shall not be reduced pursuant to section 2929.20, 671
2967.19, or 2967.193, or any other provision of Chapter 2967. or 672
5120. of the Revised Code. A court shall not impose more than 673
one prison term on an offender under division (B)(11) of this 674
section for felonies committed as part of the same act. 675

(C)(1)(a) Subject to division (C)(1)(b) of this section, 676
if a mandatory prison term is imposed upon an offender pursuant 677
to division (B)(1)(a) of this section for having a firearm on or 678
about the offender's person or under the offender's control 679
while committing a felony, if a mandatory prison term is imposed 680
upon an offender pursuant to division (B)(1)(c) of this section 681
for committing a felony specified in that division by 682
discharging a firearm from a motor vehicle, or if both types of 683
mandatory prison terms are imposed, the offender shall serve any 684

mandatory prison term imposed under either division 685
consecutively to any other mandatory prison term imposed under 686
either division or under division (B) (1) (d) of this section, 687
consecutively to and prior to any prison term imposed for the 688
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 689
this section or any other section of the Revised Code, and 690
consecutively to any other prison term or mandatory prison term 691
previously or subsequently imposed upon the offender. 692

(b) If a mandatory prison term is imposed upon an offender 693
pursuant to division (B) (1) (d) of this section for wearing or 694
carrying body armor while committing an offense of violence that 695
is a felony, the offender shall serve the mandatory term so 696
imposed consecutively to any other mandatory prison term imposed 697
under that division or under division (B) (1) (a) or (c) of this 698
section, consecutively to and prior to any prison term imposed 699
for the underlying felony under division (A), (B) (2), or (B) (3) 700
of this section or any other section of the Revised Code, and 701
consecutively to any other prison term or mandatory prison term 702
previously or subsequently imposed upon the offender. 703

(c) If a mandatory prison term is imposed upon an offender 704
pursuant to division (B) (1) (f) of this section, the offender 705
shall serve the mandatory prison term so imposed consecutively 706
to and prior to any prison term imposed for the underlying 707
felony under division (A), (B) (2), or (B) (3) of this section or 708
any other section of the Revised Code, and consecutively to any 709
other prison term or mandatory prison term previously or 710
subsequently imposed upon the offender. 711

(d) If a mandatory prison term is imposed upon an offender 712
pursuant to division (B) (7) or (8) of this section, the offender 713
shall serve the mandatory prison term so imposed consecutively 714

to any other mandatory prison term imposed under that division 715
or under any other provision of law and consecutively to any 716
other prison term or mandatory prison term previously or 717
subsequently imposed upon the offender. 718

(e) If a mandatory prison term is imposed upon an offender 719
pursuant to division (B) (10) of this section, the offender shall 720
serve the mandatory prison term consecutively to any other 721
mandatory prison term imposed under that division, consecutively 722
to and prior to any prison term imposed for the underlying 723
felony, and consecutively to any other prison term or mandatory 724
prison term previously or subsequently imposed upon the 725
offender. 726

(2) If an offender who is an inmate in a jail, prison, or 727
other residential detention facility violates section 2917.02, 728
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 729
(2) of section 2921.34 of the Revised Code, if an offender who 730
is under detention at a detention facility commits a felony 731
violation of section 2923.131 of the Revised Code, or if an 732
offender who is an inmate in a jail, prison, or other 733
residential detention facility or is under detention at a 734
detention facility commits another felony while the offender is 735
an escapee in violation of division (A) (1) or (2) of section 736
2921.34 of the Revised Code, any prison term imposed upon the 737
offender for one of those violations shall be served by the 738
offender consecutively to the prison term or term of 739
imprisonment the offender was serving when the offender 740
committed that offense and to any other prison term previously 741
or subsequently imposed upon the offender. 742

(3) If a prison term is imposed for a violation of 743
division (B) of section 2911.01 of the Revised Code, a violation 744

of division (A) of section 2913.02 of the Revised Code in which 745
the stolen property is a firearm or dangerous ordnance, or a 746
felony violation of division (B) of section 2921.331 of the 747
Revised Code, the offender shall serve that prison term 748
consecutively to any other prison term or mandatory prison term 749
previously or subsequently imposed upon the offender. 750

(4) If multiple prison terms are imposed on an offender 751
for convictions of multiple offenses, the court may require the 752
offender to serve the prison terms consecutively if the court 753
finds that the consecutive service is necessary to protect the 754
public from future crime or to punish the offender and that 755
consecutive sentences are not disproportionate to the 756
seriousness of the offender's conduct and to the danger the 757
offender poses to the public, and if the court also finds any of 758
the following: 759

(a) The offender committed one or more of the multiple 760
offenses while the offender was awaiting trial or sentencing, 761
was under a sanction imposed pursuant to section 2929.16, 762
2929.17, or 2929.18 of the Revised Code, or was under post- 763
release control for a prior offense. 764

(b) At least two of the multiple offenses were committed 765
as part of one or more courses of conduct, and the harm caused 766
by two or more of the multiple offenses so committed was so 767
great or unusual that no single prison term for any of the 768
offenses committed as part of any of the courses of conduct 769
adequately reflects the seriousness of the offender's conduct. 770

(c) The offender's history of criminal conduct 771
demonstrates that consecutive sentences are necessary to protect 772
the public from future crime by the offender. 773

(5) If a mandatory prison term is imposed upon an offender 774
pursuant to division (B) (5) or (6) of this section, the offender 775
shall serve the mandatory prison term consecutively to and prior 776
to any prison term imposed for the underlying violation of 777
division (A) (1) or (2) of section 2903.06 of the Revised Code 778
pursuant to division (A) of this section or section 2929.142 of 779
the Revised Code. If a mandatory prison term is imposed upon an 780
offender pursuant to division (B) (5) of this section, and if a 781
mandatory prison term also is imposed upon the offender pursuant 782
to division (B) (6) of this section in relation to the same 783
violation, the offender shall serve the mandatory prison term 784
imposed pursuant to division (B) (5) of this section 785
consecutively to and prior to the mandatory prison term imposed 786
pursuant to division (B) (6) of this section and consecutively to 787
and prior to any prison term imposed for the underlying 788
violation of division (A) (1) or (2) of section 2903.06 of the 789
Revised Code pursuant to division (A) of this section or section 790
2929.142 of the Revised Code. 791

(6) If a mandatory prison term is imposed on an offender 792
pursuant to division (B) (9) of this section, the offender shall 793
serve the mandatory prison term consecutively to and prior to 794
any prison term imposed for the underlying violation of division 795
(A) (1) or (2) of section 2903.11 of the Revised Code and 796
consecutively to and prior to any other prison term or mandatory 797
prison term previously or subsequently imposed on the offender. 798

(7) If a mandatory prison term is imposed on an offender 799
pursuant to division (B) (10) of this section, the offender shall 800
serve that mandatory prison term consecutively to and prior to 801
any prison term imposed for the underlying felonious assault. 802
Except as otherwise provided in division (C) of this section, 803
any other prison term or mandatory prison term previously or 804

subsequently imposed upon the offender may be served 805
concurrently with, or consecutively to, the prison term imposed 806
pursuant to division (B)(10) of this section. 807

(8) Any prison term imposed for a violation of section 808
2903.04 of the Revised Code that is based on a violation of 809
section 2925.03 or 2925.11 of the Revised Code or on a violation 810
of section 2925.05 of the Revised Code that is not funding of 811
marihuana trafficking shall run consecutively to any prison term 812
imposed for the violation of section 2925.03 or 2925.11 of the 813
Revised Code or for the violation of section 2925.05 of the 814
Revised Code that is not funding of marihuana trafficking. 815

(9) When consecutive prison terms are imposed pursuant to 816
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 817
division (H)(1) or (2) of this section, subject to division (C) 818
(8) of this section, the term to be served is the aggregate of 819
all of the terms so imposed. 820

(10) When a court sentences an offender to a non-life 821
felony indefinite prison term, any definite prison term or 822
mandatory definite prison term previously or subsequently 823
imposed on the offender in addition to that indefinite sentence 824
that is required to be served consecutively to that indefinite 825
sentence shall be served prior to the indefinite sentence. 826

(11) If a court is sentencing an offender for a felony of 827
the first or second degree, if division (A)(1)(a) or (2)(a) of 828
this section applies with respect to the sentencing for the 829
offense, and if the court is required under the Revised Code 830
section that sets forth the offense or any other Revised Code 831
provision to impose a mandatory prison term for the offense, the 832
court shall impose the required mandatory prison term as the 833
minimum term imposed under division (A)(1)(a) or (2)(a) of this 834

section, whichever is applicable. 835

(D) (1) If a court imposes a prison term, other than a term 836
of life imprisonment, for a felony of the first degree, for a 837
felony of the second degree, for a felony sex offense, or for a 838
felony of the third degree that is an offense of violence and 839
that is not a felony sex offense, it shall include in the 840
sentence a requirement that the offender be subject to a period 841
of post-release control after the offender's release from 842
imprisonment, in accordance with section 2967.28 of the Revised 843
Code. If a court imposes a sentence including a prison term of a 844
type described in this division on or after July 11, 2006, the 845
failure of a court to include a post-release control requirement 846
in the sentence pursuant to this division does not negate, 847
limit, or otherwise affect the mandatory period of post-release 848
control that is required for the offender under division (B) of 849
section 2967.28 of the Revised Code. Section 2929.191 of the 850
Revised Code applies if, prior to July 11, 2006, a court imposed 851
a sentence including a prison term of a type described in this 852
division and failed to include in the sentence pursuant to this 853
division a statement regarding post-release control. 854

(2) If a court imposes a prison term for a felony of the 855
third, fourth, or fifth degree that is not subject to division 856
(D) (1) of this section, it shall include in the sentence a 857
requirement that the offender be subject to a period of post- 858
release control after the offender's release from imprisonment, 859
in accordance with that division, if the parole board determines 860
that a period of post-release control is necessary. Section 861
2929.191 of the Revised Code applies if, prior to July 11, 2006, 862
a court imposed a sentence including a prison term of a type 863
described in this division and failed to include in the sentence 864
pursuant to this division a statement regarding post-release 865

control. 866

(E) The court shall impose sentence upon the offender in 867
accordance with section 2971.03 of the Revised Code, and Chapter 868
2971. of the Revised Code applies regarding the prison term or 869
term of life imprisonment without parole imposed upon the 870
offender and the service of that term of imprisonment if any of 871
the following apply: 872

(1) A person is convicted of or pleads guilty to a violent 873
sex offense or a designated homicide, assault, or kidnapping 874
offense, and, in relation to that offense, the offender is 875
adjudicated a sexually violent predator. 876

(2) A person is convicted of or pleads guilty to a 877
violation of division (A) (1) (b) of section 2907.02 of the 878
Revised Code committed on or after January 2, 2007, and either 879
the court does not impose a sentence of life without parole when 880
authorized pursuant to division (B) of section 2907.02 of the 881
Revised Code, or division (B) of section 2907.02 of the Revised 882
Code provides that the court shall not sentence the offender 883
pursuant to section 2971.03 of the Revised Code. 884

(3) A person is convicted of or pleads guilty to attempted 885
rape committed on or after January 2, 2007, and a specification 886
of the type described in section 2941.1418, 2941.1419, or 887
2941.1420 of the Revised Code. 888

(4) A person is convicted of or pleads guilty to a 889
violation of section 2905.01 of the Revised Code committed on or 890
after January 1, 2008, and that section requires the court to 891
sentence the offender pursuant to section 2971.03 of the Revised 892
Code. 893

(5) A person is convicted of or pleads guilty to 894

aggravated murder committed on or after January 1, 2008, and 895
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 896
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 897
(d) of section 2929.03, or division (A) or (B) of section 898
2929.06 of the Revised Code requires the court to sentence the 899
offender pursuant to division (B) (3) of section 2971.03 of the 900
Revised Code. 901

(6) A person is convicted of or pleads guilty to murder 902
committed on or after January 1, 2008, and division (B) (2) of 903
section 2929.02 of the Revised Code requires the court to 904
sentence the offender pursuant to section 2971.03 of the Revised 905
Code. 906

(F) If a person who has been convicted of or pleaded 907
guilty to a felony is sentenced to a prison term or term of 908
imprisonment under this section, sections 2929.02 to 2929.06 of 909
the Revised Code, section 2929.142 of the Revised Code, section 910
2971.03 of the Revised Code, or any other provision of law, 911
section 5120.163 of the Revised Code applies regarding the 912
person while the person is confined in a state correctional 913
institution. 914

(G) If an offender who is convicted of or pleads guilty to 915
a felony that is an offense of violence also is convicted of or 916
pleads guilty to a specification of the type described in 917
section 2941.142 of the Revised Code that charges the offender 918
with having committed the felony while participating in a 919
criminal gang, the court shall impose upon the offender an 920
additional prison term of one, two, or three years. 921

(H) (1) If an offender who is convicted of or pleads guilty 922
to aggravated murder, murder, or a felony of the first, second, 923
or third degree that is an offense of violence also is convicted 924

of or pleads guilty to a specification of the type described in 925
section 2941.143 of the Revised Code that charges the offender 926
with having committed the offense in a school safety zone or 927
towards a person in a school safety zone, the court shall impose 928
upon the offender an additional prison term of two years. The 929
offender shall serve the additional two years consecutively to 930
and prior to the prison term imposed for the underlying offense. 931

(2) (a) If an offender is convicted of or pleads guilty to 932
a felony violation of section 2907.22, 2907.24, 2907.241, or 933
2907.25 of the Revised Code and to a specification of the type 934
described in section 2941.1421 of the Revised Code and if the 935
court imposes a prison term on the offender for the felony 936
violation, the court may impose upon the offender an additional 937
prison term as follows: 938

(i) Subject to division (H) (2) (a) (ii) of this section, an 939
additional prison term of one, two, three, four, five, or six 940
months; 941

(ii) If the offender previously has been convicted of or 942
pleaded guilty to one or more felony or misdemeanor violations 943
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 944
the Revised Code and also was convicted of or pleaded guilty to 945
a specification of the type described in section 2941.1421 of 946
the Revised Code regarding one or more of those violations, an 947
additional prison term of one, two, three, four, five, six, 948
seven, eight, nine, ten, eleven, or twelve months. 949

(b) In lieu of imposing an additional prison term under 950
division (H) (2) (a) of this section, the court may directly 951
impose on the offender a sanction that requires the offender to 952
wear a real-time processing, continual tracking electronic 953
monitoring device during the period of time specified by the 954

court. The period of time specified by the court shall equal the 955
duration of an additional prison term that the court could have 956
imposed upon the offender under division (H) (2) (a) of this 957
section. A sanction imposed under this division shall commence 958
on the date specified by the court, provided that the sanction 959
shall not commence until after the offender has served the 960
prison term imposed for the felony violation of section 2907.22, 961
2907.24, 2907.241, or 2907.25 of the Revised Code and any 962
residential sanction imposed for the violation under section 963
2929.16 of the Revised Code. A sanction imposed under this 964
division shall be considered to be a community control sanction 965
for purposes of section 2929.15 of the Revised Code, and all 966
provisions of the Revised Code that pertain to community control 967
sanctions shall apply to a sanction imposed under this division, 968
except to the extent that they would by their nature be clearly 969
inapplicable. The offender shall pay all costs associated with a 970
sanction imposed under this division, including the cost of the 971
use of the monitoring device. 972

(I) At the time of sentencing, the court may recommend the 973
offender for placement in a program of shock incarceration under 974
section 5120.031 of the Revised Code or for placement in an 975
intensive program prison under section 5120.032 of the Revised 976
Code, disapprove placement of the offender in a program of shock 977
incarceration or an intensive program prison of that nature, or 978
make no recommendation on placement of the offender. In no case 979
shall the department of rehabilitation and correction place the 980
offender in a program or prison of that nature unless the 981
department determines as specified in section 5120.031 or 982
5120.032 of the Revised Code, whichever is applicable, that the 983
offender is eligible for the placement. 984

If the court disapproves placement of the offender in a 985

program or prison of that nature, the department of 986
rehabilitation and correction shall not place the offender in 987
any program of shock incarceration or intensive program prison. 988

If the court recommends placement of the offender in a 989
program of shock incarceration or in an intensive program 990
prison, and if the offender is subsequently placed in the 991
recommended program or prison, the department shall notify the 992
court of the placement and shall include with the notice a brief 993
description of the placement. 994

If the court recommends placement of the offender in a 995
program of shock incarceration or in an intensive program prison 996
and the department does not subsequently place the offender in 997
the recommended program or prison, the department shall send a 998
notice to the court indicating why the offender was not placed 999
in the recommended program or prison. 1000

If the court does not make a recommendation under this 1001
division with respect to an offender and if the department 1002
determines as specified in section 5120.031 or 5120.032 of the 1003
Revised Code, whichever is applicable, that the offender is 1004
eligible for placement in a program or prison of that nature, 1005
the department shall screen the offender and determine if there 1006
is an available program of shock incarceration or an intensive 1007
program prison for which the offender is suited. If there is an 1008
available program of shock incarceration or an intensive program 1009
prison for which the offender is suited, the department shall 1010
notify the court of the proposed placement of the offender as 1011
specified in section 5120.031 or 5120.032 of the Revised Code 1012
and shall include with the notice a brief description of the 1013
placement. The court shall have ten days from receipt of the 1014
notice to disapprove the placement. 1015

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

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20 or 2967.19 or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, or a sentence to an indefinite prison term under this chapter for

an offense committed when the offender was less than eighteen 1046
years of age, the offender's parole eligibility shall be 1047
determined under section 2967.132 of the Revised Code. 1048

Sec. 2967.13. (A) Except as provided in division (G) of 1049
this section and section 2967.132 of the Revised Code, a 1050
prisoner serving a sentence of imprisonment for life for an 1051
offense committed on or after July 1, 1996, is not entitled to 1052
any earned credit under section 2967.193 of the Revised Code and 1053
becomes eligible for parole as follows: 1054

(1) If a sentence of imprisonment for life was imposed for 1055
the offense of murder, at the expiration of the prisoner's 1056
minimum term; 1057

(2) If a sentence of imprisonment for life with parole 1058
eligibility after serving twenty years of imprisonment was 1059
imposed pursuant to section 2929.022 or 2929.03 of the Revised 1060
Code, after serving a term of twenty years; 1061

(3) If a sentence of imprisonment for life with parole 1062
eligibility after serving twenty-five full years of imprisonment 1063
was imposed pursuant to section 2929.022 or 2929.03 of the 1064
Revised Code, after serving a term of twenty-five full years; 1065

(4) If a sentence of imprisonment for life with parole 1066
eligibility after serving thirty full years of imprisonment was 1067
imposed pursuant to section 2929.022 or 2929.03 of the Revised 1068
Code, after serving a term of thirty full years; 1069

(5) If a sentence of imprisonment for life was imposed for 1070
rape, after serving a term of ten full years' imprisonment; 1071

(6) If a sentence of imprisonment for life with parole 1072
eligibility after serving fifteen years of imprisonment was 1073
imposed for a violation of section 2927.24 of the Revised Code, 1074

after serving a term of fifteen years. 1075

(B) Except as provided in division (G) of this section and 1076
section 2967.132 of the Revised Code, a prisoner serving a 1077
sentence of imprisonment for life with parole eligibility after 1078
serving twenty years of imprisonment or a sentence of 1079
imprisonment for life with parole eligibility after serving 1080
twenty-five full years or thirty full years of imprisonment 1081
imposed pursuant to section 2929.022 or 2929.03 of the Revised 1082
Code for an offense committed on or after July 1, 1996, 1083
consecutively to any other term of imprisonment, becomes 1084
eligible for parole after serving twenty years, twenty full 1085
years, or thirty full years, as applicable, as to each such 1086
sentence of life imprisonment, which shall not be reduced for 1087
earned credits under section 2967.193 of the Revised Code, plus 1088
the term or terms of the other sentences consecutively imposed 1089
or, if one of the other sentences is another type of life 1090
sentence with parole eligibility, the number of years before 1091
parole eligibility for that sentence. 1092

(C) Except as provided in division (G) of this section and 1093
section 2967.132 of the Revised Code, a prisoner serving 1094
consecutively two or more sentences in which an indefinite term 1095
of imprisonment is imposed becomes eligible for parole upon the 1096
expiration of the aggregate of the minimum terms of the 1097
sentences. 1098

(D) Except as provided in division (G) of this section and 1099
section 2967.132 of the Revised Code, a prisoner serving a term 1100
of imprisonment who is described in division (A) of section 1101
2967.021 of the Revised Code becomes eligible for parole as 1102
described in that division or, if the prisoner is serving a 1103
definite term of imprisonment, shall be released as described in 1104

that division. 1105

(E) ~~A~~ Except as provided in section 2967.132 of the 1106
Revised Code, a prisoner serving a sentence of life imprisonment 1107
without parole imposed pursuant to section 2907.02 or section 1108
2929.03 or 2929.06 of the Revised Code is not eligible for 1109
parole and shall be imprisoned until death. 1110

(F) A prisoner serving a stated prison term that is a non- 1111
life felony indefinite prison term shall be released in 1112
accordance with sections 2967.271 and 2967.28 of the Revised 1113
Code. A prisoner serving a stated prison term of any other 1114
nature shall be released in accordance with section 2967.28 of 1115
the Revised Code. 1116

(G) ~~A~~ Except as provided in section 2967.132 of the 1117
Revised Code, a prisoner serving a prison term or term of life 1118
imprisonment without parole imposed pursuant to section 2971.03 1119
of the Revised Code never becomes eligible for parole during 1120
that term of imprisonment. 1121

Sec. 2967.132. (A) (1) It is the intent of the general 1122
assembly, in enacting this section, to implement the decisions 1123
of the Supreme Court of the United States in Miller v. Alabama, 1124
567 U.S. 460, 132 S.Ct. 2455, 183 L. Ed. 2d 407 (2012) and 1125
Graham v. Florida, 560 U.S. 48, 130 S.Ct. 2011, 176 L. Ed. 2d 1126
825 (2010). 1127

(2) This section applies to any prisoner serving a prison 1128
sentence for an offense or offenses that occurred when the 1129
prisoner was less than eighteen years of age. Regardless of 1130
whether the prisoner's stated prison term includes mandatory 1131
time, this section shall apply automatically and cannot be 1132
limited by the sentencing court. 1133

(B) Notwithstanding any provision of the Revised Code to 1134
the contrary, and regardless of when the offense or offenses 1135
were committed and when the sentence was imposed, a prisoner who 1136
was under eighteen years of age at the time of the offense for 1137
which the prisoner is serving a prison sentence is eligible for 1138
parole as follows: 1139

(1) If the prisoner's stated prison term totals at least 1140
fifteen years, the prisoner is eligible for parole after serving 1141
fifteen years in prison. 1142

(2) If the prisoner is serving a sentence that permits 1143
parole only after fifteen years or more, the prisoner is 1144
eligible for parole after serving fifteen years. 1145

(3) If the prisoner is serving a sentence of life without 1146
parole, the prisoner is eligible for parole upon attaining forty 1147
years of age. 1148

(4) If the prisoner is serving a sentence described in 1149
division (B) (1), (2), or (3) of this section consecutively to 1150
another term of imprisonment, the prisoner is eligible for 1151
parole on the later date applicable to those sentences, but not 1152
later than when the prisoner attains forty years of age. 1153

(5) If the prisoner is serving a sentence described in 1154
division (B) (1), (2), (3), or (4) of this section and, upon the 1155
effective date of this section, the parole eligibility date 1156
specified in the applicable division has been reached, the 1157
prisoner is eligible for parole immediately upon the effective 1158
date of this section. 1159

(C) Once a prisoner is eligible for parole pursuant to 1160
division (B) of this section, the parole board shall, within a 1161
reasonable time after the prisoner becomes eligible, conduct a 1162

hearing to consider the prisoner's release onto parole 1163
supervision. The board shall conduct the hearing in accordance 1164
with Chapters 2930., 2967., and 5149. of the Revised Code and in 1165
accordance with the board's policies and procedures. Those 1166
policies and procedures must permit the prisoner's privately 1167
retained counsel or the Ohio public defender to appear at the 1168
prisoner's hearing to make a statement in support of the 1169
prisoner's release. 1170

The parole board shall ensure that the review process 1171
provides the prisoner a meaningful opportunity to obtain 1172
release. In addition to any other factors the board is required 1173
or authorized to consider by rule or statute, the board shall 1174
consider the following factors as mitigation: 1175

(1) The age of the offender at the time of the offense; 1176

(2) The diminished culpability of youth; 1177

(3) Common characteristics of youth, including immaturity 1178
and failure to appreciate risks and consequences; 1179

(4) The family and home environment of the offender at the 1180
time of the offense; 1181

(5) Any subsequent growth or increase in the prisoner's 1182
maturity during imprisonment. 1183

(D) In accordance with section 2967.131 of the Revised 1184
Code, the parole board shall impose appropriate terms and 1185
conditions of release upon each prisoner granted a parole under 1186
this section. 1187

(E) If the parole board denies release pursuant to this 1188
section, the board shall conduct a subsequent release review not 1189
later than ten years after release was denied. 1190

(F) In addition to any notice required by rule or statute, 1191
the parole board shall notify the Ohio public defender and the 1192
appropriate prosecuting attorney of a prisoner's eligibility for 1193
review under this section at least sixty days before the board 1194
begins any review or proceedings involving that prisoner under 1195
this section. 1196

(G) This section shall apply to determine the parole 1197
eligibility of all prisoners described in this section who 1198
committed an offense prior to, on, or after the effective date 1199
of this section, regardless of when the prisoner was sentenced 1200
for the offense. 1201

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 1202
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 1203
another section of the Revised Code, other than divisions (B) 1204
and (C) of section 2929.14 of the Revised Code, that authorizes 1205
or requires a specified prison term or a mandatory prison term 1206
for a person who is convicted of or pleads guilty to a felony or 1207
that specifies the manner and place of service of a prison term 1208
or term of imprisonment, the court shall impose a sentence upon 1209
a person who is convicted of or pleads guilty to a violent sex 1210
offense and who also is convicted of or pleads guilty to a 1211
sexually violent predator specification that was included in the 1212
indictment, count in the indictment, or information charging 1213
that offense, and upon a person who is convicted of or pleads 1214
guilty to a designated homicide, assault, or kidnapping offense 1215
and also is convicted of or pleads guilty to both a sexual 1216
motivation specification and a sexually violent predator 1217
specification that were included in the indictment, count in the 1218
indictment, or information charging that offense, as follows: 1219

(1) If the offense for which the sentence is being imposed 1220

is aggravated murder and if the court does not impose upon the 1221
offender a sentence of death, it shall impose upon the offender 1222
a term of life imprisonment without parole. If the court 1223
sentences the offender to death and the sentence of death is 1224
vacated, overturned, or otherwise set aside, the court shall 1225
impose upon the offender a term of life imprisonment without 1226
parole. 1227

(2) If the offense for which the sentence is being imposed 1228
is murder; or if the offense is rape committed in violation of 1229
division (A) (1) (b) of section 2907.02 of the Revised Code when 1230
the offender purposely compelled the victim to submit by force 1231
or threat of force, when the victim was less than ten years of 1232
age, when the offender previously has been convicted of or 1233
pleaded guilty to either rape committed in violation of that 1234
division or a violation of an existing or former law of this 1235
state, another state, or the United States that is substantially 1236
similar to division (A) (1) (b) of section 2907.02 of the Revised 1237
Code, or when the offender during or immediately after the 1238
commission of the rape caused serious physical harm to the 1239
victim; or if the offense is an offense other than aggravated 1240
murder or murder for which a term of life imprisonment may be 1241
imposed, it shall impose upon the offender a term of life 1242
imprisonment without parole. 1243

(3) (a) Except as otherwise provided in division (A) (3) (b), 1244
(c), (d), or (e) or (A) (4) of this section, if the offense for 1245
which the sentence is being imposed is an offense other than 1246
aggravated murder, murder, or rape and other than an offense for 1247
which a term of life imprisonment may be imposed, it shall 1248
impose an indefinite prison term consisting of a minimum term 1249
fixed by the court as described in this division, but not less 1250
than two years, and a maximum term of life imprisonment. Except 1251

as otherwise specified in this division, the minimum term shall 1252
be fixed by the court from among the range of terms available as 1253
a definite term for the offense. If the offense is a felony of 1254
the first or second degree committed on or after ~~the effective~~ 1255
~~date of this amendment~~ March 22, 2019, the minimum term shall be 1256
fixed by the court from among the range of terms available as a 1257
minimum term for the offense under division (A) (1) (a) or (2) (a) 1258
of that section. 1259

(b) Except as otherwise provided in division (A) (4) of 1260
this section, if the offense for which the sentence is being 1261
imposed is kidnapping that is a felony of the first degree, it 1262
shall impose an indefinite prison term as follows: 1263

(i) If the kidnapping is committed on or after January 1, 1264
2008, and the victim of the offense is less than thirteen years 1265
of age, except as otherwise provided in this division, it shall 1266
impose an indefinite prison term consisting of a minimum term of 1267
fifteen years and a maximum term of life imprisonment. If the 1268
kidnapping is committed on or after January 1, 2008, the victim 1269
of the offense is less than thirteen years of age, and the 1270
offender released the victim in a safe place unharmed, it shall 1271
impose an indefinite prison term consisting of a minimum term of 1272
ten years and a maximum term of life imprisonment. 1273

(ii) If the kidnapping is committed prior to January 1, 1274
2008, or division (A) (3) (b) (i) of this section does not apply, 1275
it shall impose an indefinite term consisting of a minimum term 1276
fixed by the court that is not less than ten years and a maximum 1277
term of life imprisonment. 1278

(c) Except as otherwise provided in division (A) (4) of 1279
this section, if the offense for which the sentence is being 1280
imposed is kidnapping that is a felony of the second degree, it 1281

shall impose an indefinite prison term consisting of a minimum 1282
term fixed by the court that is not less than eight years, and a 1283
maximum term of life imprisonment. 1284

(d) Except as otherwise provided in division (A) (4) of 1285
this section, if the offense for which the sentence is being 1286
imposed is rape for which a term of life imprisonment is not 1287
imposed under division (A) (2) of this section or division (B) of 1288
section 2907.02 of the Revised Code, it shall impose an 1289
indefinite prison term as follows: 1290

(i) If the rape is committed on or after January 2, 2007, 1291
in violation of division (A) (1) (b) of section 2907.02 of the 1292
Revised Code, it shall impose an indefinite prison term 1293
consisting of a minimum term of twenty-five years and a maximum 1294
term of life imprisonment. 1295

(ii) If the rape is committed prior to January 2, 2007, or 1296
the rape is committed on or after January 2, 2007, other than in 1297
violation of division (A) (1) (b) of section 2907.02 of the 1298
Revised Code, it shall impose an indefinite prison term 1299
consisting of a minimum term fixed by the court that is not less 1300
than ten years, and a maximum term of life imprisonment. 1301

(e) Except as otherwise provided in division (A) (4) of 1302
this section, if the offense for which sentence is being imposed 1303
is attempted rape, it shall impose an indefinite prison term as 1304
follows: 1305

(i) Except as otherwise provided in division (A) (3) (e) 1306
(ii), (iii), or (iv) of this section, it shall impose an 1307
indefinite prison term pursuant to division (A) (3) (a) of this 1308
section. 1309

(ii) If the attempted rape for which sentence is being 1310

imposed was committed on or after January 2, 2007, and if the 1311
offender also is convicted of or pleads guilty to a 1312
specification of the type described in section 2941.1418 of the 1313
Revised Code, it shall impose an indefinite prison term 1314
consisting of a minimum term of five years and a maximum term of 1315
twenty-five years. 1316

(iii) If the attempted rape for which sentence is being 1317
imposed was committed on or after January 2, 2007, and if the 1318
offender also is convicted of or pleads guilty to a 1319
specification of the type described in section 2941.1419 of the 1320
Revised Code, it shall impose an indefinite prison term 1321
consisting of a minimum term of ten years and a maximum of life 1322
imprisonment. 1323

(iv) If the attempted rape for which sentence is being 1324
imposed was committed on or after January 2, 2007, and if the 1325
offender also is convicted of or pleads guilty to a 1326
specification of the type described in section 2941.1420 of the 1327
Revised Code, it shall impose an indefinite prison term 1328
consisting of a minimum term of fifteen years and a maximum of 1329
life imprisonment. 1330

(4) For any offense for which the sentence is being 1331
imposed, if the offender previously has been convicted of or 1332
pleaded guilty to a violent sex offense and also to a sexually 1333
violent predator specification that was included in the 1334
indictment, count in the indictment, or information charging 1335
that offense, or previously has been convicted of or pleaded 1336
guilty to a designated homicide, assault, or kidnapping offense 1337
and also to both a sexual motivation specification and a 1338
sexually violent predator specification that were included in 1339
the indictment, count in the indictment, or information charging 1340

that offense, it shall impose upon the offender a term of life 1341
imprisonment without parole. 1342

(B) (1) Notwithstanding section 2929.13, division (A) or 1343
(D) of section 2929.14, or another section of the Revised Code 1344
other than division (B) of section 2907.02 or divisions (B) and 1345
(C) of section 2929.14 of the Revised Code that authorizes or 1346
requires a specified prison term or a mandatory prison term for 1347
a person who is convicted of or pleads guilty to a felony or 1348
that specifies the manner and place of service of a prison term 1349
or term of imprisonment, if a person is convicted of or pleads 1350
guilty to a violation of division (A) (1) (b) of section 2907.02 1351
of the Revised Code committed on or after January 2, 2007, if 1352
division (A) of this section does not apply regarding the 1353
person, and if the court does not impose a sentence of life 1354
without parole when authorized pursuant to division (B) of 1355
section 2907.02 of the Revised Code, the court shall impose upon 1356
the person an indefinite prison term consisting of one of the 1357
following: 1358

(a) Except as otherwise required in division (B) (1) (b) or 1359
(c) of this section, a minimum term of ten years and a maximum 1360
term of life imprisonment. 1361

(b) If the victim was less than ten years of age, a 1362
minimum term of fifteen years and a maximum of life 1363
imprisonment. 1364

(c) If the offender purposely compels the victim to submit 1365
by force or threat of force, or if the offender previously has 1366
been convicted of or pleaded guilty to violating division (A) (1) 1367
(b) of section 2907.02 of the Revised Code or to violating an 1368
existing or former law of this state, another state, or the 1369
United States that is substantially similar to division (A) (1) 1370

(b) of that section, or if the offender during or immediately 1371
after the commission of the offense caused serious physical harm 1372
to the victim, a minimum term of twenty-five years and a maximum 1373
of life imprisonment. 1374

(2) Notwithstanding section 2929.13, division (A) or (D) 1375
of section 2929.14, or another section of the Revised Code other 1376
than divisions (B) and (C) of section 2929.14 of the Revised 1377
Code that authorizes or requires a specified prison term or a 1378
mandatory prison term for a person who is convicted of or pleads 1379
guilty to a felony or that specifies the manner and place of 1380
service of a prison term or term of imprisonment and except as 1381
otherwise provided in division (B) of section 2907.02 of the 1382
Revised Code, if a person is convicted of or pleads guilty to 1383
attempted rape committed on or after January 2, 2007, and if 1384
division (A) of this section does not apply regarding the 1385
person, the court shall impose upon the person an indefinite 1386
prison term consisting of one of the following: 1387

(a) If the person also is convicted of or pleads guilty to 1388
a specification of the type described in section 2941.1418 of 1389
the Revised Code, the court shall impose upon the person an 1390
indefinite prison term consisting of a minimum term of five 1391
years and a maximum term of twenty-five years. 1392

(b) If the person also is convicted of or pleads guilty to 1393
a specification of the type described in section 2941.1419 of 1394
the Revised Code, the court shall impose upon the person an 1395
indefinite prison term consisting of a minimum term of ten years 1396
and a maximum term of life imprisonment. 1397

(c) If the person also is convicted of or pleads guilty to 1398
a specification of the type described in section 2941.1420 of 1399
the Revised Code, the court shall impose upon the person an 1400

indefinite prison term consisting of a minimum term of fifteen 1401
years and a maximum term of life imprisonment. 1402

(3) Notwithstanding section 2929.13, division (A) or (D) 1403
of section 2929.14, or another section of the Revised Code other 1404
than divisions (B) and (C) of section 2929.14 of the Revised 1405
Code that authorizes or requires a specified prison term or a 1406
mandatory prison term for a person who is convicted of or pleads 1407
guilty to a felony or that specifies the manner and place of 1408
service of a prison term or term of imprisonment, if a person is 1409
convicted of or pleads guilty to an offense described in 1410
division (B) (3) (a), (b), (c), or (d) of this section committed 1411
on or after January 1, 2008, if the person also is convicted of 1412
or pleads guilty to a sexual motivation specification that was 1413
included in the indictment, count in the indictment, or 1414
information charging that offense, and if division (A) of this 1415
section does not apply regarding the person, the court shall 1416
impose upon the person an indefinite prison term consisting of 1417
one of the following: 1418

(a) An indefinite prison term consisting of a minimum of 1419
ten years and a maximum term of life imprisonment if the offense 1420
for which the sentence is being imposed is kidnapping, the 1421
victim of the offense is less than thirteen years of age, and 1422
the offender released the victim in a safe place unharmed; 1423

(b) An indefinite prison term consisting of a minimum of 1424
fifteen years and a maximum term of life imprisonment if the 1425
offense for which the sentence is being imposed is kidnapping 1426
when the victim of the offense is less than thirteen years of 1427
age and division (B) (3) (a) of this section does not apply; 1428

(c) An indefinite term consisting of a minimum of thirty 1429
years and a maximum term of life imprisonment if the offense for 1430

which the sentence is being imposed is aggravated murder, when 1431
the victim of the offense is less than thirteen years of age, a 1432
sentence of death or life imprisonment without parole is not 1433
imposed for the offense, and division (A) (2) (b) (ii) of section 1434
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 1435
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 1436
division (A) or (B) of section 2929.06 of the Revised Code 1437
requires that the sentence for the offense be imposed pursuant 1438
to this division; 1439

(d) An indefinite prison term consisting of a minimum of 1440
thirty years and a maximum term of life imprisonment if the 1441
offense for which the sentence is being imposed is murder when 1442
the victim of the offense is less than thirteen years of age. 1443

(C) (1) If the offender is sentenced to a prison term 1444
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 1445
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 1446
parole board shall have control over the offender's service of 1447
the term during the entire term unless the parole board 1448
terminates its control in accordance with section 2971.04 of the 1449
Revised Code. 1450

(2) Except as provided in division (C) (3) of this section, 1451
an offender sentenced to a prison term or term of life 1452
imprisonment without parole pursuant to division (A) of this 1453
section shall serve the entire prison term or term of life 1454
imprisonment in a state correctional institution. The offender 1455
is not eligible for judicial release under section 2929.20 of 1456
the Revised Code. 1457

(3) For a prison term imposed pursuant to division (A) (3), 1458
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 1459
(b), (c), or (d) of this section, the court, in accordance with 1460

section 2971.05 of the Revised Code, may terminate the prison term or modify the requirement that the offender serve the entire term in a state correctional institution if all of the following apply:

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

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

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

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

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

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

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

imposed upon the offender pursuant to division (A) of this 1490
section. 1491

(E) If the offender is convicted of or pleads guilty to 1492
two or more offenses for which a prison term or term of life 1493
imprisonment without parole is required to be imposed pursuant 1494
to division (A) of this section, divisions (A) to (D) of this 1495
section shall be applied for each offense. All minimum terms 1496
imposed upon the offender pursuant to division (A) (3) or (B) of 1497
this section for those offenses shall be aggregated and served 1498
consecutively, as if they were a single minimum term imposed 1499
under that division. 1500

(F) (1) If an offender is convicted of or pleads guilty to 1501
a violent sex offense and also is convicted of or pleads guilty 1502
to a sexually violent predator specification that was included 1503
in the indictment, count in the indictment, or information 1504
charging that offense, or is convicted of or pleads guilty to a 1505
designated homicide, assault, or kidnapping offense and also is 1506
convicted of or pleads guilty to both a sexual motivation 1507
specification and a sexually violent predator specification that 1508
were included in the indictment, count in the indictment, or 1509
information charging that offense, the conviction of or plea of 1510
guilty to the offense and the sexually violent predator 1511
specification automatically classifies the offender as a tier 1512
III sex offender/child-victim offender for purposes of Chapter 1513
2950. of the Revised Code. 1514

(2) If an offender is convicted of or pleads guilty to 1515
committing on or after January 2, 2007, a violation of division 1516
(A) (1) (b) of section 2907.02 of the Revised Code and either the 1517
offender is sentenced under section 2971.03 of the Revised Code 1518
or a sentence of life without parole is imposed under division 1519

(B) of section 2907.02 of the Revised Code, the conviction of or 1520
plea of guilty to the offense automatically classifies the 1521
offender as a tier III sex offender/child-victim offender for 1522
purposes of Chapter 2950. of the Revised Code. 1523

(3) If a person is convicted of or pleads guilty to 1524
committing on or after January 2, 2007, attempted rape and also 1525
is convicted of or pleads guilty to a specification of the type 1526
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1527
Revised Code, the conviction of or plea of guilty to the offense 1528
and the specification automatically classify the offender as a 1529
tier III sex offender/child-victim offender for purposes of 1530
Chapter 2950. of the Revised Code. 1531

(4) If a person is convicted of or pleads guilty to one of 1532
the offenses described in division (B) (3) (a), (b), (c), or (d) 1533
of this section and a sexual motivation specification related to 1534
the offense and the victim of the offense is less than thirteen 1535
years of age, the conviction of or plea of guilty to the offense 1536
automatically classifies the offender as a tier III sex 1537
offender/child-victim offender for purposes of Chapter 2950. of 1538
the Revised Code. 1539

(G) Notwithstanding divisions (A) to (E) of this section, 1540
if an offender receives or received a sentence of life 1541
imprisonment without parole or a sentence to an indefinite 1542
prison term under this chapter for an offense committed when the 1543
offender was less than eighteen years of age, the offender's 1544
parole eligibility shall be determined under section 2967.132 of 1545
the Revised Code. 1546

Sec. 5149.101. (A) (1) A board hearing officer, a board 1547
member, or the office of victims' services may petition the 1548
board for a full board hearing that relates to the proposed 1549

parole or re-parole of a prisoner, including any prisoner 1550
described in section 2967.132 of the Revised Code. At a meeting 1551
of the board at which a majority of board members are present, 1552
the majority of those present shall determine whether a full 1553
board hearing shall be held. 1554

(2) A victim of a violation of section 2903.01 or 2903.02 1555
of the Revised Code, an offense of violence that is a felony of 1556
the first, second, or third degree, or an offense punished by a 1557
sentence of life imprisonment, the victim's representative, or 1558
any person described in division (B) (5) of this section may 1559
request the board to hold a full board hearing that relates to 1560
the proposed parole or re-parole of the person that committed 1561
the violation. If a victim, victim's representative, or other 1562
person requests a full board hearing pursuant to this division, 1563
the board shall hold a full board hearing. 1564

At least thirty days before the full hearing, except as 1565
otherwise provided in this division, the board shall give notice 1566
of the date, time, and place of the hearing to the victim 1567
regardless of whether the victim has requested the notification. 1568
The notice of the date, time, and place of the hearing shall not 1569
be given under this division to a victim if the victim has 1570
requested pursuant to division (B) (2) of section 2930.03 of the 1571
Revised Code that the notice not be provided to the victim. At 1572
least thirty days before the full board hearing and regardless 1573
of whether the victim has requested that the notice be provided 1574
or not be provided under this division to the victim, the board 1575
shall give similar notice to the prosecuting attorney in the 1576
case, the law enforcement agency that arrested the prisoner if 1577
any officer of that agency was a victim of the offense, and, if 1578
different than the victim, the person who requested the full 1579
hearing. If the prosecuting attorney has not previously been 1580

sent an institutional summary report with respect to the 1581
prisoner, upon the request of the prosecuting attorney, the 1582
board shall include with the notice sent to the prosecuting 1583
attorney an institutional summary report that covers the 1584
offender's participation while confined in a state correctional 1585
institution in training, work, and other rehabilitative 1586
activities and any disciplinary action taken against the 1587
offender while so confined. Upon the request of a law 1588
enforcement agency that has not previously been sent an 1589
institutional summary report with respect to the prisoner, the 1590
board also shall send a copy of the institutional summary report 1591
to the law enforcement agency. If notice is to be provided as 1592
described in this division, the board may give the notice by any 1593
reasonable means, including regular mail, telephone, and 1594
electronic mail, in accordance with division (D) (1) of section 1595
2930.16 of the Revised Code. If the notice is based on an 1596
offense committed prior to ~~the effective date of this amendment~~ 1597
March 22, 2013, the notice also shall include the opt-out 1598
information described in division (D) (1) of section 2930.16 of 1599
the Revised Code. The board, in accordance with division (D) (2) 1600
of section 2930.16 of the Revised Code, shall keep a record of 1601
all attempts to provide the notice, and of all notices provided, 1602
under this division. 1603

The preceding paragraph, and the notice-related provisions 1604
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 1605
of section 2930.16, division (H) of section 2967.12, division 1606
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 1607
2967.26, and division (D) (1) of section 2967.28 of the Revised 1608
Code enacted in the act in which this paragraph was enacted, 1609
shall be known as "Roberta's Law." 1610

(B) At a full board hearing that relates to the proposed 1611

parole or re-parole of a prisoner and that has been petitioned 1612
for or requested in accordance with division (A) of this 1613
section, the parole board shall permit the following persons to 1614
appear and to give testimony or to submit written statements: 1615

(1) The prosecuting attorney of the county in which the 1616
original indictment against the prisoner was found and members 1617
of any law enforcement agency that assisted in the prosecution 1618
of the original offense; 1619

(2) The judge of the court of common pleas who imposed the 1620
original sentence of incarceration upon the prisoner, or the 1621
judge's successor; 1622

(3) The victim of the original offense for which the 1623
prisoner is serving the sentence or the victim's representative 1624
designated pursuant to section 2930.02 of the Revised Code; 1625

(4) The victim of any behavior that resulted in parole 1626
being revoked; 1627

(5) With respect to a full board hearing held pursuant to 1628
division (A) (2) of this section, all of the following: 1629

(a) The spouse of the victim of the original offense; 1630

(b) The parent or parents of the victim of the original 1631
offense; 1632

(c) The sibling of the victim of the original offense; 1633

(d) The child or children of the victim of the original 1634
offense. 1635

(6) Counsel or some other person designated by the 1636
prisoner as a representative, as described in division (C) of 1637
this section. 1638

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B) (1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.

At the request of a person described in division (B) (3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner.

If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority.

(D) If the victim of the original offense died as a result of the offense and the offense was aggravated murder, murder, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the family of the victim may show at a full board hearing a video recording not exceeding five minutes in length memorializing the victim.

(E) The adult parole authority shall adopt rules for the implementation of this section. The rules shall specify

reasonable restrictions on the number of media representatives 1669
that may attend a hearing, based on considerations of space, and 1670
other procedures designed to accomplish an effective, orderly 1671
process for full board hearings. 1672

Section 2. That existing sections 2929.02, 2929.14, 1673
2967.13, 2971.03, and 5149.101 of the Revised Code are hereby 1674
repealed. 1675

Section 3. Section 2929.14 of the Revised Code is 1676
presented in this act as a composite of the section as amended 1677
by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. 1678
S.B. 201, all of the 132nd General Assembly. The General 1679
Assembly, applying the principle stated in division (B) of 1680
section 1.52 of the Revised Code that amendments are to be 1681
harmonized if reasonably capable of simultaneous operation, 1682
finds that the composite is the resulting version of the section 1683
in effect prior to the effective date of the section as 1684
presented in this act. 1685