

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 256

Senators Manning, Lehner

Cosponsors: Senators Eklund, Antonio, Blessing, Burke, Craig, Dolan, Fedor, Hackett, Hottinger, Huffman, S., Kunze, Maharath, Sykes, Thomas, Williams, Wilson Representatives Lang, Leland, Crossman, Galonski, West

A BILL

To amend sections 2151.35, 2907.02, 2909.24, 1
2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2
2967.13, 2971.03, and 5149.101 and to enact 3
sections 2929.07 and 2967.132 of the Revised 4
Code regarding a bar against a sentence of life 5
without parole, and special parole dates, for 6
offenders who committed the offense when under 7
age 18 and regarding dispositional hearings for 8
abused, neglected, and dependent children. 9

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

Section 1. That sections 2151.35, 2907.02, 2909.24, 10
2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03, 11
and 5149.101 be amended and sections 2929.07 and 2967.132 of the 12
Revised Code be enacted to read as follows: 13

Sec. 2151.35. (A) (1) Except as otherwise provided by 14
division (A) (3) of this section or in section 2152.13 of the 15
Revised Code, the juvenile court may conduct its hearings in an 16
informal manner and may adjourn its hearings from time to time. 17

The court may exclude the general public from its hearings in a 18
particular case if the court holds a separate hearing to 19
determine whether that exclusion is appropriate. If the court 20
decides that exclusion of the general public is appropriate, the 21
court still may admit to a particular hearing or all of the 22
hearings relating to a particular case those persons who have a 23
direct interest in the case and those who demonstrate that their 24
need for access outweighs the interest in keeping the hearing 25
closed. 26

Except cases involving children who are alleged to be 27
unruly children for being habitual truants or alleged to be 28
delinquent children for violating court orders regarding their 29
prior adjudication as unruly children for being habitual 30
truants, and except as otherwise provided in section 2152.13 of 31
the Revised Code, all cases involving children shall be heard 32
separately and apart from the trial of cases against adults. The 33
court may excuse the attendance of the child at the hearing in 34
cases involving abused, neglected, or dependent children. The 35
court shall hear and determine all cases of children without a 36
jury, except cases involving serious youthful offenders under 37
section 2152.13 of the Revised Code. 38

If a complaint alleges a child to be a delinquent child, 39
unruly child, or juvenile traffic offender, the court shall 40
require the parent, guardian, or custodian of the child to 41
attend all proceedings of the court regarding the child. If a 42
parent, guardian, or custodian fails to so attend, the court may 43
find the parent, guardian, or custodian in contempt. 44

If the court finds from clear and convincing evidence that 45
the child violated section 2151.87 of the Revised Code, the 46
court shall proceed in accordance with divisions (F) and (G) of 47

that section.

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If the court at the adjudicatory hearing finds from clear
and convincing evidence that the child is an abused, neglected,
or dependent child, the court shall proceed, in accordance with
division (B) of this section, to hold a dispositional hearing
and hear the evidence as to the proper disposition to be made
under section 2151.353 of the Revised Code. If the court at the
adjudicatory hearing finds beyond a reasonable doubt that the
child is a delinquent or unruly child or a juvenile traffic
offender, the court shall proceed immediately, or at a postponed
hearing, to hear the evidence as to the proper disposition to be
made under section 2151.354 or Chapter 2152. of the Revised
Code. If the court at the adjudicatory hearing finds beyond a
reasonable doubt that the child is an unruly child for being an
habitual truant, or that the child is an unruly child for being
an habitual truant and that the parent, guardian, or other
person having care of the child has failed to cause the child's
attendance at school in violation of section 3321.38 of the
Revised Code, the court shall proceed to hold a hearing to hear
the evidence as to the proper disposition to be made in regard
to the child under division (C) (1) of section 2151.354 of the
Revised Code and the proper action to take in regard to the
parent, guardian, or other person having care of the child under
division (C) (2) of section 2151.354 of the Revised Code. If the
court at the adjudicatory hearing finds beyond a reasonable
doubt that the child is a delinquent child for violating a court
order regarding the child's prior adjudication as an unruly
child for being an habitual truant, and the parent, guardian, or
other person having care of the child has failed to cause the
child's attendance at school in violation of section 3321.38 of
the Revised Code, the court shall proceed to hold a hearing to

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hear the evidence as to the proper disposition to be made in 79
regard to the child under division (A) (7) (a) of section 2152.19 80
of the Revised Code and the proper action to take in regard to 81
the parent, guardian, or other person having care of the child 82
under division (A) (7) (b) of section 2152.19 of the Revised Code. 83

If the court does not find the child to have violated 84
section 2151.87 of the Revised Code or to be an abused, 85
neglected, dependent, delinquent, or unruly child or a juvenile 86
traffic offender, it shall order that the case be dismissed and 87
that the child be discharged from any detention or restriction 88
theretofore ordered. 89

(2) A record of all testimony and other oral proceedings 90
in juvenile court shall be made in all proceedings that are held 91
pursuant to section 2151.414 of the Revised Code or in which an 92
order of disposition may be made pursuant to division (A) (4) of 93
section 2151.353 of the Revised Code, and shall be made upon 94
request in any other proceedings. The record shall be made as 95
provided in section 2301.20 of the Revised Code. 96

(3) The authority of a juvenile court to exclude the 97
general public from its hearings that is provided by division 98
(A) (1) of this section does not limit or affect any right of a 99
victim of a crime or delinquent act, or of a victim's 100
representative, under Chapter 2930. of the Revised Code. 101

(B) (1) If the court at an adjudicatory hearing determines 102
that a child is an abused, neglected, or dependent child, the 103
court shall not issue a dispositional order until after the 104
court holds a separate dispositional hearing. The court may hold 105
the dispositional hearing for an adjudicated abused, neglected, 106
or dependent child immediately after the adjudicatory hearing if 107
all parties were served prior to the adjudicatory hearing with 108

all documents required for the dispositional hearing. The 109
dispositional hearing may not be held more than thirty days 110
after the adjudicatory hearing is held. ~~The court, upon the~~ 111
~~request of any party or the guardian ad litem of the child, may~~ 112
~~continue a dispositional hearing for a reasonable time not to~~ 113
~~exceed the time limits set forth in this division to enable a~~ 114
~~party to obtain or consult counsel.~~ The dispositional hearing 115
shall not be held more than ninety days after the date on which 116
the complaint in the case was filed except that, for good cause 117
shown, the court, on its own motion or on the motion of any 118
party or the child's guardian ad litem, may continue the 119
dispositional hearing for a reasonable period of time beyond the 120
ninety-day deadline. This extension beyond the ninety-day 121
deadline shall not exceed forty-five days and shall not be 122
available for any case in which the complaint was dismissed and 123
subsequently refiled. 124

If the dispositional hearing is not held within the period 125
of time required by this division, the court, on its own motion 126
or the motion of any party or the guardian ad litem of the 127
child, shall dismiss the complaint without prejudice. 128

(2) The dispositional hearing shall be conducted in 129
accordance with all of the following: 130

(a) The judge or referee who presided at the adjudicatory 131
hearing shall preside, if possible, at the dispositional 132
hearing; 133

(b) The court may admit any evidence that is material and 134
relevant, including, but not limited to, hearsay, opinion, and 135
documentary evidence; 136

(c) Medical examiners and each investigator who prepared a 137

social history shall not be cross-examined, except upon consent 138
of the parties, for good cause shown, or as the court in its 139
discretion may direct. Any party may offer evidence 140
supplementing, explaining, or disputing any information 141
contained in the social history or other reports that may be 142
used by the court in determining disposition. 143

(3) After the conclusion of the dispositional hearing, the 144
court shall enter an appropriate judgment within seven days and 145
shall schedule the date for the hearing to be held pursuant to 146
section 2151.415 of the Revised Code. The court may make any 147
order of disposition that is set forth in section 2151.353 of 148
the Revised Code. A copy of the judgment shall be given to each 149
party and to the child's guardian ad litem. If the judgment is 150
conditional, the order shall state the conditions of the 151
judgment. If the child is not returned to the child's own home, 152
the court shall determine which school district shall bear the 153
cost of the child's education and shall comply with section 154
2151.36 of the Revised Code. 155

(4) As part of its dispositional order, the court may 156
issue any order described in division (B) of section 2151.33 of 157
the Revised Code. 158

(C) The court shall give all parties to the action and the 159
child's guardian ad litem notice of the adjudicatory and 160
dispositional hearings in accordance with the Juvenile Rules. 161

(D) If the court issues an order pursuant to division (A) 162
(4) of section 2151.353 of the Revised Code committing a child 163
to the permanent custody of a public children services agency or 164
a private child placing agency, the parents of the child whose 165
parental rights were terminated cease to be parties to the 166
action upon the issuance of the order. This division is not 167

intended to eliminate or restrict any right of the parents to 168
appeal the permanent custody order issued pursuant to division 169
(A) (4) of section 2151.353 of the Revised Code. 170

(E) Each juvenile court shall schedule its hearings in 171
accordance with the time requirements of this chapter. 172

(F) In cases regarding abused, neglected, or dependent 173
children, the court may admit any statement of a child that the 174
court determines to be excluded by the hearsay rule if the 175
proponent of the statement informs the adverse party of the 176
proponent's intention to offer the statement and of the 177
particulars of the statement, including the name of the 178
declarant, sufficiently in advance of the hearing to provide the 179
party with a fair opportunity to prepare to challenge, respond 180
to, or defend against the statement, and the court determines 181
all of the following: 182

(1) The statement has circumstantial guarantees of 183
trustworthiness; 184

(2) The statement is offered as evidence of a material 185
fact; 186

(3) The statement is more probative on the point for which 187
it is offered than any other evidence that the proponent can 188
procure through reasonable efforts; 189

(4) The general purposes of the evidence rules and the 190
interests of justice will best be served by the admission of the 191
statement into evidence. 192

(G) If a child is alleged to be an abused child, the court 193
may order that the testimony of the child be taken by 194
deposition. On motion of the prosecuting attorney, guardian ad 195
litem, or any party, or in its own discretion, the court may 196

order that the deposition be videotaped. Any deposition taken 197
under this division shall be taken with a judge or referee 198
present. 199

If a deposition taken under this division is intended to 200
be offered as evidence at the hearing, it shall be filed with 201
the court. Part or all of the deposition is admissible in 202
evidence if counsel for all parties had an opportunity and 203
similar motive at the time of the taking of the deposition to 204
develop the testimony by direct, cross, or redirect examination 205
and the judge determines that there is reasonable cause to 206
believe that if the child were to testify in person at the 207
hearing, the child would experience emotional trauma as a result 208
of participating at the hearing. 209

Sec. 2907.02. (A) (1) No person shall engage in sexual 210
conduct with another who is not the spouse of the offender or 211
who is the spouse of the offender but is living separate and 212
apart from the offender, when any of the following applies: 213

(a) For the purpose of preventing resistance, the offender 214
substantially impairs the other person's judgment or control by 215
administering any drug, intoxicant, or controlled substance to 216
the other person surreptitiously or by force, threat of force, 217
or deception. 218

(b) The other person is less than thirteen years of age, 219
whether or not the offender knows the age of the other person. 220

(c) The other person's ability to resist or consent is 221
substantially impaired because of a mental or physical condition 222
or because of advanced age, and the offender knows or has 223
reasonable cause to believe that the other person's ability to 224
resist or consent is substantially impaired because of a mental 225

or physical condition or because of advanced age. 226

(2) No person shall engage in sexual conduct with another 227
when the offender purposely compels the other person to submit 228
by force or threat of force. 229

(B) Whoever violates this section is guilty of rape, a 230
felony of the first degree. If the offender under division (A) 231
(1) (a) of this section substantially impairs the other person's 232
judgment or control by administering any controlled substance, 233
as defined in section 3719.01 of the Revised Code, to the other 234
person surreptitiously or by force, threat of force, or 235
deception, the prison term imposed upon the offender shall be 236
one of the definite prison terms prescribed for a felony of the 237
first degree in division (A) (1) (b) of section 2929.14 of the 238
Revised Code that is not less than five years, except that if 239
the violation is committed on or after ~~the effective date of~~ 240
~~this amendment~~ March 22, 2019, the court shall impose as the 241
minimum prison term for the offense a mandatory prison term that 242
is one of the minimum terms prescribed for a felony of the first 243
degree in division (A) (1) (a) of section 2929.14 of the Revised 244
Code that is not less than five years. Except as otherwise 245
provided in this division, notwithstanding sections 2929.11 to 246
2929.14 of the Revised Code, an offender under division (A) (1) 247
(b) of this section shall be sentenced to a prison term or term 248
of life imprisonment pursuant to section 2971.03 of the Revised 249
Code. If an offender is convicted of or pleads guilty to a 250
violation of division (A) (1) (b) of this section, if the offender 251
was less than sixteen years of age at the time the offender 252
committed the violation of that division, and if the offender 253
during or immediately after the commission of the offense did 254
not cause serious physical harm to the victim, the victim was 255
ten years of age or older at the time of the commission of the 256

violation, and the offender has not previously been convicted of 257
or pleaded guilty to a violation of this section or a 258
substantially similar existing or former law of this state, 259
another state, or the United States, the court shall not 260
sentence the offender to a prison term or term of life 261
imprisonment pursuant to section 2971.03 of the Revised Code, 262
and instead the court shall sentence the offender as otherwise 263
provided in this division. If an offender under division (A) (1) 264
(b) of this section previously has been convicted of or pleaded 265
guilty to violating division (A) (1) (b) of this section or to 266
violating an existing or former law of this state, another 267
state, or the United States that is substantially similar to 268
division (A) (1) (b) of this section, if the offender during or 269
immediately after the commission of the offense caused serious 270
physical harm to the victim, or if the victim under division (A) 271
(1) (b) of this section is less than ten years of age, in lieu of 272
sentencing the offender to a prison term or term of life 273
imprisonment pursuant to section 2971.03 of the Revised Code, 274
except as otherwise provided in this division, the court may 275
impose upon the offender a term of life without parole. If the 276
court imposes a term of life without parole pursuant to this 277
division, division (F) of section 2971.03 of the Revised Code 278
applies, and the offender automatically is classified a tier III 279
sex offender/child-victim offender, as described in that 280
division. A court shall not impose a term of life without parole 281
on an offender for rape if the offender was under eighteen years 282
of age at the time of the offense. 283

(C) A victim need not prove physical resistance to the 284
offender in prosecutions under this section. 285

(D) Evidence of specific instances of the victim's sexual 286
activity, opinion evidence of the victim's sexual activity, and 287

reputation evidence of the victim's sexual activity shall not be 288
admitted under this section unless it involves evidence of the 289
origin of semen, pregnancy, or disease, or the victim's past 290
sexual activity with the offender, and only to the extent that 291
the court finds that the evidence is material to a fact at issue 292
in the case and that its inflammatory or prejudicial nature does 293
not outweigh its probative value. 294

Evidence of specific instances of the defendant's sexual 295
activity, opinion evidence of the defendant's sexual activity, 296
and reputation evidence of the defendant's sexual activity shall 297
not be admitted under this section unless it involves evidence 298
of the origin of semen, pregnancy, or disease, the defendant's 299
past sexual activity with the victim, or is admissible against 300
the defendant under section 2945.59 of the Revised Code, and 301
only to the extent that the court finds that the evidence is 302
material to a fact at issue in the case and that its 303
inflammatory or prejudicial nature does not outweigh its 304
probative value. 305

(E) Prior to taking testimony or receiving evidence of any 306
sexual activity of the victim or the defendant in a proceeding 307
under this section, the court shall resolve the admissibility of 308
the proposed evidence in a hearing in chambers, which shall be 309
held at or before preliminary hearing and not less than three 310
days before trial, or for good cause shown during the trial. 311

(F) Upon approval by the court, the victim may be 312
represented by counsel in any hearing in chambers or other 313
proceeding to resolve the admissibility of evidence. If the 314
victim is indigent or otherwise is unable to obtain the services 315
of counsel, the court, upon request, may appoint counsel to 316
represent the victim without cost to the victim. 317

(G) It is not a defense to a charge under division (A) (2) 318
of this section that the offender and the victim were married or 319
were cohabiting at the time of the commission of the offense. 320

Sec. 2909.24. (A) No person shall commit a specified 321
offense with purpose to do any of the following: 322

(1) Intimidate or coerce a civilian population; 323

(2) Influence the policy of any government by intimidation 324
or coercion; 325

(3) Affect the conduct of any government by the specified 326
offense. 327

(B) (1) Whoever violates this section is guilty of 328
terrorism. 329

(2) Except as otherwise provided in divisions (B) (3) and 330
(4) of this section, terrorism is an offense one degree higher 331
than the most serious underlying specified offense the defendant 332
committed. 333

(3) ~~If Except as provided in division (B) (6) of this~~ 334
~~section, if~~ the most serious underlying specified offense the 335
defendant committed is a felony of the first degree or murder, 336
the person shall be sentenced to life imprisonment without 337
parole. 338

(4) ~~If Except as provided in division (B) (6) of this~~ 339
~~section, if~~ the most serious underlying specified offense the 340
defendant committed is aggravated murder, the offender shall be 341
sentenced to life imprisonment without parole or death pursuant 342
to sections 2929.02 to 2929.06 of the Revised Code. 343

(5) Section 2909.25 of the Revised Code applies regarding 344
an offender who is convicted of or pleads guilty to a violation 345

of this section.

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(6) If a person commits a violation of this section, if
the most serious underlying specified offense the offender
committed is aggravated murder, murder, or a felony of the first
degree, and if the offender was under eighteen years of age at
the time of the violation, the offender shall not be sentenced
to life imprisonment without parole, but instead the offender
shall be sentenced to an indefinite prison term of thirty years
to life.

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Sec. 2929.02. (A) Whoever is convicted of or pleads guilty
to aggravated murder in violation of section 2903.01 of the
Revised Code shall suffer death or be imprisoned for life, as
determined pursuant to sections 2929.022, 2929.03, and 2929.04
of the Revised Code, except that no person who is not found to
have been eighteen years of age or older at the time of the
commission of the offense shall be imprisoned for life without
parole, and that no person who raises the matter of age pursuant
to section 2929.023 of the Revised Code and who is not found to
have been eighteen years of age or older at the time of the
commission of the offense shall suffer death. In addition, the
offender may be fined an amount fixed by the court, but not more
than twenty-five thousand dollars.

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

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(2) Except as otherwise provided in division (B) (3) of
this section, if a person is convicted of or pleads guilty to
murder in violation of section 2903.02 of the Revised Code, the
victim of the offense was less than thirteen years of age, and

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the offender also is convicted of or pleads guilty to a sexual 376
motivation specification that was included in the indictment, 377
count in the indictment, or information charging the offense, 378
the court shall impose an indefinite prison term of thirty years 379
to life pursuant to division (B) (3) of section 2971.03 of the 380
Revised Code. 381

(3) ~~If Except as otherwise provided in this division, if a~~ 382
person is convicted of or pleads guilty to murder in violation 383
of section 2903.02 of the Revised Code and also is convicted of 384
or pleads guilty to a sexual motivation specification and a 385
sexually violent predator specification that were included in 386
the indictment, count in the indictment, or information that 387
charged the murder, the court shall impose upon the offender a 388
term of life imprisonment without parole that shall be served 389
pursuant to section 2971.03 of the Revised Code. If the offender 390
was under eighteen years of age at the time of the offense, the 391
court shall impose an indefinite prison term of thirty years to 392
life. 393

(4) In addition, the offender may be fined an amount fixed 394
by the court, but not more than fifteen thousand dollars. 395

(C) If an offender receives or received a sentence of life 396
imprisonment without parole, a sentence of life imprisonment, a 397
definite sentence, or a sentence to an indefinite prison term 398
under this chapter for an aggravated murder or murder that was 399
committed when the offender was under eighteen years of age, the 400
offender's parole eligibility shall be determined under section 401
2967.132 of the Revised Code. 402

(D) The court shall not impose a fine or fines for 403
aggravated murder or murder which, in the aggregate and to the 404
extent not suspended by the court, exceeds the amount which the 405

offender is or will be able to pay by the method and within the 406
time allowed without undue hardship to the offender or to the 407
dependents of the offender, or will prevent the offender from 408
making reparation for the victim's wrongful death. 409

~~(D)~~ (1) (E) (1) In addition to any other sanctions imposed 410
for a violation of section 2903.01 or 2903.02 of the Revised 411
Code, if the offender used a motor vehicle as the means to 412
commit the violation, the court shall impose upon the offender a 413
class two suspension of the offender's driver's license, 414
commercial driver's license, temporary instruction permit, 415
probationary license, or nonresident operating privilege as 416
specified in division (A) (2) of section 4510.02 of the Revised 417
Code. 418

(2) As used in division ~~(D)~~ (E) of this section, "motor 419
vehicle" has the same meaning as in section 4501.01 of the 420
Revised Code. 421

Sec. 2929.03. (A) If the indictment or count in the 422
indictment charging aggravated murder does not contain one or 423
more specifications of aggravating circumstances listed in 424
division (A) of section 2929.04 of the Revised Code, then, 425
following a verdict of guilty of the charge of aggravated 426
murder, the trial court shall impose sentence on the offender as 427
follows: 428

(1) Except as provided in division (A) (2) or (H) of this 429
section, the trial court shall impose one of the following 430
sentences on the offender: 431

(a) Life imprisonment without parole; 432

(b) Subject to division (A) (1) (e) of this section, life 433
imprisonment with parole eligibility after serving twenty years 434

of imprisonment; 435

(c) Subject to division (A)(1)(e) of this section, life 436
imprisonment with parole eligibility after serving twenty-five 437
full years of imprisonment; 438

(d) Subject to division (A)(1)(e) of this section, life 439
imprisonment with parole eligibility after serving thirty full 440
years of imprisonment; 441

(e) If the victim of the aggravated murder was less than 442
thirteen years of age, the offender also is convicted of or 443
pleads guilty to a sexual motivation specification that was 444
included in the indictment, count in the indictment, or 445
information charging the offense, and the trial court does not 446
impose a sentence of life imprisonment without parole on the 447
offender pursuant to division (A)(1)(a) of this section, the 448
trial court shall sentence the offender pursuant to division (B) 449
(3) of section 2971.03 of the Revised Code to an indefinite term 450
consisting of a minimum term of thirty years and a maximum term 451
of life imprisonment that shall be served pursuant to that 452
section. 453

(2) If the offender also is convicted of or pleads guilty 454
to a sexual motivation specification and a sexually violent 455
predator specification that are included in the indictment, 456
count in the indictment, or information that charged the 457
aggravated murder, except as provided in division (H) of this 458
section, the trial court shall impose upon the offender a 459
sentence of life imprisonment without parole that shall be 460
served pursuant to section 2971.03 of the Revised Code. 461

(B) If the indictment or count in the indictment charging 462
aggravated murder contains one or more specifications of 463

aggravating circumstances listed in division (A) of section 464
2929.04 of the Revised Code, the verdict shall separately state 465
whether the accused is found guilty or not guilty of the 466
principal charge and, if guilty of the principal charge, whether 467
the offender was eighteen years of age or older at the time of 468
the commission of the offense, if the matter of age was raised 469
by the offender pursuant to section 2929.023 of the Revised 470
Code, and whether the offender is guilty or not guilty of each 471
specification. The jury shall be instructed on its duties in 472
this regard. The instruction to the jury shall include an 473
instruction that a specification shall be proved beyond a 474
reasonable doubt in order to support a guilty verdict on the 475
specification, but the instruction shall not mention the penalty 476
that may be the consequence of a guilty or not guilty verdict on 477
any charge or specification. 478

(C) (1) If the indictment or count in the indictment 479
charging aggravated murder contains one or more specifications 480
of aggravating circumstances listed in division (A) of section 481
2929.04 of the Revised Code, then, following a verdict of guilty 482
of the charge but not guilty of each of the specifications, and 483
regardless of whether the offender raised the matter of age 484
pursuant to section 2929.023 of the Revised Code, the trial 485
court shall impose sentence on the offender as follows: 486

(a) Except as provided in division (C) (1) (b) or (H) of 487
this section, the trial court shall impose one of the following 488
sentences on the offender: 489

(i) Life imprisonment without parole; 490

(ii) Subject to division (C) (1) (a) (v) of this section, 491
life imprisonment with parole eligibility after serving twenty 492
years of imprisonment; 493

(iii) Subject to division (C) (1) (a) (v) of this section, 494
life imprisonment with parole eligibility after serving twenty- 495
five full years of imprisonment; 496

(iv) Subject to division (C) (1) (a) (v) of this section, 497
life imprisonment with parole eligibility after serving thirty 498
full years of imprisonment; 499

(v) If the victim of the aggravated murder was less than 500
thirteen years of age, the offender also is convicted of or 501
pleads guilty to a sexual motivation specification that was 502
included in the indictment, count in the indictment, or 503
information charging the offense, and the trial court does not 504
impose a sentence of life imprisonment without parole on the 505
offender pursuant to division (C) (1) (a) (i) of this section, the 506
trial court shall sentence the offender pursuant to division (B) 507
(3) of section 2971.03 of the Revised Code to an indefinite term 508
consisting of a minimum term of thirty years and a maximum term 509
of life imprisonment. 510

(b) If the offender also is convicted of or pleads guilty 511
to a sexual motivation specification and a sexually violent 512
predator specification that are included in the indictment, 513
count in the indictment, or information that charged the 514
aggravated murder, except as provided in division (H) of this 515
section, the trial court shall impose upon the offender a 516
sentence of life imprisonment without parole that shall be 517
served pursuant to section 2971.03 of the Revised Code. 518

(2) (a) If the indictment or count in the indictment 519
contains one or more specifications of aggravating circumstances 520
listed in division (A) of section 2929.04 of the Revised Code 521
and if the offender is found guilty of both the charge and one 522
or more of the specifications, the penalty to be imposed on the 523

offender shall be one of the following: 524

(i) Except as provided in division (C) (2) (a) (ii) ~~or~~, (C) 525
(2) (a) (iii), or (H) of this section, the penalty to be imposed 526
on the offender shall be death, life imprisonment without 527
parole, life imprisonment with parole eligibility after serving 528
twenty-five full years of imprisonment, or life imprisonment 529
with parole eligibility after serving thirty full years of 530
imprisonment. 531

(ii) Except as provided in division (C) (2) (a) (iii) or (H) 532
of this section, if the victim of the aggravated murder was less 533
than thirteen years of age, the offender also is convicted of or 534
pleads guilty to a sexual motivation specification that was 535
included in the indictment, count in the indictment, or 536
information charging the offense, and the trial court does not 537
impose a sentence of death or life imprisonment without parole 538
on the offender pursuant to division (C) (2) (a) (i) of this 539
section, the penalty to be imposed on the offender shall be an 540
indefinite term consisting of a minimum term of thirty years and 541
a maximum term of life imprisonment that shall be imposed 542
pursuant to division (B) (3) of section 2971.03 of the Revised 543
Code and served pursuant to that section. 544

(iii) If the offender also is convicted of or pleads 545
guilty to a sexual motivation specification and a sexually 546
violent predator specification that are included in the 547
indictment, count in the indictment, or information that charged 548
the aggravated murder, except as provided in division (H) of 549
this section, the penalty to be imposed on the offender shall be 550
death or life imprisonment without parole that shall be served 551
pursuant to section 2971.03 of the Revised Code. 552

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 553

(ii), or (iii) of this section shall be determined pursuant to 554
divisions (D) and (E) of this section and shall be determined by 555
one of the following: 556

(i) By the panel of three judges that tried the offender 557
upon the offender's waiver of the right to trial by jury; 558

(ii) By the trial jury and the trial judge, if the 559
offender was tried by jury. 560

(D) (1) Death may not be imposed as a penalty for 561
aggravated murder if the offender raised the matter of age at 562
trial pursuant to section 2929.023 of the Revised Code and was 563
not found at trial to have been eighteen years of age or older 564
at the time of the commission of the offense. When death may be 565
imposed as a penalty for aggravated murder, the court shall 566
proceed under this division. When death may be imposed as a 567
penalty, the court, upon the request of the defendant, shall 568
require a pre-sentence investigation to be made and, upon the 569
request of the defendant, shall require a mental examination to 570
be made, and shall require reports of the investigation and of 571
any mental examination submitted to the court, pursuant to 572
section 2947.06 of the Revised Code. No statement made or 573
information provided by a defendant in a mental examination or 574
proceeding conducted pursuant to this division shall be 575
disclosed to any person, except as provided in this division, or 576
be used in evidence against the defendant on the issue of guilt 577
in any retrial. A pre-sentence investigation or mental 578
examination shall not be made except upon request of the 579
defendant. Copies of any reports prepared under this division 580
shall be furnished to the court, to the trial jury if the 581
offender was tried by a jury, to the prosecutor, and to the 582
offender or the offender's counsel for use under this division. 583

The court, and the trial jury if the offender was tried by a jury, shall consider any report prepared pursuant to this division and furnished to it and any evidence raised at trial that is relevant to the aggravating circumstances the offender was found guilty of committing or to any factors in mitigation of the imposition of the sentence of death, shall hear testimony and other evidence that is relevant to the nature and circumstances of the aggravating circumstances the offender was found guilty of committing, the mitigating factors set forth in division (B) of section 2929.04 of the Revised Code, and any other factors in mitigation of the imposition of the sentence of death, and shall hear the statement, if any, of the offender, and the arguments, if any, of counsel for the defense and prosecution, that are relevant to the penalty that should be imposed on the offender. The defendant shall be given great latitude in the presentation of evidence of the mitigating factors set forth in division (B) of section 2929.04 of the Revised Code and of any other factors in mitigation of the imposition of the sentence of death. If the offender chooses to make a statement, the offender is subject to cross-examination only if the offender consents to make the statement under oath or affirmation.

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

(2) Upon consideration of the relevant evidence raised at trial, the testimony, other evidence, statement of the offender,

arguments of counsel, and, if applicable, the reports submitted 615
pursuant to division (D) (1) of this section, the trial jury, if 616
the offender was tried by a jury, shall determine whether the 617
aggravating circumstances the offender was found guilty of 618
committing are sufficient to outweigh the mitigating factors 619
present in the case. If the trial jury unanimously finds, by 620
proof beyond a reasonable doubt, that the aggravating 621
circumstances the offender was found guilty of committing 622
outweigh the mitigating factors, the trial jury shall recommend 623
to the court that the sentence of death be imposed on the 624
offender. Absent such a finding, the jury shall recommend that 625
the offender be sentenced to one of the following: 626

(a) Except as provided in division (D) (2) (b) ~~or, (D) (2)~~ 627
(c), or (H) of this section, to life imprisonment without 628
parole, life imprisonment with parole eligibility after serving 629
twenty-five full years of imprisonment, or life imprisonment 630
with parole eligibility after serving thirty full years of 631
imprisonment; 632

(b) Except as provided in division (D) (2) (c) or (H) of 633
this section, if the victim of the aggravated murder was less 634
than thirteen years of age, the offender also is convicted of or 635
pleads guilty to a sexual motivation specification that was 636
included in the indictment, count in the indictment, or 637
information charging the offense, and the jury does not 638
recommend a sentence of life imprisonment without parole 639
pursuant to division (D) (2) (a) of this section, to an indefinite 640
term consisting of a minimum term of thirty years and a maximum 641
term of life imprisonment to be imposed pursuant to division (B) 642
(3) of section 2971.03 of the Revised Code and served pursuant 643
to that section. 644

(c) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, except as provided in division (H) of this section, to life imprisonment without parole.

If the trial jury recommends that the offender be sentenced to life imprisonment without parole, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment, life imprisonment with parole eligibility after serving thirty full years of imprisonment, or an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment to be imposed pursuant to division (B) (3) of section 2971.03 of the Revised Code, except as provided in division (H) of this section, the court shall impose the sentence recommended by the jury upon the offender. If the sentence is an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment imposed as described in division (D) (2) (b) of this section or a sentence of life imprisonment without parole imposed under division (D) (2) (c) of this section, the sentence shall be served pursuant to section 2971.03 of the Revised Code. If the trial jury recommends that the sentence of death be imposed upon the offender, the court shall proceed to impose sentence pursuant to division (D) (3) of this section.

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

imposed, the court finds, by proof beyond a reasonable doubt, or 676
if the panel of three judges unanimously finds, by proof beyond 677
a reasonable doubt, that the aggravating circumstances the 678
offender was found guilty of committing outweigh the mitigating 679
factors, it shall impose sentence of death on the offender. 680
Absent such a finding by the court or panel, the court or the 681
panel shall impose one of the following sentences on the 682
offender: 683

(a) Except as provided in division (D) (3) (b) or (H) of 684
this section, one of the following: 685

(i) Life imprisonment without parole; 686

(ii) Subject to division (D) (3) (a) (iv) of this section, 687
life imprisonment with parole eligibility after serving twenty- 688
five full years of imprisonment; 689

(iii) Subject to division (D) (3) (a) (iv) of this section, 690
life imprisonment with parole eligibility after serving thirty 691
full years of imprisonment; 692

(iv) If the victim of the aggravated murder was less than 693
thirteen years of age, the offender also is convicted of or 694
pleads guilty to a sexual motivation specification that was 695
included in the indictment, count in the indictment, or 696
information charging the offense, and the trial court does not 697
impose a sentence of life imprisonment without parole on the 698
offender pursuant to division (D) (3) (a) (i) of this section, the 699
court or panel shall sentence the offender pursuant to division 700
(B) (3) of section 2971.03 of the Revised Code to an indefinite 701
term consisting of a minimum term of thirty years and a maximum 702
term of life imprisonment. 703

(b) If the offender also is convicted of or pleads guilty 704

to a sexual motivation specification and a sexually violent 705
predator specification that are included in the indictment, 706
count in the indictment, or information that charged the 707
aggravated murder, except as provided in division (H) of this 708
section, life imprisonment without parole that shall be served 709
pursuant to section 2971.03 of the Revised Code. 710

(E) If the offender raised the matter of age at trial 711
pursuant to section 2929.023 of the Revised Code, was convicted 712
of aggravated murder and one or more specifications of an 713
aggravating circumstance listed in division (A) of section 714
2929.04 of the Revised Code, and was not found at trial to have 715
been eighteen years of age or older at the time of the 716
commission of the offense, the court or the panel of three 717
judges shall not impose a sentence of death on the offender. 718
Instead, the court or panel shall impose one of the following 719
sentences on the offender: 720

(1) Except as provided in division (E) (2) or (H) of this 721
section, one of the following: 722

(a) Life imprisonment without parole; 723

(b) Subject to division (E) (2) (d) of this section, life 724
imprisonment with parole eligibility after serving twenty-five 725
full years of imprisonment; 726

(c) Subject to division (E) (2) (d) of this section, life 727
imprisonment with parole eligibility after serving thirty full 728
years of imprisonment; 729

(d) If the victim of the aggravated murder was less than 730
thirteen years of age, the offender also is convicted of or 731
pleads guilty to a sexual motivation specification that was 732
included in the indictment, count in the indictment, or 733

information charging the offense, and the trial court does not 734
impose a sentence of life imprisonment without parole on the 735
offender pursuant to division (E) (2) (a) of this section, the 736
court or panel shall sentence the offender pursuant to division 737
(B) (3) of section 2971.03 of the Revised Code to an indefinite 738
term consisting of a minimum term of thirty years and a maximum 739
term of life imprisonment. 740

(2) If the offender also is convicted of or pleads guilty 741
to a sexual motivation specification and a sexually violent 742
predator specification that are included in the indictment, 743
count in the indictment, or information that charged the 744
aggravated murder, except as provided in division (H) of this 745
section, life imprisonment without parole that shall be served 746
pursuant to section 2971.03 of the Revised Code. 747

(F) The court or the panel of three judges, when it 748
imposes sentence of death, shall state in a separate opinion its 749
specific findings as to the existence of any of the mitigating 750
factors set forth in division (B) of section 2929.04 of the 751
Revised Code, the existence of any other mitigating factors, the 752
aggravating circumstances the offender was found guilty of 753
committing, and the reasons why the aggravating circumstances 754
the offender was found guilty of committing were sufficient to 755
outweigh the mitigating factors. The court or panel, when it 756
imposes life imprisonment or an indefinite term consisting of a 757
minimum term of thirty years and a maximum term of life 758
imprisonment under division (D) of this section, shall state in 759
a separate opinion its specific findings of which of the 760
mitigating factors set forth in division (B) of section 2929.04 761
of the Revised Code it found to exist, what other mitigating 762
factors it found to exist, what aggravating circumstances the 763
offender was found guilty of committing, and why it could not 764

find that these aggravating circumstances were sufficient to 765
outweigh the mitigating factors. For cases in which a sentence 766
of death is imposed for an offense committed before January 1, 767
1995, the court or panel shall file the opinion required to be 768
prepared by this division with the clerk of the appropriate 769
court of appeals and with the clerk of the supreme court within 770
fifteen days after the court or panel imposes sentence. For 771
cases in which a sentence of death is imposed for an offense 772
committed on or after January 1, 1995, the court or panel shall 773
file the opinion required to be prepared by this division with 774
the clerk of the supreme court within fifteen days after the 775
court or panel imposes sentence. The judgment in a case in which 776
a sentencing hearing is held pursuant to this section is not 777
final until the opinion is filed. 778

(G) (1) Whenever the court or a panel of three judges 779
imposes a sentence of death for an offense committed before 780
January 1, 1995, the clerk of the court in which the judgment is 781
rendered shall make and retain a copy of the entire record in 782
the case, and shall deliver the original of the entire record in 783
the case to the appellate court. 784

(2) Whenever the court or a panel of three judges imposes 785
a sentence of death for an offense committed on or after January 786
1, 1995, the clerk of the court in which the judgment is 787
rendered shall make and retain a copy of the entire record in 788
the case, and shall deliver the original of the entire record in 789
the case to the supreme court. 790

(H) A court shall not impose a sentence of life 791
imprisonment without parole on a person under division (A) (1) or 792
(2), (C) (1) or (2), (D) (2) or (3), or (E) (1) or (2) of this 793
section for an offense that was committed when the person was 794

under eighteen years of age.

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Sec. 2929.06. (A) If a sentence of death imposed upon an offender is set aside, nullified, or vacated because the court of appeals, in a case in which a sentence of death was imposed for an offense committed before January 1, 1995, or the supreme court, in cases in which the supreme court reviews the sentence upon appeal, could not affirm the sentence of death under the standards imposed by section 2929.05 of the Revised Code, is set aside, nullified, or vacated for the sole reason that the statutory procedure for imposing the sentence of death that is set forth in sections 2929.03 and 2929.04 of the Revised Code is unconstitutional, is set aside, nullified, or vacated pursuant to division (C) of section 2929.05 of the Revised Code, or is set aside, nullified, or vacated because a court has determined that the offender is a person with an intellectual disability under standards set forth in decisions of the supreme court of this state or the United States supreme court, the trial court that sentenced the offender shall conduct a hearing to resentence the offender. At the resentencing hearing, the court shall impose upon the offender a sentence of life imprisonment or an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that is determined as specified in this division. If division (D) of section 2929.03 of the Revised Code, at the time the offender committed the aggravated murder for which the sentence of death was imposed, required the imposition when a sentence of death was not imposed of a sentence of life imprisonment without parole or a sentence of an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment to be imposed pursuant to division (A) or (B)(3) of section 2971.03 of the Revised Code and served pursuant to that section, except as

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provided in division (F) of this section, the court shall impose 826
the sentence so required. In all other cases, except as provided 827
in division (F) of this section, the sentences of life 828
imprisonment that are available at the hearing, and from which 829
the court shall impose sentence, shall be the same sentences of 830
life imprisonment that were available under division (D) of 831
section 2929.03 or under section 2909.24 of the Revised Code at 832
the time the offender committed the offense for which the 833
sentence of death was imposed. Nothing in this division 834
regarding the resentencing of an offender shall affect the 835
operation of section 2971.03 of the Revised Code. 836

(B) Whenever any court of this state or any federal court 837
sets aside, nullifies, or vacates a sentence of death imposed 838
upon an offender because of error that occurred in the 839
sentencing phase of the trial and if division (A) of this 840
section does not apply, the trial court that sentenced the 841
offender shall conduct a new hearing to resentence the offender. 842
If the offender was tried by a jury, the trial court shall 843
impanel a new jury for the hearing. If the offender was tried by 844
a panel of three judges, that panel or, if necessary, a new 845
panel of three judges shall conduct the hearing. At the hearing, 846
the court or panel shall follow the procedure set forth in 847
division (D) of section 2929.03 of the Revised Code in 848
determining whether to impose upon the offender a sentence of 849
death, a sentence of life imprisonment, or an indefinite term 850
consisting of a minimum term of thirty years and a maximum term 851
of life imprisonment. If, pursuant to that procedure, the court 852
or panel determines that it will impose a sentence other than a 853
sentence of death, except as provided in division (F) of this 854
section, the court or panel shall impose upon the offender one 855
of the sentences of life imprisonment that could have been 856

imposed at the time the offender committed the offense for which 857
the sentence of death was imposed, determined as specified in 858
this division, or an indefinite term consisting of a minimum 859
term of thirty years and a maximum term of life imprisonment 860
that is determined as specified in this division. If division 861
(D) of section 2929.03 of the Revised Code, at the time the 862
offender committed the aggravated murder for which the sentence 863
of death was imposed, required the imposition when a sentence of 864
death was not imposed of a sentence of life imprisonment without 865
parole or a sentence of an indefinite term consisting of a 866
minimum term of thirty years and a maximum term of life 867
imprisonment to be imposed pursuant to division (A) or (B) (3) of 868
section 2971.03 of the Revised Code and served pursuant to that 869
section, except as provided in division (F) of this section, the 870
court or panel shall impose the sentence so required. In all 871
other cases, except as provided in division (F) of this section, 872
the sentences of life imprisonment that are available at the 873
hearing, and from which the court or panel shall impose 874
sentence, shall be the same sentences of life imprisonment that 875
were available under division (D) of section 2929.03 or under 876
section 2909.24 of the Revised Code at the time the offender 877
committed the offense for which the sentence of death was 878
imposed. 879

(C) If a sentence of life imprisonment without parole 880
imposed upon an offender pursuant to section 2929.021 or 2929.03 881
of the Revised Code is set aside, nullified, or vacated for the 882
sole reason that the statutory procedure for imposing the 883
sentence of life imprisonment without parole that is set forth 884
in sections 2929.03 and 2929.04 of the Revised Code is 885
unconstitutional, the trial court that sentenced the offender 886
shall conduct a hearing to resentence the offender to life 887

imprisonment with parole eligibility after serving twenty-five 888
full years of imprisonment or to life imprisonment with parole 889
eligibility after serving thirty full years of imprisonment. 890

(D) Nothing in this section limits or restricts the rights 891
of the state to appeal any order setting aside, nullifying, or 892
vacating a conviction or sentence of death, when an appeal of 893
that nature otherwise would be available. 894

(E) This section, as amended by H.B. 184 of the 125th 895
general assembly, shall apply to all offenders who have been 896
sentenced to death for an aggravated murder that was committed 897
on or after October 19, 1981, or for terrorism that was 898
committed on or after May 15, 2002. This section, as amended by 899
H.B. 184 of the 125th general assembly, shall apply equally to 900
all such offenders sentenced to death prior to, on, or after 901
March 23, 2005, including offenders who, on March 23, 2005, are 902
challenging their sentence of death and offenders whose sentence 903
of death has been set aside, nullified, or vacated by any court 904
of this state or any federal court but who, as of March 23, 905
2005, have not yet been resentenced. 906

(F) A court shall not impose a sentence of life 907
imprisonment without parole on a person under division (A) or 908
(B) of this section for an offense that was committed when the 909
person was under eighteen years of age. 910

Sec. 2929.07. (A) Notwithstanding any provision of the 911
Revised Code to the contrary, a court shall not impose a 912
sentence of life imprisonment without parole on any person for 913
an offense that was committed when the person was under eighteen 914
years of age. 915

(B) If an offender receives or received a sentence of life 916

imprisonment without parole for an offense that was committed 917
when the offender was under eighteen years of age, the 918
offender's parole eligibility shall be determined under section 919
2967.132 of the Revised Code. 920

Sec. 2929.14. (A) Except as provided in division (B) (1), 921
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 922
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 923
in division (D) (6) of section 2919.25 of the Revised Code and 924
except in relation to an offense for which a sentence of death 925
or life imprisonment is to be imposed, if the court imposing a 926
sentence upon an offender for a felony elects or is required to 927
impose a prison term on the offender pursuant to this chapter, 928
the court shall impose a prison term that shall be one of the 929
following: 930

(1) (a) For a felony of the first degree committed on or 931
after the effective date of this amendment, the prison term 932
shall be an indefinite prison term with a stated minimum term 933
selected by the court of three, four, five, six, seven, eight, 934
nine, ten, or eleven years and a maximum term that is determined 935
pursuant to section 2929.144 of the Revised Code, except that if 936
the section that criminalizes the conduct constituting the 937
felony specifies a different minimum term or penalty for the 938
offense, the specific language of that section shall control in 939
determining the minimum term or otherwise sentencing the 940
offender but the minimum term or sentence imposed under that 941
specific language shall be considered for purposes of the 942
Revised Code as if it had been imposed under this division. 943

(b) For a felony of the first degree committed prior to 944
the effective date of this amendment, the prison term shall be a 945
definite prison term of three, four, five, six, seven, eight, 946

nine, ten, or eleven years. 947

(2) (a) For a felony of the second degree committed on or 948
after the effective date of this amendment, the prison term 949
shall be an indefinite prison term with a stated minimum term 950
selected by the court of two, three, four, five, six, seven, or 951
eight years and a maximum term that is determined pursuant to 952
section 2929.144 of the Revised Code, except that if the section 953
that criminalizes the conduct constituting the felony specifies 954
a different minimum term or penalty for the offense, the 955
specific language of that section shall control in determining 956
the minimum term or otherwise sentencing the offender but the 957
minimum term or sentence imposed under that specific language 958
shall be considered for purposes of the Revised Code as if it 959
had been imposed under this division. 960

(b) For a felony of the second degree committed prior to 961
the effective date of this amendment, the prison term shall be a 962
definite term of two, three, four, five, six, seven, or eight 963
years. 964

(3) (a) For a felony of the third degree that is a 965
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 966
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 967
Code or that is a violation of section 2911.02 or 2911.12 of the 968
Revised Code if the offender previously has been convicted of or 969
pleaded guilty in two or more separate proceedings to two or 970
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 971
of the Revised Code, the prison term shall be a definite term of 972
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 973
forty-eight, fifty-four, or sixty months. 974

(b) For a felony of the third degree that is not an 975
offense for which division (A) (3) (a) of this section applies, 976

the prison term shall be a definite term of nine, twelve, 977
eighteen, twenty-four, thirty, or thirty-six months. 978

(4) For a felony of the fourth degree, the prison term 979
shall be a definite term of six, seven, eight, nine, ten, 980
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 981
or eighteen months. 982

(5) For a felony of the fifth degree, the prison term 983
shall be a definite term of six, seven, eight, nine, ten, 984
eleven, or twelve months. 985

(B) (1) (a) Except as provided in division (B) (1) (e) of this 986
section, if an offender who is convicted of or pleads guilty to 987
a felony also is convicted of or pleads guilty to a 988
specification of the type described in section 2941.141, 989
2941.144, or 2941.145 of the Revised Code, the court shall 990
impose on the offender one of the following prison terms: 991

(i) A prison term of six years if the specification is of 992
the type described in division (A) of section 2941.144 of the 993
Revised Code that charges the offender with having a firearm 994
that is an automatic firearm or that was equipped with a firearm 995
muffler or suppressor on or about the offender's person or under 996
the offender's control while committing the offense; 997

(ii) A prison term of three years if the specification is 998
of the type described in division (A) of section 2941.145 of the 999
Revised Code that charges the offender with having a firearm on 1000
or about the offender's person or under the offender's control 1001
while committing the offense and displaying the firearm, 1002
brandishing the firearm, indicating that the offender possessed 1003
the firearm, or using it to facilitate the offense; 1004

(iii) A prison term of one year if the specification is of 1005

the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

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

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

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender

previously has been convicted of or pleaded guilty to a 1036
specification of the type described in section 2941.141, 1037
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1038

(b) If a court imposes a prison term on an offender under 1039
division (B)(1)(a) of this section, the prison term shall not be 1040
reduced pursuant to section 2967.19, section 2929.20, section 1041
2967.193, or any other provision of Chapter 2967. or Chapter 1042
5120. of the Revised Code. Except as provided in division (B)(1) 1043
(g) of this section, a court shall not impose more than one 1044
prison term on an offender under division (B)(1)(a) of this 1045
section for felonies committed as part of the same act or 1046
transaction. 1047

(c)(i) Except as provided in division (B)(1)(e) of this 1048
section, if an offender who is convicted of or pleads guilty to 1049
a violation of section 2923.161 of the Revised Code or to a 1050
felony that includes, as an essential element, purposely or 1051
knowingly causing or attempting to cause the death of or 1052
physical harm to another, also is convicted of or pleads guilty 1053
to a specification of the type described in division (A) of 1054
section 2941.146 of the Revised Code that charges the offender 1055
with committing the offense by discharging a firearm from a 1056
motor vehicle other than a manufactured home, the court, after 1057
imposing a prison term on the offender for the violation of 1058
section 2923.161 of the Revised Code or for the other felony 1059
offense under division (A), (B)(2), or (B)(3) of this section, 1060
shall impose an additional prison term of five years upon the 1061
offender that shall not be reduced pursuant to section 2929.20, 1062
section 2967.19, section 2967.193, or any other provision of 1063
Chapter 2967. or Chapter 5120. of the Revised Code. 1064

(ii) Except as provided in division (B)(1)(e) of this 1065

section, if an offender who is convicted of or pleads guilty to 1066
a violation of section 2923.161 of the Revised Code or to a 1067
felony that includes, as an essential element, purposely or 1068
knowingly causing or attempting to cause the death of or 1069
physical harm to another, also is convicted of or pleads guilty 1070
to a specification of the type described in division (C) of 1071
section 2941.146 of the Revised Code that charges the offender 1072
with committing the offense by discharging a firearm from a 1073
motor vehicle other than a manufactured home and that the 1074
offender previously has been convicted of or pleaded guilty to a 1075
specification of the type described in section 2941.141, 1076
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1077
the court, after imposing a prison term on the offender for the 1078
violation of section 2923.161 of the Revised Code or for the 1079
other felony offense under division (A), (B) (2), or (3) of this 1080
section, shall impose an additional prison term of ninety months 1081
upon the offender that shall not be reduced pursuant to section 1082
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1083
2967. or Chapter 5120. of the Revised Code. 1084

(iii) A court shall not impose more than one additional 1085
prison term on an offender under division (B) (1) (c) of this 1086
section for felonies committed as part of the same act or 1087
transaction. If a court imposes an additional prison term on an 1088
offender under division (B) (1) (c) of this section relative to an 1089
offense, the court also shall impose a prison term under 1090
division (B) (1) (a) of this section relative to the same offense, 1091
provided the criteria specified in that division for imposing an 1092
additional prison term are satisfied relative to the offender 1093
and the offense. 1094

(d) If an offender who is convicted of or pleads guilty to 1095
an offense of violence that is a felony also is convicted of or 1096

pleads guilty to a specification of the type described in 1097
section 2941.1411 of the Revised Code that charges the offender 1098
with wearing or carrying body armor while committing the felony 1099
offense of violence, the court shall impose on the offender an 1100
additional prison term of two years. The prison term so imposed, 1101
subject to divisions (C) to (I) of section 2967.19 of the 1102
Revised Code, shall not be reduced pursuant to section 2929.20, 1103
section 2967.19, section 2967.193, or any other provision of 1104
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1105
shall not impose more than one prison term on an offender under 1106
division (B)(1)(d) of this section for felonies committed as 1107
part of the same act or transaction. If a court imposes an 1108
additional prison term under division (B)(1)(a) or (c) of this 1109
section, the court is not precluded from imposing an additional 1110
prison term under division (B)(1)(d) of this section. 1111

(e) The court shall not impose any of the prison terms 1112
described in division (B)(1)(a) of this section or any of the 1113
additional prison terms described in division (B)(1)(c) of this 1114
section upon an offender for a violation of section 2923.12 or 1115
2923.123 of the Revised Code. The court shall not impose any of 1116
the prison terms described in division (B)(1)(a) or (b) of this 1117
section upon an offender for a violation of section 2923.122 1118
that involves a deadly weapon that is a firearm other than a 1119
dangerous ordnance, section 2923.16, or section 2923.121 of the 1120
Revised Code. The court shall not impose any of the prison terms 1121
described in division (B)(1)(a) of this section or any of the 1122
additional prison terms described in division (B)(1)(c) of this 1123
section upon an offender for a violation of section 2923.13 of 1124
the Revised Code unless all of the following apply: 1125

(i) The offender previously has been convicted of 1126
aggravated murder, murder, or any felony of the first or second 1127

degree. 1128

(ii) Less than five years have passed since the offender 1129
was released from prison or post-release control, whichever is 1130
later, for the prior offense. 1131

(f) (i) If an offender is convicted of or pleads guilty to 1132
a felony that includes, as an essential element, causing or 1133
attempting to cause the death of or physical harm to another and 1134
also is convicted of or pleads guilty to a specification of the 1135
type described in division (A) of section 2941.1412 of the 1136
Revised Code that charges the offender with committing the 1137
offense by discharging a firearm at a peace officer as defined 1138
in section 2935.01 of the Revised Code or a corrections officer, 1139
as defined in section 2941.1412 of the Revised Code, the court, 1140
after imposing a prison term on the offender for the felony 1141
offense under division (A), (B) (2), or (B) (3) of this section, 1142
shall impose an additional prison term of seven years upon the 1143
offender that shall not be reduced pursuant to section 2929.20, 1144
section 2967.19, section 2967.193, or any other provision of 1145
Chapter 2967. or Chapter 5120. of the Revised Code. 1146

(ii) If an offender is convicted of or pleads guilty to a 1147
felony that includes, as an essential element, causing or 1148
attempting to cause the death of or physical harm to another and 1149
also is convicted of or pleads guilty to a specification of the 1150
type described in division (B) of section 2941.1412 of the 1151
Revised Code that charges the offender with committing the 1152
offense by discharging a firearm at a peace officer, as defined 1153
in section 2935.01 of the Revised Code, or a corrections 1154
officer, as defined in section 2941.1412 of the Revised Code, 1155
and that the offender previously has been convicted of or 1156
pleaded guilty to a specification of the type described in 1157

section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1158
the Revised Code, the court, after imposing a prison term on the 1159
offender for the felony offense under division (A), (B) (2), or 1160
(3) of this section, shall impose an additional prison term of 1161
one hundred twenty-six months upon the offender that shall not 1162
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1163
any other provision of Chapter 2967. or 5120. of the Revised 1164
Code. 1165

(iii) If an offender is convicted of or pleads guilty to 1166
two or more felonies that include, as an essential element, 1167
causing or attempting to cause the death or physical harm to 1168
another and also is convicted of or pleads guilty to a 1169
specification of the type described under division (B) (1) (f) of 1170
this section in connection with two or more of the felonies of 1171
which the offender is convicted or to which the offender pleads 1172
guilty, the sentencing court shall impose on the offender the 1173
prison term specified under division (B) (1) (f) of this section 1174
for each of two of the specifications of which the offender is 1175
convicted or to which the offender pleads guilty and, in its 1176
discretion, also may impose on the offender the prison term 1177
specified under that division for any or all of the remaining 1178
specifications. If a court imposes an additional prison term on 1179
an offender under division (B) (1) (f) of this section relative to 1180
an offense, the court shall not impose a prison term under 1181
division (B) (1) (a) or (c) of this section relative to the same 1182
offense. 1183

(g) If an offender is convicted of or pleads guilty to two 1184
or more felonies, if one or more of those felonies are 1185
aggravated murder, murder, attempted aggravated murder, 1186
attempted murder, aggravated robbery, felonious assault, or 1187
rape, and if the offender is convicted of or pleads guilty to a 1188

specification of the type described under division (B) (1) (a) of 1189
this section in connection with two or more of the felonies, the 1190
sentencing court shall impose on the offender the prison term 1191
specified under division (B) (1) (a) of this section for each of 1192
the two most serious specifications of which the offender is 1193
convicted or to which the offender pleads guilty and, in its 1194
discretion, also may impose on the offender the prison term 1195
specified under that division for any or all of the remaining 1196
specifications. 1197

(2) (a) If division (B) (2) (b) of this section does not 1198
apply, the court may impose on an offender, in addition to the 1199
longest prison term authorized or required for the offense or, 1200
for offenses for which division (A) (1) (a) or (2) (a) of this 1201
section applies, in addition to the longest minimum prison term 1202
authorized or required for the offense, an additional definite 1203
prison term of one, two, three, four, five, six, seven, eight, 1204
nine, or ten years if all of the following criteria are met: 1205

(i) The offender is convicted of or pleads guilty to a 1206
specification of the type described in section 2941.149 of the 1207
Revised Code that the offender is a repeat violent offender. 1208

(ii) The offense of which the offender currently is 1209
convicted or to which the offender currently pleads guilty is 1210
aggravated murder and the court does not impose a sentence of 1211
death or life imprisonment without parole, murder, terrorism and 1212
the court does not impose a sentence of life imprisonment 1213
without parole, any felony of the first degree that is an 1214
offense of violence and the court does not impose a sentence of 1215
life imprisonment without parole, or any felony of the second 1216
degree that is an offense of violence and the trier of fact 1217
finds that the offense involved an attempt to cause or a threat 1218

to cause serious physical harm to a person or resulted in 1219
serious physical harm to a person. 1220

(iii) The court imposes the longest prison term for the 1221
offense or the longest minimum prison term for the offense, 1222
whichever is applicable, that is not life imprisonment without 1223
parole. 1224

(iv) The court finds that the prison terms imposed 1225
pursuant to division (B)(2)(a)(iii) of this section and, if 1226
applicable, division (B)(1) or (3) of this section are 1227
inadequate to punish the offender and protect the public from 1228
future crime, because the applicable factors under section 1229
2929.12 of the Revised Code indicating a greater likelihood of 1230
recidivism outweigh the applicable factors under that section 1231
indicating a lesser likelihood of recidivism. 1232

(v) The court finds that the prison terms imposed pursuant 1233
to division (B)(2)(a)(iii) of this section and, if applicable, 1234
division (B)(1) or (3) of this section are demeaning to the 1235
seriousness of the offense, because one or more of the factors 1236
under section 2929.12 of the Revised Code indicating that the 1237
offender's conduct is more serious than conduct normally 1238
constituting the offense are present, and they outweigh the 1239
applicable factors under that section indicating that the 1240
offender's conduct is less serious than conduct normally 1241
constituting the offense. 1242

(b) The court shall impose on an offender the longest 1243
prison term authorized or required for the offense or, for 1244
offenses for which division (A)(1)(a) or (2)(a) of this section 1245
applies, the longest minimum prison term authorized or required 1246
for the offense, and shall impose on the offender an additional 1247
definite prison term of one, two, three, four, five, six, seven, 1248

eight, nine, or ten years if all of the following criteria are 1249
met: 1250

(i) The offender is convicted of or pleads guilty to a 1251
specification of the type described in section 2941.149 of the 1252
Revised Code that the offender is a repeat violent offender. 1253

(ii) The offender within the preceding twenty years has 1254
been convicted of or pleaded guilty to three or more offenses 1255
described in division (CC)(1) of section 2929.01 of the Revised 1256
Code, including all offenses described in that division of which 1257
the offender is convicted or to which the offender pleads guilty 1258
in the current prosecution and all offenses described in that 1259
division of which the offender previously has been convicted or 1260
to which the offender previously pleaded guilty, whether 1261
prosecuted together or separately. 1262

(iii) The offense or offenses of which the offender 1263
currently is convicted or to which the offender currently pleads 1264
guilty is aggravated murder and the court does not impose a 1265
sentence of death or life imprisonment without parole, murder, 1266
terrorism and the court does not impose a sentence of life 1267
imprisonment without parole, any felony of the first degree that 1268
is an offense of violence and the court does not impose a 1269
sentence of life imprisonment without parole, or any felony of 1270
the second degree that is an offense of violence and the trier 1271
of fact finds that the offense involved an attempt to cause or a 1272
threat to cause serious physical harm to a person or resulted in 1273
serious physical harm to a person. 1274

(c) For purposes of division (B)(2)(b) of this section, 1275
two or more offenses committed at the same time or as part of 1276
the same act or event shall be considered one offense, and that 1277
one offense shall be the offense with the greatest penalty. 1278

(d) A sentence imposed under division (B) (2) (a) or (b) of 1279
this section shall not be reduced pursuant to section 2929.20, 1280
section 2967.19, or section 2967.193, or any other provision of 1281
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1282
shall serve an additional prison term imposed under division (B) 1283
(2) (a) or (b) of this section consecutively to and prior to the 1284
prison term imposed for the underlying offense. 1285

(e) When imposing a sentence pursuant to division (B) (2) 1286
(a) or (b) of this section, the court shall state its findings 1287
explaining the imposed sentence. 1288

(3) Except when an offender commits a violation of section 1289
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1290
for the violation is life imprisonment or commits a violation of 1291
section 2903.02 of the Revised Code, if the offender commits a 1292
violation of section 2925.03 or 2925.11 of the Revised Code and 1293
that section classifies the offender as a major drug offender, 1294
if the offender commits a violation of section 2925.05 of the 1295
Revised Code and division (E) (1) of that section classifies the 1296
offender as a major drug offender, if the offender commits a 1297
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1298
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1299
division (C) or (D) of section 3719.172, division (E) of section 1300
4729.51, or division (J) of section 4729.54 of the Revised Code 1301
that includes the sale, offer to sell, or possession of a 1302
schedule I or II controlled substance, with the exception of 1303
marihuana, and the court imposing sentence upon the offender 1304
finds that the offender is guilty of a specification of the type 1305
described in division (A) of section 2941.1410 of the Revised 1306
Code charging that the offender is a major drug offender, if the 1307
court imposing sentence upon an offender for a felony finds that 1308
the offender is guilty of corrupt activity with the most serious 1309

offense in the pattern of corrupt activity being a felony of the 1310
first degree, or if the offender is guilty of an attempted 1311
violation of section 2907.02 of the Revised Code and, had the 1312
offender completed the violation of section 2907.02 of the 1313
Revised Code that was attempted, the offender would have been 1314
subject to a sentence of life imprisonment or life imprisonment 1315
without parole for the violation of section 2907.02 of the 1316
Revised Code, the court shall impose upon the offender for the 1317
felony violation a mandatory prison term determined as described 1318
in this division that, subject to divisions (C) to (I) of 1319
section 2967.19 of the Revised Code, cannot be reduced pursuant 1320
to section 2929.20, section 2967.19, or any other provision of 1321
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1322
term shall be the maximum definite prison term prescribed in 1323
division (A)(1)(b) of this section for a felony of the first 1324
degree, except that for offenses for which division (A)(1)(a) of 1325
this section applies, the mandatory prison term shall be the 1326
longest minimum prison term prescribed in that division for the 1327
offense. 1328

(4) If the offender is being sentenced for a third or 1329
fourth degree felony OVI offense under division (G)(2) of 1330
section 2929.13 of the Revised Code, the sentencing court shall 1331
impose upon the offender a mandatory prison term in accordance 1332
with that division. In addition to the mandatory prison term, if 1333
the offender is being sentenced for a fourth degree felony OVI 1334
offense, the court, notwithstanding division (A)(4) of this 1335
section, may sentence the offender to a definite prison term of 1336
not less than six months and not more than thirty months, and if 1337
the offender is being sentenced for a third degree felony OVI 1338
offense, the sentencing court may sentence the offender to an 1339
additional prison term of any duration specified in division (A) 1340

(3) of this section. In either case, the additional prison term 1341
imposed shall be reduced by the sixty or one hundred twenty days 1342
imposed upon the offender as the mandatory prison term. The 1343
total of the additional prison term imposed under division (B) 1344
(4) of this section plus the sixty or one hundred twenty days 1345
imposed as the mandatory prison term shall equal a definite term 1346
in the range of six months to thirty months for a fourth degree 1347
felony OVI offense and shall equal one of the authorized prison 1348
terms specified in division (A) (3) of this section for a third 1349
degree felony OVI offense. If the court imposes an additional 1350
prison term under division (B) (4) of this section, the offender 1351
shall serve the additional prison term after the offender has 1352
served the mandatory prison term required for the offense. In 1353
addition to the mandatory prison term or mandatory and 1354
additional prison term imposed as described in division (B) (4) 1355
of this section, the court also may sentence the offender to a 1356
community control sanction under section 2929.16 or 2929.17 of 1357
the Revised Code, but the offender shall serve all of the prison 1358
terms so imposed prior to serving the community control 1359
sanction. 1360

If the offender is being sentenced for a fourth degree 1361
felony OVI offense under division (G) (1) of section 2929.13 of 1362
the Revised Code and the court imposes a mandatory term of local 1363
incarceration, the court may impose a prison term as described 1364
in division (A) (1) of that section. 1365

(5) If an offender is convicted of or pleads guilty to a 1366
violation of division (A) (1) or (2) of section 2903.06 of the 1367
Revised Code and also is convicted of or pleads guilty to a 1368
specification of the type described in section 2941.1414 of the 1369
Revised Code that charges that the victim of the offense is a 1370
peace officer, as defined in section 2935.01 of the Revised 1371

Code, or an investigator of the bureau of criminal 1372
identification and investigation, as defined in section 2903.11 1373
of the Revised Code, the court shall impose on the offender a 1374
prison term of five years. If a court imposes a prison term on 1375
an offender under division (B) (5) of this section, the prison 1376
term, subject to divisions (C) to (I) of section 2967.19 of the 1377
Revised Code, shall not be reduced pursuant to section 2929.20, 1378
section 2967.19, section 2967.193, or any other provision of 1379
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1380
shall not impose more than one prison term on an offender under 1381
division (B) (5) of this section for felonies committed as part 1382
of the same act. 1383

(6) If an offender is convicted of or pleads guilty to a 1384
violation of division (A) (1) or (2) of section 2903.06 of the 1385
Revised Code and also is convicted of or pleads guilty to a 1386
specification of the type described in section 2941.1415 of the 1387
Revised Code that charges that the offender previously has been 1388
convicted of or pleaded guilty to three or more violations of 1389
division (A) or (B) of section 4511.19 of the Revised Code or an 1390
equivalent offense, as defined in section 2941.1415 of the 1391
Revised Code, or three or more violations of any combination of 1392
those divisions and offenses, the court shall impose on the 1393
offender a prison term of three years. If a court imposes a 1394
prison term on an offender under division (B) (6) of this 1395
section, the prison term, subject to divisions (C) to (I) of 1396
section 2967.19 of the Revised Code, shall not be reduced 1397
pursuant to section 2929.20, section 2967.19, section 2967.193, 1398
or any other provision of Chapter 2967. or Chapter 5120. of the 1399
Revised Code. A court shall not impose more than one prison term 1400
on an offender under division (B) (6) of this section for 1401
felonies committed as part of the same act. 1402

(7) (a) If an offender is convicted of or pleads guilty to 1403
a felony violation of section 2905.01, 2905.02, 2907.21, 1404
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1405
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1406
section 2919.22 of the Revised Code and also is convicted of or 1407
pleads guilty to a specification of the type described in 1408
section 2941.1422 of the Revised Code that charges that the 1409
offender knowingly committed the offense in furtherance of human 1410
trafficking, the court shall impose on the offender a mandatory 1411
prison term that is one of the following: 1412

(i) If the offense is a felony of the first degree, a 1413
definite prison term of not less than five years and not greater 1414
than eleven years, except that if the offense is a felony of the 1415
first degree committed on or after the effective date of this 1416
amendment, the court shall impose as the minimum prison term a 1417
mandatory term of not less than five years and not greater than 1418
eleven years; 1419

(ii) If the offense is a felony of the second or third 1420
degree, a definite prison term of not less than three years and 1421
not greater than the maximum prison term allowed for the offense 1422
by division (A) (2) (b) or (3) of this section, except that if the 1423
offense is a felony of the second degree committed on or after 1424
the effective date of this amendment, the court shall impose as 1425
the minimum prison term a mandatory term of not less than three 1426
years and not greater than eight years; 1427

(iii) If the offense is a felony of the fourth or fifth 1428
degree, a definite prison term that is the maximum prison term 1429
allowed for the offense by division (A) of section 2929.14 of 1430
the Revised Code. 1431

(b) Subject to divisions (C) to (I) of section 2967.19 of 1432

the Revised Code, the prison term imposed under division (B) (7) 1433
(a) of this section shall not be reduced pursuant to section 1434
2929.20, section 2967.19, section 2967.193, or any other 1435
provision of Chapter 2967. of the Revised Code. A court shall 1436
not impose more than one prison term on an offender under 1437
division (B) (7) (a) of this section for felonies committed as 1438
part of the same act, scheme, or plan. 1439

(8) If an offender is convicted of or pleads guilty to a 1440
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1441
Revised Code and also is convicted of or pleads guilty to a 1442
specification of the type described in section 2941.1423 of the 1443
Revised Code that charges that the victim of the violation was a 1444
woman whom the offender knew was pregnant at the time of the 1445
violation, notwithstanding the range prescribed in division (A) 1446
of this section as the definite prison term or minimum prison 1447
term for felonies of the same degree as the violation, the court 1448
shall impose on the offender a mandatory prison term that is 1449
either a definite prison term of six months or one of the prison 1450
terms prescribed in division (A) of this section for felonies of 1451
the same degree as the violation, except that if the violation 1452
is a felony of the first or second degree committed on or after 1453
the effective date of this amendment, the court shall impose as 1454
the minimum prison term under division (A) (1) (a) or (2) (a) of 1455
this section a mandatory term that is one of the terms 1456
prescribed in that division, whichever is applicable, for the 1457
offense. 1458

(9) (a) If an offender is convicted of or pleads guilty to 1459
a violation of division (A) (1) or (2) of section 2903.11 of the 1460
Revised Code and also is convicted of or pleads guilty to a 1461
specification of the type described in section 2941.1425 of the 1462
Revised Code, the court shall impose on the offender a mandatory 1463

prison term of six years if either of the following applies: 1464

(i) The violation is a violation of division (A) (1) of 1465
section 2903.11 of the Revised Code and the specification 1466
charges that the offender used an accelerant in committing the 1467
violation and the serious physical harm to another or to 1468
another's unborn caused by the violation resulted in a 1469
permanent, serious disfigurement or permanent, substantial 1470
incapacity; 1471

(ii) The violation is a violation of division (A) (2) of 1472
section 2903.11 of the Revised Code and the specification 1473
charges that the offender used an accelerant in committing the 1474
violation, that the violation caused physical harm to another or 1475
to another's unborn, and that the physical harm resulted in a 1476
permanent, serious disfigurement or permanent, substantial 1477
incapacity. 1478

(b) If a court imposes a prison term on an offender under 1479
division (B) (9) (a) of this section, the prison term shall not be 1480
reduced pursuant to section 2929.20, section 2967.19, section 1481
2967.193, or any other provision of Chapter 2967. or Chapter 1482
5120. of the Revised Code. A court shall not impose more than 1483
one prison term on an offender under division (B) (9) of this 1484
section for felonies committed as part of the same act. 1485

(c) The provisions of divisions (B) (9) and (C) (6) of this 1486
section and of division (D) (2) of section 2903.11, division (F) 1487
(20) of section 2929.13, and section 2941.1425 of the Revised 1488
Code shall be known as "Judy's Law." 1489

(10) If an offender is convicted of or pleads guilty to a 1490
violation of division (A) of section 2903.11 of the Revised Code 1491
and also is convicted of or pleads guilty to a specification of 1492

the type described in section 2941.1426 of the Revised Code that 1493
charges that the victim of the offense suffered permanent 1494
disabling harm as a result of the offense and that the victim 1495
was under ten years of age at the time of the offense, 1496
regardless of whether the offender knew the age of the victim, 1497
the court shall impose upon the offender an additional definite 1498
prison term of six years. A prison term imposed on an offender 1499
under division (B)(10) of this section shall not be reduced 1500
pursuant to section 2929.20, section 2967.193, or any other 1501
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1502
If a court imposes an additional prison term on an offender 1503
under this division relative to a violation of division (A) of 1504
section 2903.11 of the Revised Code, the court shall not impose 1505
any other additional prison term on the offender relative to the 1506
same offense. 1507

(11) If an offender is convicted of or pleads guilty to a 1508
felony violation of section 2925.03 or 2925.05 of the Revised 1509
Code or a felony violation of section 2925.11 of the Revised 1510
Code for which division (C)(11) of that section applies in 1511
determining the sentence for the violation, if the drug involved 1512
in the violation is a fentanyl-related compound or a compound, 1513
mixture, preparation, or substance containing a fentanyl-related 1514
compound, and if the offender also is convicted of or pleads 1515
guilty to a specification of the type described in division (B) 1516
of section 2941.1410 of the Revised Code that charges that the 1517
offender is a major drug offender, in addition to any other 1518
penalty imposed for the violation, the court shall impose on the 1519
offender a mandatory prison term of three, four, five, six, 1520
seven, or eight years. If a court imposes a prison term on an 1521
offender under division (B)(11) of this section, the prison 1522
term, subject to divisions (C) to (I) of section 2967.19 of the 1523

Revised Code, shall not be reduced pursuant to section 2929.20, 1524
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1525
5120. of the Revised Code. A court shall not impose more than 1526
one prison term on an offender under division (B)(11) of this 1527
section for felonies committed as part of the same act. 1528

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1529
if a mandatory prison term is imposed upon an offender pursuant 1530
to division (B)(1)(a) of this section for having a firearm on or 1531
about the offender's person or under the offender's control 1532
while committing a felony, if a mandatory prison term is imposed 1533
upon an offender pursuant to division (B)(1)(c) of this section 1534
for committing a felony specified in that division by 1535
discharging a firearm from a motor vehicle, or if both types of 1536
mandatory prison terms are imposed, the offender shall serve any 1537
mandatory prison term imposed under either division 1538
consecutively to any other mandatory prison term imposed under 1539
either division or under division (B)(1)(d) of this section, 1540
consecutively to and prior to any prison term imposed for the 1541
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 1542
this section or any other section of the Revised Code, and 1543
consecutively to any other prison term or mandatory prison term 1544
previously or subsequently imposed upon the offender. 1545

(b) If a mandatory prison term is imposed upon an offender 1546
pursuant to division (B)(1)(d) of this section for wearing or 1547
carrying body armor while committing an offense of violence that 1548
is a felony, the offender shall serve the mandatory term so 1549
imposed consecutively to any other mandatory prison term imposed 1550
under that division or under division (B)(1)(a) or (c) of this 1551
section, consecutively to and prior to any prison term imposed 1552
for the underlying felony under division (A), (B)(2), or (B)(3) 1553
of this section or any other section of the Revised Code, and 1554

consecutively to any other prison term or mandatory prison term 1555
previously or subsequently imposed upon the offender. 1556

(c) If a mandatory prison term is imposed upon an offender 1557
pursuant to division (B)(1)(f) of this section, the offender 1558
shall serve the mandatory prison term so imposed consecutively 1559
to and prior to any prison term imposed for the underlying 1560
felony under division (A), (B)(2), or (B)(3) of this section or 1561
any other section of the Revised Code, and consecutively to any 1562
other prison term or mandatory prison term previously or 1563
subsequently imposed upon the offender. 1564

(d) If a mandatory prison term is imposed upon an offender 1565
pursuant to division (B)(7) or (8) of this section, the offender 1566
shall serve the mandatory prison term so imposed consecutively 1567
to any other mandatory prison term imposed under that division 1568
or under any other provision of law and consecutively to any 1569
other prison term or mandatory prison term previously or 1570
subsequently imposed upon the offender. 1571

(e) If a mandatory prison term is imposed upon an offender 1572
pursuant to division (B)(11) of this section, the offender shall 1573
serve the mandatory prison term consecutively to any other 1574
mandatory prison term imposed under that division, consecutively 1575
to and prior to any prison term imposed for the underlying 1576
felony, and consecutively to any other prison term or mandatory 1577
prison term previously or subsequently imposed upon the 1578
offender. 1579

(2) If an offender who is an inmate in a jail, prison, or 1580
other residential detention facility violates section 2917.02, 1581
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1582
(2) of section 2921.34 of the Revised Code, if an offender who 1583
is under detention at a detention facility commits a felony 1584

violation of section 2923.131 of the Revised Code, or if an 1585
offender who is an inmate in a jail, prison, or other 1586
residential detention facility or is under detention at a 1587
detention facility commits another felony while the offender is 1588
an escapee in violation of division (A)(1) or (2) of section 1589
2921.34 of the Revised Code, any prison term imposed upon the 1590
offender for one of those violations shall be served by the 1591
offender consecutively to the prison term or term of 1592
imprisonment the offender was serving when the offender 1593
committed that offense and to any other prison term previously 1594
or subsequently imposed upon the offender. 1595

(3) If a prison term is imposed for a violation of 1596
division (B) of section 2911.01 of the Revised Code, a violation 1597
of division (A) of section 2913.02 of the Revised Code in which 1598
the stolen property is a firearm or dangerous ordnance, or a 1599
felony violation of division (B) of section 2921.331 of the 1600
Revised Code, the offender shall serve that prison term 1601
consecutively to any other prison term or mandatory prison term 1602
previously or subsequently imposed upon the offender. 1603

(4) If multiple prison terms are imposed on an offender 1604
for convictions of multiple offenses, the court may require the 1605
offender to serve the prison terms consecutively if the court 1606
finds that the consecutive service is necessary to protect the 1607
public from future crime or to punish the offender and that 1608
consecutive sentences are not disproportionate to the 1609
seriousness of the offender's conduct and to the danger the 1610
offender poses to the public, and if the court also finds any of 1611
the following: 1612

(a) The offender committed one or more of the multiple 1613
offenses while the offender was awaiting trial or sentencing, 1614

was under a sanction imposed pursuant to section 2929.16, 1615
2929.17, or 2929.18 of the Revised Code, or was under post- 1616
release control for a prior offense. 1617

(b) At least two of the multiple offenses were committed 1618
as part of one or more courses of conduct, and the harm caused 1619
by two or more of the multiple offenses so committed was so 1620
great or unusual that no single prison term for any of the 1621
offenses committed as part of any of the courses of conduct 1622
adequately reflects the seriousness of the offender's conduct. 1623

(c) The offender's history of criminal conduct 1624
demonstrates that consecutive sentences are necessary to protect 1625
the public from future crime by the offender. 1626

(5) If a mandatory prison term is imposed upon an offender 1627
pursuant to division (B) (5) or (6) of this section, the offender 1628
shall serve the mandatory prison term consecutively to and prior 1629
to any prison term imposed for the underlying violation of 1630
division (A) (1) or (2) of section 2903.06 of the Revised Code 1631
pursuant to division (A) of this section or section 2929.142 of 1632
the Revised Code. If a mandatory prison term is imposed upon an 1633
offender pursuant to division (B) (5) of this section, and if a 1634
mandatory prison term also is imposed upon the offender pursuant 1635
to division (B) (6) of this section in relation to the same 1636
violation, the offender shall serve the mandatory prison term 1637
imposed pursuant to division (B) (5) of this section 1638
consecutively to and prior to the mandatory prison term imposed 1639
pursuant to division (B) (6) of this section and consecutively to 1640
and prior to any prison term imposed for the underlying 1641
violation of division (A) (1) or (2) of section 2903.06 of the 1642
Revised Code pursuant to division (A) of this section or section 1643
2929.142 of the Revised Code. 1644

(6) If a mandatory prison term is imposed on an offender 1645
pursuant to division (B)(9) of this section, the offender shall 1646
serve the mandatory prison term consecutively to and prior to 1647
any prison term imposed for the underlying violation of division 1648
(A)(1) or (2) of section 2903.11 of the Revised Code and 1649
consecutively to and prior to any other prison term or mandatory 1650
prison term previously or subsequently imposed on the offender. 1651

(7) If a mandatory prison term is imposed on an offender 1652
pursuant to division (B)(10) of this section, the offender shall 1653
serve that mandatory prison term consecutively to and prior to 1654
any prison term imposed for the underlying felonious assault. 1655
Except as otherwise provided in division (C) of this section, 1656
any other prison term or mandatory prison term previously or 1657
subsequently imposed upon the offender may be served 1658
concurrently with, or consecutively to, the prison term imposed 1659
pursuant to division (B)(10) of this section. 1660

(8) Any prison term imposed for a violation of section 1661
2903.04 of the Revised Code that is based on a violation of 1662
section 2925.03 or 2925.11 of the Revised Code or on a violation 1663
of section 2925.05 of the Revised Code that is not funding of 1664
marihuana trafficking shall run consecutively to any prison term 1665
imposed for the violation of section 2925.03 or 2925.11 of the 1666
Revised Code or for the violation of section 2925.05 of the 1667
Revised Code that is not funding of marihuana trafficking. 1668

(9) When consecutive prison terms are imposed pursuant to 1669
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1670
division (H)(1) or (2) of this section, subject to division (C) 1671
(10) of this section, the term to be served is the aggregate of 1672
all of the terms so imposed. 1673

(10) When a court sentences an offender to a non-life 1674

felony indefinite prison term, any definite prison term or 1675
mandatory definite prison term previously or subsequently 1676
imposed on the offender in addition to that indefinite sentence 1677
that is required to be served consecutively to that indefinite 1678
sentence shall be served prior to the indefinite sentence. 1679

(11) If a court is sentencing an offender for a felony of 1680
the first or second degree, if division (A)(1)(a) or (2)(a) of 1681
this section applies with respect to the sentencing for the 1682
offense, and if the court is required under the Revised Code 1683
section that sets forth the offense or any other Revised Code 1684
provision to impose a mandatory prison term for the offense, the 1685
court shall impose the required mandatory prison term as the 1686
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1687
section, whichever is applicable. 1688

(D)(1) If a court imposes a prison term, other than a term 1689
of life imprisonment, for a felony of the first degree, for a 1690
felony of the second degree, for a felony sex offense, or for a 1691
felony of the third degree that is an offense of violence and 1692
that is not a felony sex offense, it shall include in the 1693
sentence a requirement that the offender be subject to a period 1694
of post-release control after the offender's release from 1695
imprisonment, in accordance with section 2967.28 of the Revised 1696
Code. If a court imposes a sentence including a prison term of a 1697
type described in this division on or after July 11, 2006, the 1698
failure of a court to include a post-release control requirement 1699
in the sentence pursuant to this division does not negate, 1700
limit, or otherwise affect the mandatory period of post-release 1701
control that is required for the offender under division (B) of 1702
section 2967.28 of the Revised Code. Section 2929.191 of the 1703
Revised Code applies if, prior to July 11, 2006, a court imposed 1704
a sentence including a prison term of a type described in this 1705

division and failed to include in the sentence pursuant to this 1706
division a statement regarding post-release control. 1707

(2) If a court imposes a prison term for a felony of the 1708
third, fourth, or fifth degree that is not subject to division 1709
(D) (1) of this section, it shall include in the sentence a 1710
requirement that the offender be subject to a period of post- 1711
release control after the offender's release from imprisonment, 1712
in accordance with that division, if the parole board determines 1713
that a period of post-release control is necessary. Section 1714
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1715
a court imposed a sentence including a prison term of a type 1716
described in this division and failed to include in the sentence 1717
pursuant to this division a statement regarding post-release 1718
control. 1719

(E) The court shall impose sentence upon the offender in 1720
accordance with section 2971.03 of the Revised Code, and Chapter 1721
2971. of the Revised Code applies regarding the prison term or 1722
term of life imprisonment without parole imposed upon the 1723
offender and the service of that term of imprisonment if any of 1724
the following apply: 1725

(1) A person is convicted of or pleads guilty to a violent 1726
sex offense or a designated homicide, assault, or kidnapping 1727
offense, and, in relation to that offense, the offender is 1728
adjudicated a sexually violent predator. 1729

(2) A person is convicted of or pleads guilty to a 1730
violation of division (A) (1) (b) of section 2907.02 of the 1731
Revised Code committed on or after January 2, 2007, and either 1732
the court does not impose a sentence of life without parole when 1733
authorized pursuant to division (B) of section 2907.02 of the 1734
Revised Code, or division (B) of section 2907.02 of the Revised 1735

Code provides that the court shall not sentence the offender 1736
pursuant to section 2971.03 of the Revised Code. 1737

(3) A person is convicted of or pleads guilty to attempted 1738
rape committed on or after January 2, 2007, and a specification 1739
of the type described in section 2941.1418, 2941.1419, or 1740
2941.1420 of the Revised Code. 1741

(4) A person is convicted of or pleads guilty to a 1742
violation of section 2905.01 of the Revised Code committed on or 1743
after January 1, 2008, and that section requires the court to 1744
sentence the offender pursuant to section 2971.03 of the Revised 1745
Code. 1746

(5) A person is convicted of or pleads guilty to 1747
aggravated murder committed on or after January 1, 2008, and 1748
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1749
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1750
(d) of section 2929.03, or division (A) or (B) of section 1751
2929.06 of the Revised Code requires the court to sentence the 1752
offender pursuant to division (B) (3) of section 2971.03 of the 1753
Revised Code. 1754

(6) A person is convicted of or pleads guilty to murder 1755
committed on or after January 1, 2008, and division (B) (2) of 1756
section 2929.02 of the Revised Code requires the court to 1757
sentence the offender pursuant to section 2971.03 of the Revised 1758
Code. 1759

(F) If a person who has been convicted of or pleaded 1760
guilty to a felony is sentenced to a prison term or term of 1761
imprisonment under this section, sections 2929.02 to 2929.06 of 1762
the Revised Code, section 2929.142 of the Revised Code, section 1763
2971.03 of the Revised Code, or any other provision of law, 1764

section 5120.163 of the Revised Code applies regarding the 1765
person while the person is confined in a state correctional 1766
institution. 1767

(G) If an offender who is convicted of or pleads guilty to 1768
a felony that is an offense of violence also is convicted of or 1769
pleads guilty to a specification of the type described in 1770
section 2941.142 of the Revised Code that charges the offender 1771
with having committed the felony while participating in a 1772
criminal gang, the court shall impose upon the offender an 1773
additional prison term of one, two, or three years. 1774

(H) (1) If an offender who is convicted of or pleads guilty 1775
to aggravated murder, murder, or a felony of the first, second, 1776
or third degree that is an offense of violence also is convicted 1777
of or pleads guilty to a specification of the type described in 1778
section 2941.143 of the Revised Code that charges the offender 1779
with having committed the offense in a school safety zone or 1780
towards a person in a school safety zone, the court shall impose 1781
upon the offender an additional prison term of two years. The 1782
offender shall serve the additional two years consecutively to 1783
and prior to the prison term imposed for the underlying offense. 1784

(2) (a) If an offender is convicted of or pleads guilty to 1785
a felony violation of section 2907.22, 2907.24, 2907.241, or 1786
2907.25 of the Revised Code and to a specification of the type 1787
described in section 2941.1421 of the Revised Code and if the 1788
court imposes a prison term on the offender for the felony 1789
violation, the court may impose upon the offender an additional 1790
prison term as follows: 1791

(i) Subject to division (H) (2) (a) (ii) of this section, an 1792
additional prison term of one, two, three, four, five, or six 1793
months; 1794

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

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

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

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department

determines as specified in section 5120.031 or 5120.032 of the
Revised Code, whichever is applicable, that the offender is
eligible for placement in a program or prison of that nature,
the department shall screen the offender and determine if there
is an available program of shock incarceration or an intensive
program prison for which the offender is suited. If there is an
available program of shock incarceration or an intensive program
prison for which the offender is suited, the department shall
notify the court of the proposed placement of the offender as
specified in section 5120.031 or 5120.032 of the Revised Code
and shall include with the notice a brief description of the
placement. The court shall have ten days from receipt of the
notice to disapprove the placement.

(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 1887
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1888
any other provision of Chapter 2967. or 5120. of the Revised 1889
Code. A court may not impose more than one sentence under 1890
division (B) (2) (a) of this section and this division for acts 1891
committed as part of the same act or transaction. 1892

(2) As used in division (K) (1) of this section, "violent 1893
career criminal" and "violent felony offense" have the same 1894
meanings as in section 2923.132 of the Revised Code. 1895

(L) If an offender receives or received a sentence of life 1896
imprisonment without parole, a sentence of life imprisonment, a 1897
definite sentence, or a sentence to an indefinite prison term 1898
under this chapter for a felony offense that was committed when 1899
the offender was under eighteen years of age, the offender's 1900
parole eligibility shall be determined under section 2967.132 of 1901
the Revised Code. 1902

Sec. 2929.19. (A) The court shall hold a sentencing 1903
hearing before imposing a sentence under this chapter upon an 1904
offender who was convicted of or pleaded guilty to a felony and 1905
before resentencing an offender who was convicted of or pleaded 1906
guilty to a felony and whose case was remanded pursuant to 1907
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 1908
the offender, the prosecuting attorney, the victim or the 1909
victim's representative in accordance with section 2930.14 of 1910
the Revised Code, and, with the approval of the court, any other 1911
person may present information relevant to the imposition of 1912
sentence in the case. The court shall inform the offender of the 1913
verdict of the jury or finding of the court and ask the offender 1914
whether the offender has anything to say as to why sentence 1915
should not be imposed upon the offender. 1916

(B) (1) At the sentencing hearing, the court, before 1917
imposing sentence, shall ~~consider~~ do all of the following: 1918

(a) Consider the record, any information presented at the 1919
hearing by any person pursuant to division (A) of this section, 1920
and, if one was prepared, the presentence investigation report 1921
made pursuant to section 2951.03 of the Revised Code or Criminal 1922
Rule 32.2, and any victim impact statement made pursuant to 1923
section 2947.051 of the Revised Code; 1924

(b) If the offense was committed when the offender was 1925
under eighteen years of age, in addition to other factors 1926
considered, consider youth and its characteristics as mitigating 1927
factors, including: 1928

(i) The chronological age of the offender at the time of 1929
the offense and that age's hallmark features, including 1930
intellectual capacity, immaturity, impetuosity, and a failure to 1931
appreciate risks and consequences; 1932

(ii) The family and home environment of the offender at 1933
the time of the offense, the offender's inability to control the 1934
offender's surroundings, a history of trauma regarding the 1935
offender, and the offender's school and special education 1936
history; 1937

(iii) The circumstances of the offense, including the 1938
extent of the offender's participation in the conduct and the 1939
way familial and peer pressures may have impacted the offender's 1940
conduct; 1941

(iv) Whether the offender might have been charged and 1942
convicted of a lesser offense if not for the incompetencies 1943
associated with youth, such as the offender's inability to deal 1944
with police officers and prosecutors during the offender's 1945

interrogation or possible plea agreement or the offender's 1946
inability to assist the offender's own attorney; 1947

(v) Examples of the offender's rehabilitation, including 1948
any subsequent growth or increase in maturity during 1949
confinement. 1950

(2) Subject to division (B) (3) of this section, if the 1951
sentencing court determines at the sentencing hearing that a 1952
prison term is necessary or required, the court shall do all of 1953
the following: 1954

(a) Impose a stated prison term and, if the court imposes 1955
a mandatory prison term, notify the offender that the prison 1956
term is a mandatory prison term; 1957

(b) In addition to any other information, include in the 1958
sentencing entry the name and section reference to the offense 1959
or offenses, the sentence or sentences imposed and whether the 1960
sentence or sentences contain mandatory prison terms, if 1961
sentences are imposed for multiple counts whether the sentences 1962
are to be served concurrently or consecutively, and the name and 1963
section reference of any specification or specifications for 1964
which sentence is imposed and the sentence or sentences imposed 1965
for the specification or specifications; 1966

(c) If the prison term is a non-life felony indefinite 1967
prison term, notify the offender of all of the following: 1968

(i) That it is rebuttably presumed that the offender will 1969
be released from service of the sentence on the expiration of 1970
the minimum prison term imposed as part of the sentence or on 1971
the offender's presumptive earned early release date, as defined 1972
in section 2967.271 of the Revised Code, whichever is earlier; 1973

(ii) That the department of rehabilitation and correction 1974

may rebut the presumption described in division (B) (2) (c) (i) of 1975
this section if, at a hearing held under section 2967.271 of the 1976
Revised Code, the department makes specified determinations 1977
regarding the offender's conduct while confined, the offender's 1978
rehabilitation, the offender's threat to society, the offender's 1979
restrictive housing, if any, while confined, and the offender's 1980
security classification; 1981

(iii) That if, as described in division (B) (2) (c) (ii) of 1982
this section, the department at the hearing makes the specified 1983
determinations and rebuts the presumption, the department may 1984
maintain the offender's incarceration after the expiration of 1985
that minimum term or after that presumptive earned early release 1986
date for the length of time the department determines to be 1987
reasonable, subject to the limitation specified in section 1988
2967.271 of the Revised Code; 1989

(iv) That the department may make the specified 1990
determinations and maintain the offender's incarceration under 1991
the provisions described in divisions (B) (2) (c) (i) and (ii) of 1992
this section more than one time, subject to the limitation 1993
specified in section 2967.271 of the Revised Code; 1994

(v) That if the offender has not been released prior to 1995
the expiration of the offender's maximum prison term imposed as 1996
part of the sentence, the offender must be released upon the 1997
expiration of that term. 1998

(d) Notify the offender that the offender will be 1999
supervised under section 2967.28 of the Revised Code after the 2000
offender leaves prison if the offender is being sentenced, other 2001
than to a sentence of life imprisonment, for a felony of the 2002
first degree or second degree, for a felony sex offense, or for 2003
a felony of the third degree that is an offense of violence and 2004

is not a felony sex offense. This division applies with respect 2005
to all prison terms imposed for an offense of a type described 2006
in this division, including a non-life felony indefinite prison 2007
term and including a term imposed for any offense of a type 2008
described in this division that is a risk reduction sentence, as 2009
defined in section 2967.28 of the Revised Code. If a court 2010
imposes a sentence including a prison term of a type described 2011
in division (B)(2)(d) of this section on or after July 11, 2006, 2012
the failure of a court to notify the offender pursuant to 2013
division (B)(2)(d) of this section that the offender will be 2014
supervised under section 2967.28 of the Revised Code after the 2015
offender leaves prison or to include in the judgment of 2016
conviction entered on the journal a statement to that effect 2017
does not negate, limit, or otherwise affect the mandatory period 2018
of supervision that is required for the offender under division 2019
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 2020
the Revised Code applies if, prior to July 11, 2006, a court 2021
imposed a sentence including a prison term of a type described 2022
in division (B)(2)(d) of this section and failed to notify the 2023
offender pursuant to division (B)(2)(d) of this section 2024
regarding post-release control or to include in the judgment of 2025
conviction entered on the journal or in the sentence a statement 2026
regarding post-release control. 2027

(e) Notify the offender that the offender may be 2028
supervised under section 2967.28 of the Revised Code after the 2029
offender leaves prison if the offender is being sentenced for a 2030
felony of the third, fourth, or fifth degree that is not subject 2031
to division (B)(2)(d) of this section. This division applies 2032
with respect to all prison terms imposed for an offense of a 2033
type described in this division, including a term imposed for 2034
any such offense that is a risk reduction sentence, as defined 2035

in section 2967.28 of the Revised Code. Section 2929.191 of the
Revised Code applies if, prior to July 11, 2006, a court imposed
a sentence including a prison term of a type described in
division (B) (2) (e) of this section and failed to notify the
offender pursuant to division (B) (2) (e) of this section
regarding post-release control or to include in the judgment of
conviction entered on the journal or in the sentence a statement
regarding post-release control.

(f) Notify the offender that, if a period of supervision
is imposed following the offender's release from prison, as
described in division (B) (2) (d) or (e) of this section, and if
the offender violates that supervision or a condition of post-
release control imposed under division (B) of section 2967.131
of the Revised Code, the parole board may impose a prison term,
as part of the sentence, of up to one-half of the definite
prison term originally imposed upon the offender as the
offender's stated prison term or up to one-half of the minimum
prison term originally imposed upon the offender as part of the
offender's stated non-life felony indefinite prison term. If a
court imposes a sentence including a prison term on or after
July 11, 2006, the failure of a court to notify the offender
pursuant to division (B) (2) (f) of this section that the parole
board may impose a prison term as described in division (B) (2)
(f) of this section for a violation of that supervision or a
condition of post-release control imposed under division (B) of
section 2967.131 of the Revised Code or to include in the
judgment of conviction entered on the journal a statement to
that effect does not negate, limit, or otherwise affect the
authority of the parole board to so impose a prison term for a
violation of that nature if, pursuant to division (D) (1) of
section 2967.28 of the Revised Code, the parole board notifies

the offender prior to the offender's release of the board's 2067
authority to so impose a prison term. Section 2929.191 of the 2068
Revised Code applies if, prior to July 11, 2006, a court imposed 2069
a sentence including a prison term and failed to notify the 2070
offender pursuant to division (B) (2) (f) of this section 2071
regarding the possibility of the parole board imposing a prison 2072
term for a violation of supervision or a condition of post- 2073
release control. 2074

(g) (i) Determine, notify the offender of, and include in 2075
the sentencing entry the total number of days, including the 2076
sentencing date but excluding conveyance time, that the offender 2077
has been confined for any reason arising out of the offense for 2078
which the offender is being sentenced and by which the 2079
department of rehabilitation and correction must reduce the 2080
definite prison term imposed on the offender as the offender's 2081
stated prison term or, if the offense is an offense for which a 2082
non-life felony indefinite prison term is imposed under division 2083
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the 2084
minimum and maximum prison terms imposed on the offender as part 2085
of that non-life felony indefinite prison term, under section 2086
2967.191 of the Revised Code. The court's calculation shall not 2087
include the number of days, if any, that the offender served in 2088
the custody of the department of rehabilitation and correction 2089
arising out of any prior offense for which the prisoner was 2090
convicted and sentenced. 2091

(ii) In making a determination under division (B) (2) (g) (i) 2092
of this section, the court shall consider the arguments of the 2093
parties and conduct a hearing if one is requested. 2094

(iii) The sentencing court retains continuing jurisdiction 2095
to correct any error not previously raised at sentencing in 2096

making a determination under division (B) (2) (g) (i) of this 2097
section. The offender may, at any time after sentencing, file a 2098
motion in the sentencing court to correct any error made in 2099
making a determination under division (B) (2) (g) (i) of this 2100
section, and the court may in its discretion grant or deny that 2101
motion. If the court changes the number of days in its 2102
determination or redetermination, the court shall cause the 2103
entry granting that change to be delivered to the department of 2104
rehabilitation and correction without delay. Sections 2931.15 2105
and 2953.21 of the Revised Code do not apply to a motion made 2106
under this section. 2107

(iv) An inaccurate determination under division (B) (2) (g) 2108
(i) of this section is not grounds for setting aside the 2109
offender's conviction or sentence and does not otherwise render 2110
the sentence void or voidable. 2111

(v) The department of rehabilitation and correction shall 2112
rely upon the latest journal entry of the court in determining 2113
the total days of local confinement for purposes of division (B) 2114
(2) (f) (i) to (iii) of this section and section 2967.191 of the 2115
Revised Code. 2116

(3) (a) The court shall include in the offender's sentence 2117
a statement that the offender is a tier III sex offender/child- 2118
victim offender, and the court shall comply with the 2119
requirements of section 2950.03 of the Revised Code if any of 2120
the following apply: 2121

(i) The offender is being sentenced for a violent sex 2122
offense or designated homicide, assault, or kidnapping offense 2123
that the offender committed on or after January 1, 1997, and the 2124
offender is adjudicated a sexually violent predator in relation 2125
to that offense. 2126

(ii) The offender is being sentenced for a sexually 2127
oriented offense that the offender committed on or after January 2128
1, 1997, and the offender is a tier III sex offender/child- 2129
victim offender relative to that offense. 2130

(iii) The offender is being sentenced on or after July 31, 2131
2003, for a child-victim oriented offense, and the offender is a 2132
tier III sex offender/child-victim offender relative to that 2133
offense. 2134

(iv) The offender is being sentenced under section 2971.03 2135
of the Revised Code for a violation of division (A) (1) (b) of 2136
section 2907.02 of the Revised Code committed on or after 2137
January 2, 2007. 2138

(v) The offender is sentenced to a term of life without 2139
parole under division (B) of section 2907.02 of the Revised 2140
Code. 2141

(vi) The offender is being sentenced for attempted rape 2142
committed on or after January 2, 2007, and a specification of 2143
the type described in section 2941.1418, 2941.1419, or 2941.1420 2144
of the Revised Code. 2145

(vii) The offender is being sentenced under division (B) 2146
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 2147
for an offense described in those divisions committed on or 2148
after January 1, 2008. 2149

(b) Additionally, if any criterion set forth in divisions 2150
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 2151
circumstances described in division (E) of section 2929.14 of 2152
the Revised Code, the court shall impose sentence on the 2153
offender as described in that division. 2154

(4) If the sentencing court determines at the sentencing 2155

hearing that a community control sanction should be imposed and 2156
the court is not prohibited from imposing a community control 2157
sanction, the court shall impose a community control sanction. 2158
The court shall notify the offender that, if the conditions of 2159
the sanction are violated, if the offender commits a violation 2160
of any law, or if the offender leaves this state without the 2161
permission of the court or the offender's probation officer, the 2162
court may impose a longer time under the same sanction, may 2163
impose a more restrictive sanction, or may impose a prison term 2164
on the offender and shall indicate the specific prison term that 2165
may be imposed as a sanction for the violation, as selected by 2166
the court from the range of prison terms for the offense 2167
pursuant to section 2929.14 of the Revised Code and as described 2168
in section 2929.15 of the Revised Code. 2169

(5) Before imposing a financial sanction under section 2170
2929.18 of the Revised Code or a fine under section 2929.32 of 2171
the Revised Code, the court shall consider the offender's 2172
present and future ability to pay the amount of the sanction or 2173
fine. 2174

(6) If the sentencing court sentences the offender to a 2175
sanction of confinement pursuant to section 2929.14 or 2929.16 2176
of the Revised Code that is to be served in a local detention 2177
facility, as defined in section 2929.36 of the Revised Code, and 2178
if the local detention facility is covered by a policy adopted 2179
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2180
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2181
and section 2929.37 of the Revised Code, both of the following 2182
apply: 2183

(a) The court shall specify both of the following as part 2184
of the sentence: 2185

(i) If the offender is presented with an itemized bill 2186
pursuant to section 2929.37 of the Revised Code for payment of 2187
the costs of confinement, the offender is required to pay the 2188
bill in accordance with that section. 2189

(ii) If the offender does not dispute the bill described 2190
in division (B) (6) (a) (i) of this section and does not pay the 2191
bill by the times specified in section 2929.37 of the Revised 2192
Code, the clerk of the court may issue a certificate of judgment 2193
against the offender as described in that section. 2194

(b) The sentence automatically includes any certificate of 2195
judgment issued as described in division (B) (6) (a) (ii) of this 2196
section. 2197

(7) The failure of the court to notify the offender that a 2198
prison term is a mandatory prison term pursuant to division (B) 2199
(2) (a) of this section or to include in the sentencing entry any 2200
information required by division (B) (2) (b) of this section does 2201
not affect the validity of the imposed sentence or sentences. If 2202
the sentencing court notifies the offender at the sentencing 2203
hearing that a prison term is mandatory but the sentencing entry 2204
does not specify that the prison term is mandatory, the court 2205
may complete a corrected journal entry and send copies of the 2206
corrected entry to the offender and the department of 2207
rehabilitation and correction, or, at the request of the state, 2208
the court shall complete a corrected journal entry and send 2209
copies of the corrected entry to the offender and department of 2210
rehabilitation and correction. 2211

(C) (1) If the offender is being sentenced for a fourth 2212
degree felony OVI offense under division (G) (1) of section 2213
2929.13 of the Revised Code, the court shall impose the 2214
mandatory term of local incarceration in accordance with that 2215

division, shall impose a mandatory fine in accordance with 2216
division (B) (3) of section 2929.18 of the Revised Code, and, in 2217
addition, may impose additional sanctions as specified in 2218
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2219
Code. The court shall not impose a prison term on the offender 2220
except that the court may impose a prison term upon the offender 2221
as provided in division (A) (1) of section 2929.13 of the Revised 2222
Code. 2223

(2) If the offender is being sentenced for a third or 2224
fourth degree felony OVI offense under division (G) (2) of 2225
section 2929.13 of the Revised Code, the court shall impose the 2226
mandatory prison term in accordance with that division, shall 2227
impose a mandatory fine in accordance with division (B) (3) of 2228
section 2929.18 of the Revised Code, and, in addition, may 2229
impose an additional prison term as specified in section 2929.14 2230
of the Revised Code. In addition to the mandatory prison term or 2231
mandatory prison term and additional prison term the court 2232
imposes, the court also may impose a community control sanction 2233
on the offender, but the offender shall serve all of the prison 2234
terms so imposed prior to serving the community control 2235
sanction. 2236

(D) The sentencing court, pursuant to division (I) (1) of 2237
section 2929.14 of the Revised Code, may recommend placement of 2238
the offender in a program of shock incarceration under section 2239
5120.031 of the Revised Code or an intensive program prison 2240
under section 5120.032 of the Revised Code, disapprove placement 2241
of the offender in a program or prison of that nature, or make 2242
no recommendation. If the court recommends or disapproves 2243
placement, it shall make a finding that gives its reasons for 2244
its recommendation or disapproval. 2245

Sec. 2967.13. (A) Except as provided in division (G) of 2246
this section or section 2967.132 of the Revised Code, a prisoner 2247
serving a sentence of imprisonment for life for an offense 2248
committed on or after July 1, 1996, is not entitled to any 2249
earned credit under section 2967.193 of the Revised Code and 2250
becomes eligible for parole as follows: 2251

(1) If a sentence of imprisonment for life was imposed for 2252
the offense of murder, at the expiration of the prisoner's 2253
minimum term; 2254

(2) If a sentence of imprisonment for life with parole 2255
eligibility after serving twenty years of imprisonment was 2256
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2257
Code, after serving a term of twenty years; 2258

(3) If a sentence of imprisonment for life with parole 2259
eligibility after serving twenty-five full years of imprisonment 2260
was imposed pursuant to section 2929.022 or 2929.03 of the 2261
Revised Code, after serving a term of twenty-five full years; 2262

(4) If a sentence of imprisonment for life with parole 2263
eligibility after serving thirty full years of imprisonment was 2264
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2265
Code, after serving a term of thirty full years; 2266

(5) If a sentence of imprisonment for life was imposed for 2267
rape, after serving a term of ten full years' imprisonment; 2268

(6) If a sentence of imprisonment for life with parole 2269
eligibility after serving fifteen years of imprisonment was 2270
imposed for a violation of section 2927.24 of the Revised Code, 2271
after serving a term of fifteen years. 2272

(B) Except as provided in division (G) of this section or 2273
section 2967.132 of the Revised Code, a prisoner serving a 2274

sentence of imprisonment for life with parole eligibility after 2275
serving twenty years of imprisonment or a sentence of 2276
imprisonment for life with parole eligibility after serving 2277
twenty-five full years or thirty full years of imprisonment 2278
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2279
Code for an offense committed on or after July 1, 1996, 2280
consecutively to any other term of imprisonment, becomes 2281
eligible for parole after serving twenty years, twenty full 2282
years, or thirty full years, as applicable, as to each such 2283
sentence of life imprisonment, which shall not be reduced for 2284
earned credits under section 2967.193 of the Revised Code, plus 2285
the term or terms of the other sentences consecutively imposed 2286
or, if one of the other sentences is another type of life 2287
sentence with parole eligibility, the number of years before 2288
parole eligibility for that sentence. 2289

(C) Except as provided in division (G) of this section or 2290
section 2967.132 of the Revised Code, a prisoner serving 2291
consecutively two or more sentences in which an indefinite term 2292
of imprisonment is imposed becomes eligible for parole upon the 2293
expiration of the aggregate of the minimum terms of the 2294
sentences. 2295

(D) Except as provided in division (G) of this section or 2296
section 2967.132 of the Revised Code, a prisoner serving a term 2297
of imprisonment who is described in division (A) of section 2298
2967.021 of the Revised Code becomes eligible for parole as 2299
described in that division or, if the prisoner is serving a 2300
definite term of imprisonment, shall be released as described in 2301
that division. 2302

(E) ~~A~~ Except as provided in section 2967.132 of the 2303
Revised Code, a prisoner serving a sentence of life imprisonment 2304

without parole imposed pursuant to section 2907.02 or section 2305
2929.03 or 2929.06 of the Revised Code is not eligible for 2306
parole and shall be imprisoned until death. 2307

(F) A prisoner serving a stated prison term that is a non- 2308
life felony indefinite prison term shall be released in 2309
accordance with sections 2967.271 and 2967.28 of the Revised 2310
Code. A prisoner serving a stated prison term of any other 2311
nature shall be released in accordance with section 2967.28 of 2312
the Revised Code. 2313

(G) A-Except as provided in section 2967.132 of the 2314
Revised Code, a prisoner serving a prison term or term of life 2315
imprisonment without parole imposed pursuant to section 2971.03 2316
of the Revised Code never becomes eligible for parole during 2317
that term of imprisonment. 2318

Sec. 2967.132. (A) As used in this section: 2319

(1) "Aggravated homicide offense" means any of the 2320
following that involved the purposeful killing of three or more 2321
persons, when the offender is the principal offender in each 2322
offense: 2323

(a) Aggravated murder; 2324

(b) Any other offense or combination of offenses that 2325
involved the purposeful killing of three or more persons. 2326

(2) "Homicide offense" means a violation of section 2327
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a 2328
violation of section 2903.01 of the Revised Code that is not an 2329
aggravated homicide offense. 2330

(B) This section applies to any prisoner serving a prison 2331
sentence for one or more offenses committed when the prisoner 2332

was under eighteen years of age. Regardless of whether the 2333
prisoner's stated prison term includes mandatory time, this 2334
section shall apply automatically and cannot be limited by the 2335
sentencing court. 2336

(C) Notwithstanding any provision of the Revised Code to 2337
the contrary, and regardless of when the offense or offenses 2338
were committed and when the sentence was imposed, a prisoner who 2339
is serving a prison sentence for an offense other than an 2340
aggravated homicide offense and who was under eighteen years of 2341
age at the time of the offense, or who is serving consecutive 2342
prison sentences for multiple offenses none of which is an 2343
aggravated homicide offense and who was under eighteen years of 2344
age at the time of the offenses, is eligible for parole as 2345
follows: 2346

(1) Except as provided in division (C) (2) or (3) of this 2347
section, the prisoner is eligible for parole after serving 2348
eighteen years in prison. 2349

(2) Except as provided in division (C) (3) or (4) of this 2350
section, if the prisoner is serving a sentence for one or more 2351
homicide offenses, none of which are an aggravated homicide 2352
offense, the prisoner is eligible for parole after serving 2353
twenty-five years in prison. 2354

(3) Except as provided in division (C) (4) of this section, 2355
if the prisoner is serving a sentence for two or more homicide 2356
offenses, none of which are an aggravated homicide offense, and 2357
the offender was the principal offender in two or more of those 2358
offenses, the prisoner is eligible for parole after serving 2359
thirty years in prison. 2360

(4) If the prisoner is serving a sentence for one or more 2361

offenses and the sentence permits parole earlier than the parole 2362
eligibility date specified in division (C) (1), (2), or (3) of 2363
this section, the prisoner is eligible for parole after serving 2364
the period of time in prison that is specified in the sentence. 2365

(D) If the prisoner is serving a sentence for an 2366
aggravated homicide offense, or for a violation of section 2367
2909.24 of the Revised Code when the most serious underlying 2368
specified offense the defendant committed in the violation was 2369
aggravated murder or murder, the prisoner is not eligible for 2370
parole review other than in accordance with the sentence imposed 2371
for the offense. 2372

(E) (1) Once a prisoner is eligible for parole pursuant to 2373
division (C) or (D) of this section, the parole board, within a 2374
reasonable time after the prisoner becomes eligible, shall 2375
conduct a hearing to consider the prisoner's release on parole 2376
under parole supervision. The board shall conduct the hearing in 2377
accordance with Chapters 2930., 2967., and 5149. of the Revised 2378
Code and in accordance with the board's policies and procedures. 2379
Those policies and procedures must permit the prisoner's 2380
privately retained counsel or the state public defender to 2381
appear at the prisoner's hearing to make a statement in support 2382
of the prisoner's release. 2383

(2) The parole board shall ensure that the review process 2384
provides the prisoner a meaningful opportunity to obtain 2385
release. In addition to any other factors the board is required 2386
or authorized to consider by rule or statute, the board shall 2387
consider the following factors as mitigating factors: 2388

(a) The chronological age of the prisoner at the time of 2389
the offense and that age's hallmark features, including 2390
intellectual capacity, immaturity, impetuosity, and a failure to 2391

appreciate risks and consequences; 2392

(b) The family and home environment of the prisoner at the 2393
time of the offense, the prisoner's inability to control the 2394
prisoner's surroundings, a history of trauma regarding the 2395
prisoner, and the prisoner's school and special education 2396
history; 2397

(c) The circumstances of the offense, including the extent 2398
of the prisoner's participation in the conduct and the way 2399
familial and peer pressures may have impacted the prisoner's 2400
conduct; 2401

(d) Whether the prisoner might have been charged and 2402
convicted of a lesser offense if not for the incompetencies 2403
associated with youth such as the prisoner's inability to deal 2404
with police officers and prosecutors during the prisoner's 2405
interrogation or possible plea agreement, or the prisoner's 2406
inability to assist the prisoner's own attorney; 2407

(e) Examples of the prisoner's rehabilitation, including 2408
any subsequent growth or increase in maturity during 2409
imprisonment. 2410

(F) In accordance with section 2967.131 of the Revised 2411
Code, the parole board shall impose appropriate terms and 2412
conditions of release upon each prisoner granted a parole under 2413
this section. 2414

(G) If the parole board denies release on parole pursuant 2415
to this section, the board shall conduct a subsequent release 2416
review not later than five years after release was denied. 2417

(H) In addition to any notice required by rule or statute, 2418
the parole board shall notify the state public defender, the 2419
victim, and the appropriate prosecuting attorney of a prisoner's 2420

eligibility for review under this section at least sixty days 2421
before the board begins any review or proceedings involving that 2422
prisoner under this section. 2423

(I) This section shall apply to determine the parole 2424
eligibility of all prisoners described in this section who 2425
committed an offense prior to, on, or after the effective date 2426
of this section, regardless of when the prisoner committed or 2427
was sentenced for the offense and, for purposes of this section, 2428
a prisoner is "serving" a prison sentence for an offense if on 2429
or after the effective date of this section, the prisoner is 2430
serving a prison sentence for that offense, regardless of when 2431
the sentence was imposed or the offense was committed. 2432

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 2433
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 2434
another section of the Revised Code, other than divisions (B) 2435
and (C) of section 2929.14 of the Revised Code, that authorizes 2436
or requires a specified prison term or a mandatory prison term 2437
for a person who is convicted of or pleads guilty to a felony or 2438
that specifies the manner and place of service of a prison term 2439
or term of imprisonment, the court shall impose a sentence upon 2440
a person who is convicted of or pleads guilty to a violent sex 2441
offense and who also is convicted of or pleads guilty to a 2442
sexually violent predator specification that was included in the 2443
indictment, count in the indictment, or information charging 2444
that offense, and upon a person who is convicted of or pleads 2445
guilty to a designated homicide, assault, or kidnapping offense 2446
and also is convicted of or pleads guilty to both a sexual 2447
motivation specification and a sexually violent predator 2448
specification that were included in the indictment, count in the 2449
indictment, or information charging that offense, as follows: 2450

(1) ~~If Except as provided in division (A) (5) of this~~ 2451
~~section, if~~ the offense for which the sentence is being imposed 2452
is aggravated murder and if the court does not impose upon the 2453
offender a sentence of death, it shall impose upon the offender 2454
a term of life imprisonment without parole. If the court 2455
sentences the offender to death and the sentence of death is 2456
vacated, overturned, or otherwise set aside, the court shall 2457
impose upon the offender a term of life imprisonment without 2458
parole. 2459

(2) ~~If Except as provided in division (A) (5) of this~~ 2460
~~section, if~~ the offense for which the sentence is being imposed 2461
is murder; or if the offense is rape committed in violation of 2462
division (A) (1) (b) of section 2907.02 of the Revised Code when 2463
the offender purposely compelled the victim to submit by force 2464
or threat of force, when the victim was less than ten years of 2465
age, when the offender previously has been convicted of or 2466
pleaded guilty to either rape committed in violation of that 2467
division or a violation of an existing or former law of this 2468
state, another state, or the United States that is substantially 2469
similar to division (A) (1) (b) of section 2907.02 of the Revised 2470
Code, or when the offender during or immediately after the 2471
commission of the rape caused serious physical harm to the 2472
victim; or if the offense is an offense other than aggravated 2473
murder or murder for which a term of life imprisonment may be 2474
imposed, it shall impose upon the offender a term of life 2475
imprisonment without parole. 2476

(3) (a) Except as otherwise provided in division (A) (3) (b), 2477
(c), (d), or (e) or (A) (4) of this section, if the offense for 2478
which the sentence is being imposed is an offense other than 2479
aggravated murder, murder, or rape and other than an offense for 2480
which a term of life imprisonment may be imposed, it shall 2481

impose an indefinite prison term consisting of a minimum term 2482
fixed by the court as described in this division, but not less 2483
than two years, and a maximum term of life imprisonment. Except 2484
as otherwise specified in this division, the minimum term shall 2485
be fixed by the court from among the range of terms available as 2486
a definite term for the offense. If the offense is a felony of 2487
the first or second degree committed on or after ~~the effective~~ 2488
~~date of this amendment~~ March 22, 2019, the minimum term shall be 2489
fixed by the court from among the range of terms available as a 2490
minimum term for the offense under division (A) (1) (a) or (2) (a) 2491
of that section. 2492

(b) Except as otherwise provided in division (A) (4) of 2493
this section, if the offense for which the sentence is being 2494
imposed is kidnapping that is a felony of the first degree, it 2495
shall impose an indefinite prison term as follows: 2496

(i) If the kidnapping is committed on or after January 1, 2497
2008, and the victim of the offense is less than thirteen years 2498
of age, except as otherwise provided in this division, it shall 2499
impose an indefinite prison term consisting of a minimum term of 2500
fifteen years and a maximum term of life imprisonment. If the 2501
kidnapping is committed on or after January 1, 2008, the victim 2502
of the offense is less than thirteen years of age, and the 2503
offender released the victim in a safe place unharmed, it shall 2504
impose an indefinite prison term consisting of a minimum term of 2505
ten years and a maximum term of life imprisonment. 2506

(ii) If the kidnapping is committed prior to January 1, 2507
2008, or division (A) (3) (b) (i) of this section does not apply, 2508
it shall impose an indefinite term consisting of a minimum term 2509
fixed by the court that is not less than ten years and a maximum 2510
term of life imprisonment. 2511

(c) Except as otherwise provided in division (A) (4) of 2512
this section, if the offense for which the sentence is being 2513
imposed is kidnapping that is a felony of the second degree, it 2514
shall impose an indefinite prison term consisting of a minimum 2515
term fixed by the court that is not less than eight years, and a 2516
maximum term of life imprisonment. 2517

(d) Except as otherwise provided in division (A) (4) of 2518
this section, if the offense for which the sentence is being 2519
imposed is rape for which a term of life imprisonment is not 2520
imposed under division (A) (2) of this section or division (B) of 2521
section 2907.02 of the Revised Code, it shall impose an 2522
indefinite prison term as follows: 2523

(i) If the rape is committed on or after January 2, 2007, 2524
in violation of division (A) (1) (b) of section 2907.02 of the 2525
Revised Code, it shall impose an indefinite prison term 2526
consisting of a minimum term of twenty-five years and a maximum 2527
term of life imprisonment. 2528

(ii) If the rape is committed prior to January 2, 2007, or 2529
the rape is committed on or after January 2, 2007, other than in 2530
violation of division (A) (1) (b) of section 2907.02 of the 2531
Revised Code, it shall impose an indefinite prison term 2532
consisting of a minimum term fixed by the court that is not less 2533
than ten years, and a maximum term of life imprisonment. 2534

(e) Except as otherwise provided in division (A) (4) of 2535
this section, if the offense for which sentence is being imposed 2536
is attempted rape, it shall impose an indefinite prison term as 2537
follows: 2538

(i) Except as otherwise provided in division (A) (3) (e) 2539
(ii), (iii), or (iv) of this section, it shall impose an 2540

indefinite prison term pursuant to division (A) (3) (a) of this 2541
section. 2542

(ii) If the attempted rape for which sentence is being 2543
imposed was committed on or after January 2, 2007, and if the 2544
offender also is convicted of or pleads guilty to a 2545
specification of the type described in section 2941.1418 of the 2546
Revised Code, it shall impose an indefinite prison term 2547
consisting of a minimum term of five years and a maximum term of 2548
twenty-five years. 2549

(iii) If the attempted rape for which sentence is being 2550
imposed was committed on or after January 2, 2007, and if the 2551
offender also is convicted of or pleads guilty to a 2552
specification of the type described in section 2941.1419 of the 2553
Revised Code, it shall impose an indefinite prison term 2554
consisting of a minimum term of ten years and a maximum of life 2555
imprisonment. 2556

(iv) If the attempted rape for which sentence is being 2557
imposed was committed on or after January 2, 2007, and if the 2558
offender also is convicted of or pleads guilty to a 2559
specification of the type described in section 2941.1420 of the 2560
Revised Code, it shall impose an indefinite prison term 2561
consisting of a minimum term of fifteen years and a maximum of 2562
life imprisonment. 2563

(4) For-Except as provided in division (A) (5) of this 2564
section, for any offense for which the sentence is being 2565
imposed, if the offender previously has been convicted of or 2566
pleaded guilty to a violent sex offense and also to a sexually 2567
violent predator specification that was included in the 2568
indictment, count in the indictment, or information charging 2569
that offense, or previously has been convicted of or pleaded 2570

guilty to a designated homicide, assault, or kidnapping offense 2571
and also to both a sexual motivation specification and a 2572
sexually violent predator specification that were included in 2573
the indictment, count in the indictment, or information charging 2574
that offense, it shall impose upon the offender a term of life 2575
imprisonment without parole. 2576

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 2577
section, the court shall not impose a sentence of life 2578
imprisonment without parole upon any person for an offense that 2579
was committed when the person was under eighteen years of age. 2580
In any case described in division (A) (1), (2), or (4) of this 2581
section, if the offense was committed when the person was under 2582
eighteen years of age, the court shall impose an indefinite 2583
prison term consisting of a minimum term of thirty years and a 2584
maximum term of life imprisonment. 2585

(B) (1) Notwithstanding section 2929.13, division (A) or 2586
(D) of section 2929.14, or another section of the Revised Code 2587
other than division (B) of section 2907.02 or divisions (B) and 2588
(C) of section 2929.14 of the Revised Code that authorizes or 2589
requires a specified prison term or a mandatory prison term for 2590
a person who is convicted of or pleads guilty to a felony or 2591
that specifies the manner and place of service of a prison term 2592
or term of imprisonment, if a person is convicted of or pleads 2593
guilty to a violation of division (A) (1) (b) of section 2907.02 2594
of the Revised Code committed on or after January 2, 2007, if 2595
division (A) of this section does not apply regarding the 2596
person, and if the court does not impose a sentence of life 2597
without parole when authorized pursuant to division (B) of 2598
section 2907.02 of the Revised Code, the court shall impose upon 2599
the person an indefinite prison term consisting of one of the 2600
following: 2601

(a) Except as otherwise required in division (B) (1) (b) or 2602
(c) of this section, a minimum term of ten years and a maximum 2603
term of life imprisonment. 2604

(b) If the victim was less than ten years of age, a 2605
minimum term of fifteen years and a maximum of life 2606
imprisonment. 2607

(c) If the offender purposely compels the victim to submit 2608
by force or threat of force, or if the offender previously has 2609
been convicted of or pleaded guilty to violating division (A) (1) 2610
(b) of section 2907.02 of the Revised Code or to violating an 2611
existing or former law of this state, another state, or the 2612
United States that is substantially similar to division (A) (1) 2613
(b) of that section, or if the offender during or immediately 2614
after the commission of the offense caused serious physical harm 2615
to the victim, a minimum term of twenty-five years and a maximum 2616
of life imprisonment. 2617

(2) Notwithstanding section 2929.13, division (A) or (D) 2618
of section 2929.14, or another section of the Revised Code other 2619
than divisions (B) and (C) of section 2929.14 of the Revised 2620
Code that authorizes or requires a specified prison term or a 2621
mandatory prison term for a person who is convicted of or pleads 2622
guilty to a felony or that specifies the manner and place of 2623
service of a prison term or term of imprisonment and except as 2624
otherwise provided in division (B) of section 2907.02 of the 2625
Revised Code, if a person is convicted of or pleads guilty to 2626
attempted rape committed on or after January 2, 2007, and if 2627
division (A) of this section does not apply regarding the 2628
person, the court shall impose upon the person an indefinite 2629
prison term consisting of one of the following: 2630

(a) If the person also is convicted of or pleads guilty to 2631

a specification of the type described in section 2941.1418 of 2632
the Revised Code, the court shall impose upon the person an 2633
indefinite prison term consisting of a minimum term of five 2634
years and a maximum term of twenty-five years. 2635

(b) If the person also is convicted of or pleads guilty to 2636
a specification of the type described in section 2941.1419 of 2637
the Revised Code, the court shall impose upon the person an 2638
indefinite prison term consisting of a minimum term of ten years 2639
and a maximum term of life imprisonment. 2640

(c) If the person also is convicted of or pleads guilty to 2641
a specification of the type described in section 2941.1420 of 2642
the Revised Code, the court shall impose upon the person an 2643
indefinite prison term consisting of a minimum term of fifteen 2644
years and a maximum term of life imprisonment. 2645

(3) Notwithstanding section 2929.13, division (A) or (D) 2646
of section 2929.14, or another section of the Revised Code other 2647
than divisions (B) and (C) of section 2929.14 of the Revised 2648
Code that authorizes or requires a specified prison term or a 2649
mandatory prison term for a person who is convicted of or pleads 2650
guilty to a felony or that specifies the manner and place of 2651
service of a prison term or term of imprisonment, if a person is 2652
convicted of or pleads guilty to an offense described in 2653
division (B) (3) (a), (b), (c), or (d) of this section committed 2654
on or after January 1, 2008, if the person also is convicted of 2655
or pleads guilty to a sexual motivation specification that was 2656
included in the indictment, count in the indictment, or 2657
information charging that offense, and if division (A) of this 2658
section does not apply regarding the person, the court shall 2659
impose upon the person an indefinite prison term consisting of 2660
one of the following: 2661

(a) An indefinite prison term consisting of a minimum of 2662
ten years and a maximum term of life imprisonment if the offense 2663
for which the sentence is being imposed is kidnapping, the 2664
victim of the offense is less than thirteen years of age, and 2665
the offender released the victim in a safe place unharmed; 2666

(b) An indefinite prison term consisting of a minimum of 2667
fifteen years and a maximum term of life imprisonment if the 2668
offense for which the sentence is being imposed is kidnapping 2669
when the victim of the offense is less than thirteen years of 2670
age and division (B) (3) (a) of this section does not apply; 2671

(c) An indefinite term consisting of a minimum of thirty 2672
years and a maximum term of life imprisonment if the offense for 2673
which the sentence is being imposed is aggravated murder, when 2674
the victim of the offense is less than thirteen years of age, a 2675
sentence of death or life imprisonment without parole is not 2676
imposed for the offense, and division (A) (2) (b) (ii) of section 2677
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 2678
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 2679
division (A) or (B) of section 2929.06 of the Revised Code 2680
requires that the sentence for the offense be imposed pursuant 2681
to this division; 2682

(d) An indefinite prison term consisting of a minimum of 2683
thirty years and a maximum term of life imprisonment if the 2684
offense for which the sentence is being imposed is murder when 2685
the victim of the offense is less than thirteen years of age. 2686

(C) (1) If the offender is sentenced to a prison term 2687
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 2688
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 2689
parole board shall have control over the offender's service of 2690
the term during the entire term unless the parole board 2691

terminates its control in accordance with section 2971.04 of the Revised Code.

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

(3) For a prison term imposed pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, subject to the application of division (G) of this section, the court, in accordance with 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. 2721

(4) ~~An~~ Except as provided in division (G) of this section, 2722
an offender who has been sentenced to a term of life 2723
imprisonment without parole pursuant to division (A)(1), (2), or 2724
(4) of this section shall not be released from the term of life 2725
imprisonment or be permitted to serve a portion of it in a place 2726
other than a state correctional institution. 2727

(D) If a court sentences an offender to a prison term or 2728
term of life imprisonment without parole pursuant to division 2729
(A) of this section and the court also imposes on the offender 2730
one or more additional prison terms pursuant to division (B) of 2731
section 2929.14 of the Revised Code, all of the additional 2732
prison terms shall be served consecutively with, and prior to, 2733
the prison term or term of life imprisonment without parole 2734
imposed upon the offender pursuant to division (A) of this 2735
section. 2736

(E) If the offender is convicted of or pleads guilty to 2737
two or more offenses for which a prison term or term of life 2738
imprisonment without parole is required to be imposed pursuant 2739
to division (A) of this section, divisions (A) to (D) of this 2740
section shall be applied for each offense. All minimum terms 2741
imposed upon the offender pursuant to division (A)(3) or (B) of 2742
this section for those offenses shall be aggregated and served 2743
consecutively, as if they were a single minimum term imposed 2744
under that division. 2745

(F)(1) If an offender is convicted of or pleads guilty to 2746
a violent sex offense and also is convicted of or pleads guilty 2747
to a sexually violent predator specification that was included 2748
in the indictment, count in the indictment, or information 2749
charging that offense, or is convicted of or pleads guilty to a 2750

designated homicide, assault, or kidnapping offense and also is 2751
convicted of or pleads guilty to both a sexual motivation 2752
specification and a sexually violent predator specification that 2753
were included in the indictment, count in the indictment, or 2754
information charging that offense, the conviction of or plea of 2755
guilty to the offense and the sexually violent predator 2756
specification automatically classifies the offender as a tier 2757
III sex offender/child-victim offender for purposes of Chapter 2758
2950. of the Revised Code. 2759

(2) If an offender is convicted of or pleads guilty to 2760
committing on or after January 2, 2007, a violation of division 2761
(A) (1) (b) of section 2907.02 of the Revised Code and either the 2762
offender is sentenced under section 2971.03 of the Revised Code 2763
or a sentence of life without parole is imposed under division 2764
(B) of section 2907.02 of the Revised Code, the conviction of or 2765
plea of guilty to the offense automatically classifies the 2766
offender as a tier III sex offender/child-victim offender for 2767
purposes of Chapter 2950. of the Revised Code. 2768

(3) If a person is convicted of or pleads guilty to 2769
committing on or after January 2, 2007, attempted rape and also 2770
is convicted of or pleads guilty to a specification of the type 2771
described in section 2941.1418, 2941.1419, or 2941.1420 of the 2772
Revised Code, the conviction of or plea of guilty to the offense 2773
and the specification automatically classify the offender as a 2774
tier III sex offender/child-victim offender for purposes of 2775
Chapter 2950. of the Revised Code. 2776

(4) If a person is convicted of or pleads guilty to one of 2777
the offenses described in division (B) (3) (a), (b), (c), or (d) 2778
of this section and a sexual motivation specification related to 2779
the offense and the victim of the offense is less than thirteen 2780

years of age, the conviction of or plea of guilty to the offense 2781
automatically classifies the offender as a tier III sex 2782
offender/child-victim offender for purposes of Chapter 2950. of 2783
the Revised Code. 2784

(G) Notwithstanding divisions (A) to (E) of this section, 2785
if an offender receives or received a sentence of life 2786
imprisonment without parole, a definite sentence, or a sentence 2787
to an indefinite prison term under this chapter for an offense 2788
committed when the offender was under eighteen years of age, the 2789
offender is eligible for parole and the offender's parole 2790
eligibility shall be determined under section 2967.132 of the 2791
Revised Code. 2792

Sec. 5149.101. (A) (1) A board hearing officer, a board 2793
member, or the office of victims' services may petition the 2794
board for a full board hearing that relates to the proposed 2795
parole or re-parole of a prisoner, including any prisoner 2796
described in section 2967.132 of the Revised Code. At a meeting 2797
of the board at which a majority of board members are present, 2798
the majority of those present shall determine whether a full 2799
board hearing shall be held. 2800

(2) A victim of a violation of section 2903.01 or 2903.02 2801
of the Revised Code, an offense of violence that is a felony of 2802
the first, second, or third degree, or an offense punished by a 2803
sentence of life imprisonment, the victim's representative, or 2804
any person described in division (B) (5) of this section may 2805
request the board to hold a full board hearing that relates to 2806
the proposed parole or re-parole of the person that committed 2807
the violation. If a victim, victim's representative, or other 2808
person requests a full board hearing pursuant to this division, 2809
the board shall hold a full board hearing. 2810

At least thirty days before the full hearing, except as 2811
otherwise provided in this division, the board shall give notice 2812
of the date, time, and place of the hearing to the victim 2813
regardless of whether the victim has requested the notification. 2814
The notice of the date, time, and place of the hearing shall not 2815
be given under this division to a victim if the victim has 2816
requested pursuant to division (B)(2) of section 2930.03 of the 2817
Revised Code that the notice not be provided to the victim. At 2818
least thirty days before the full board hearing and regardless 2819
of whether the victim has requested that the notice be provided 2820
or not be provided under this division to the victim, the board 2821
shall give similar notice to the prosecuting attorney in the 2822
case, the law enforcement agency that arrested the prisoner if 2823
any officer of that agency was a victim of the offense, and, if 2824
different than the victim, the person who requested the full 2825
hearing. If the prosecuting attorney has not previously been 2826
sent an institutional summary report with respect to the 2827
prisoner, upon the request of the prosecuting attorney, the 2828
board shall include with the notice sent to the prosecuting 2829
attorney an institutional summary report that covers the 2830
offender's participation while confined in a state correctional 2831
institution in training, work, and other rehabilitative 2832
activities and any disciplinary action taken against the 2833
offender while so confined. Upon the request of a law 2834
enforcement agency that has not previously been sent an 2835
institutional summary report with respect to the prisoner, the 2836
board also shall send a copy of the institutional summary report 2837
to the law enforcement agency. If notice is to be provided as 2838
described in this division, the board may give the notice by any 2839
reasonable means, including regular mail, telephone, and 2840
electronic mail, in accordance with division (D)(1) of section 2841
2930.16 of the Revised Code. If the notice is based on an 2842

offense committed prior to ~~the effective date of this amendment~~ 2843
March 22, 2013, the notice also shall include the opt-out 2844
information described in division (D) (1) of section 2930.16 of 2845
the Revised Code. The board, in accordance with division (D) (2) 2846
of section 2930.16 of the Revised Code, shall keep a record of 2847
all attempts to provide the notice, and of all notices provided, 2848
under this division. 2849

The preceding paragraph, and the notice-related provisions 2850
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2851
of section 2930.16, division (H) of section 2967.12, division 2852
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2853
2967.26, and division (D) (1) of section 2967.28 of the Revised 2854
Code enacted in the act in which this paragraph was enacted, 2855
shall be known as "Roberta's Law." 2856

(B) At a full board hearing that relates to the proposed 2857
parole or re-parole of a prisoner and that has been petitioned 2858
for or requested in accordance with division (A) of this 2859
section, the parole board shall permit the following persons to 2860
appear and to give testimony or to submit written statements: 2861

(1) The prosecuting attorney of the county in which the 2862
original indictment against the prisoner was found and members 2863
of any law enforcement agency that assisted in the prosecution 2864
of the original offense; 2865

(2) The judge of the court of common pleas who imposed the 2866
original sentence of incarceration upon the prisoner, or the 2867
judge's successor; 2868

(3) The victim of the original offense for which the 2869
prisoner is serving the sentence or the victim's representative 2870
designated pursuant to section 2930.02 of the Revised Code; 2871

(4) The victim of any behavior that resulted in parole 2872
being revoked; 2873

(5) With respect to a full board hearing held pursuant to 2874
division (A) (2) of this section, all of the following: 2875

(a) The spouse of the victim of the original offense; 2876

(b) The parent or parents of the victim of the original 2877
offense; 2878

(c) The sibling of the victim of the original offense; 2879

(d) The child or children of the victim of the original 2880
offense. 2881

(6) Counsel or some other person designated by the 2882
prisoner as a representative, as described in division (C) of 2883
this section. 2884

(C) Except as otherwise provided in this division, a full 2885
board hearing of the parole board is not subject to section 2886
121.22 of the Revised Code. The persons who may attend a full 2887
board hearing are the persons described in divisions (B) (1) to 2888
(6) of this section, and representatives of the press, radio and 2889
television stations, and broadcasting networks who are members 2890
of a generally recognized professional media organization. 2891

At the request of a person described in division (B) (3) of 2892
this section, representatives of the news media described in 2893
this division shall be excluded from the hearing while that 2894
person is giving testimony at the hearing. The prisoner being 2895
considered for parole has no right to be present at the hearing, 2896
but may be represented by counsel or some other person 2897
designated by the prisoner. 2898

If there is an objection at a full board hearing to a 2899

recommendation for the parole of a prisoner, the board may 2900
approve or disapprove the recommendation or defer its decision 2901
until a subsequent full board hearing. The board may permit 2902
interested persons other than those listed in this division and 2903
division (B) of this section to attend full board hearings 2904
pursuant to rules adopted by the adult parole authority. 2905

(D) If the victim of the original offense died as a result 2906
of the offense and the offense was aggravated murder, murder, an 2907
offense of violence that is a felony of the first, second, or 2908
third degree, or an offense punished by a sentence of life 2909
imprisonment, the family of the victim may show at a full board 2910
hearing a video recording not exceeding five minutes in length 2911
memorializing the victim. 2912

(E) The adult parole authority shall adopt rules for the 2913
implementation of this section. The rules shall specify 2914
reasonable restrictions on the number of media representatives 2915
that may attend a hearing, based on considerations of space, and 2916
other procedures designed to accomplish an effective, orderly 2917
process for full board hearings. 2918

Section 2. That existing sections 2151.35, 2907.02, 2919
2909.24, 2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2920
2971.03, and 5149.101 of the Revised Code are hereby repealed. 2921

Section 3. (A) The amendments to sections 2907.02, 2922
2909.24, 2929.03, 2929.06, 2929.19, divisions (A) and (B) of 2923
section 2929.02, and division (A) of section 2971.03 of the 2924
Revised Code made in Sections 1 and 2 of this act and the 2925
enactment of division (A) of section 2929.07 of the Revised Code 2926
made in Sections 1 and 2 of this act apply to both of the 2927
following: 2928

(1) All offenses described in those provisions that are 2929
committed on or after the effective date of this section; 2930

(2) All offenses described in those provisions that were 2931
committed prior to the effective date of this section if, as of 2932
the effective date of this section, the offender has not been 2933
sentenced for the particular offense. 2934

(B) The amendments to sections 2967.13, 5149.101, division 2935
(C) of section 2929.02, division (L) of section 2929.14, and 2936
divisions (C) and (G) of section 2971.03 of the Revised Code and 2937
the enactment of section 2967.132 and division (B) of section 2938
2929.07 of the Revised Code made in Sections 1 and 2 of this act 2939
apply to all offenses, offenders, and prisoners described in 2940
those provisions, regardless of when the offender or prisoner 2941
committed, or was sentenced for, the offense. 2942

Section 4. The General Assembly, applying the principle 2943
stated in division (B) of section 1.52 of the Revised Code that 2944
amendments are to be harmonized if reasonably capable of 2945
simultaneous operation, finds that the following sections, 2946
presented in this act as composites of the sections as amended 2947
by the acts indicated, are the resulting versions of the 2948
sections in effect prior to the effective date of the sections 2949
as presented in this act: 2950

Section 2907.02 of the Revised Code as amended by both 2951
S.B. 201 and S.B. 229 of the 132nd General Assembly. 2952

Section 2929.14 of the Revised Code as amended by H.B. 63, 2953
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 2954
Assembly. 2955

Section 2929.19 of the Revised Code as amended by both 2956
S.B. 66 and S.B. 201 of the 132nd General Assembly. 2957