

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 256**

**Senator Manning**

**Cosponsor: Senator Lehner**

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**A BILL**

To amend sections 2907.02, 2909.24, 2929.02, 1  
2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2  
2971.03, and 5149.101 and to enact sections 3  
2929.07 and 2967.132 of the Revised Code 4  
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 to amend the version of section 8  
2907.02 of the Revised Code that takes effect on 9  
March 22, 2020, to continue the provisions of 10  
this act on and after that date. 11

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

**Section 1.** That sections 2907.02, 2909.24, 2929.02, 12  
2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03, and 13  
5149.101 be amended and sections 2929.07 and 2967.132 of the 14  
Revised Code be enacted to read as follows: 15

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 16  
conduct with another who is not the spouse of the offender or 17  
who is the spouse of the offender but is living separate and 18

apart from the offender, when any of the following applies: 19

(a) For the purpose of preventing resistance, the offender 20  
substantially impairs the other person's judgment or control by 21  
administering any drug, intoxicant, or controlled substance to 22  
the other person surreptitiously or by force, threat of force, 23  
or deception. 24

(b) The other person is less than thirteen years of age, 25  
whether or not the offender knows the age of the other person. 26

(c) The other person's ability to resist or consent is 27  
substantially impaired because of a mental or physical condition 28  
or because of advanced age, and the offender knows or has 29  
reasonable cause to believe that the other person's ability to 30  
resist or consent is substantially impaired because of a mental 31  
or physical condition or because of advanced age. 32

(2) No person shall engage in sexual conduct with another 33  
when the offender purposely compels the other person to submit 34  
by force or threat of force. 35

(B) Whoever violates this section is guilty of rape, a 36  
felony of the first degree. If the offender under division (A) 37  
(1) (a) of this section substantially impairs the other person's 38  
judgment or control by administering any controlled substance 39  
described in section 3719.41 of the Revised Code to the other 40  
person surreptitiously or by force, threat of force, or 41  
deception, the prison term imposed upon the offender shall be 42  
one of the definite prison terms prescribed for a felony of the 43  
first degree in division (A) (1) (b) of section 2929.14 of the 44  
Revised Code that is not less than five years, except that if 45  
the violation is committed on or after ~~the effective date of~~ 46  
~~this amendment~~ March 22, 2019, the court shall impose as the 47

minimum prison term for the offense a mandatory prison term that 48  
is one of the minimum terms prescribed for a felony of the first 49  
degree in division (A)(1)(a) of section 2929.14 of the Revised 50  
Code that is not less than five years. Except as otherwise 51  
provided in this division, notwithstanding sections 2929.11 to 52  
2929.14 of the Revised Code, an offender under division (A)(1) 53  
(b) of this section shall be sentenced to a prison term or term 54  
of life imprisonment pursuant to section 2971.03 of the Revised 55  
Code. If an offender is convicted of or pleads guilty to a 56  
violation of division (A)(1)(b) of this section, if the offender 57  
was less than sixteen years of age at the time the offender 58  
committed the violation of that division, and if the offender 59  
during or immediately after the commission of the offense did 60  
not cause serious physical harm to the victim, the victim was 61  
ten years of age or older at the time of the commission of the 62  
violation, and the offender has not previously been convicted of 63  
or pleaded guilty to a violation of this section or a 64  
substantially similar existing or former law of this state, 65  
another state, or the United States, the court shall not 66  
sentence the offender to a prison term or term of life 67  
imprisonment pursuant to section 2971.03 of the Revised Code, 68  
and instead the court shall sentence the offender as otherwise 69  
provided in this division. If an offender under division (A)(1) 70  
(b) of this section previously has been convicted of or pleaded 71  
guilty to violating division (A)(1)(b) of this section or to 72  
violating an existing or former law of this state, another 73  
state, or the United States that is substantially similar to 74  
division (A)(1)(b) of this section, if the offender during or 75  
immediately after the commission of the offense caused serious 76  
physical harm to the victim, or if the victim under division (A) 77  
(1)(b) of this section is less than ten years of age, in lieu of 78  
sentencing the offender to a prison term or term of life 79

imprisonment pursuant to section 2971.03 of the Revised Code, 80  
except as otherwise provided in this division, the court may 81  
impose upon the offender a term of life without parole. If the 82  
court imposes a term of life without parole pursuant to this 83  
division, division (F) of section 2971.03 of the Revised Code 84  
applies, and the offender automatically is classified a tier III 85  
sex offender/child-victim offender, as described in that 86  
division. A court shall not impose a term of life without 87  
parole on an offender for rape if the offender was under 88  
eighteen years of age at the time of the offense. 89

(C) A victim need not prove physical resistance to the 90  
offender in prosecutions under this section. 91

(D) Evidence of specific instances of the victim's sexual 92  
activity, opinion evidence of the victim's sexual activity, and 93  
reputation evidence of the victim's sexual activity shall not be 94  
admitted under this section unless it involves evidence of the 95  
origin of semen, pregnancy, or disease, or the victim's past 96  
sexual activity with the offender, and only to the extent that 97  
the court finds that the evidence is material to a fact at issue 98  
in the case and that its inflammatory or prejudicial nature does 99  
not outweigh its probative value. 100

Evidence of specific instances of the defendant's sexual 101  
activity, opinion evidence of the defendant's sexual activity, 102  
and reputation evidence of the defendant's sexual activity shall 103  
not be admitted under this section unless it involves evidence 104  
of the origin of semen, pregnancy, or disease, the defendant's 105  
past sexual activity with the victim, or is admissible against 106  
the defendant under section 2945.59 of the Revised Code, and 107  
only to the extent that the court finds that the evidence is 108  
material to a fact at issue in the case and that its 109

inflammatory or prejudicial nature does not outweigh its 110  
probative value. 111

(E) Prior to taking testimony or receiving evidence of any 112  
sexual activity of the victim or the defendant in a proceeding 113  
under this section, the court shall resolve the admissibility of 114  
the proposed evidence in a hearing in chambers, which shall be 115  
held at or before preliminary hearing and not less than three 116  
days before trial, or for good cause shown during the trial. 117

(F) Upon approval by the court, the victim may be 118  
represented by counsel in any hearing in chambers or other 119  
proceeding to resolve the admissibility of evidence. If the 120  
victim is indigent or otherwise is unable to obtain the services 121  
of counsel, the court, upon request, may appoint counsel to 122  
represent the victim without cost to the victim. 123

(G) It is not a defense to a charge under division (A) (2) 124  
of this section that the offender and the victim were married or 125  
were cohabiting at the time of the commission of the offense. 126

**Sec. 2909.24.** (A) No person shall commit a specified 127  
offense with purpose to do any of the following: 128

(1) Intimidate or coerce a civilian population; 129

(2) Influence the policy of any government by intimidation 130  
or coercion; 131

(3) Affect the conduct of any government by the specified 132  
offense. 133

(B) (1) Whoever violates this section is guilty of 134  
terrorism. 135

(2) Except as otherwise provided in divisions (B) (3) and 136  
(4) of this section, terrorism is an offense one degree higher 137

than the most serious underlying specified offense the defendant 138  
committed. 139

(3) ~~If Except as provided in division (B) (6) of this~~ 140  
~~section, if~~ the most serious underlying specified offense the 141  
defendant committed is a felony of the first degree or murder, 142  
the person shall be sentenced to life imprisonment without 143  
parole. 144

(4) ~~If Except as provided in division (B) (6) of this~~ 145  
~~section, if~~ the most serious underlying specified offense the 146  
defendant committed is aggravated murder, the offender shall be 147  
sentenced to life imprisonment without parole or death pursuant 148  
to sections 2929.02 to 2929.06 of the Revised Code. 149

(5) Section 2909.25 of the Revised Code applies regarding 150  
an offender who is convicted of or pleads guilty to a violation 151  
of this section. 152

(6) If a person commits a violation of this section, if 153  
the most serious underlying specified offense the offender 154  
committed is aggravated murder, murder, or a felony of the first 155  
degree, and if the offender was under eighteen years of age at 156  
the time of the violation, the offender shall not be sentenced 157  
to life imprisonment without parole, but instead the offender 158  
shall be sentenced to an indefinite prison term of thirty years 159  
to life. 160

**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty 161  
to aggravated murder in violation of section 2903.01 of the 162  
Revised Code shall suffer death or be imprisoned for life, as 163  
determined pursuant to sections 2929.022, 2929.03, and 2929.04 164  
of the Revised Code, except that no person who is not found to 165  
have been eighteen years of age or older at the time of the 166

commission of the offense shall be imprisoned for life without 167  
parole, and that no person who raises the matter of age pursuant 168  
to section 2929.023 of the Revised Code and who is not found to 169  
have been eighteen years of age or older at the time of the 170  
commission of the offense shall suffer death. In addition, the 171  
offender may be fined an amount fixed by the court, but not more 172  
than twenty-five thousand dollars. 173

(B) (1) Except as otherwise provided in division (B) (2) or 174  
(3) of this section, whoever is convicted of or pleads guilty to 175  
murder in violation of section 2903.02 of the Revised Code shall 176  
be imprisoned for an indefinite term of fifteen years to life. 177

(2) Except as otherwise provided in division (B) (3) of 178  
this section, if a person is convicted of or pleads guilty to 179  
murder in violation of section 2903.02 of the Revised Code, the 180  
victim of the offense was less than thirteen years of age, and 181  
the offender also is convicted of or pleads guilty to a sexual 182  
motivation specification that was included in the indictment, 183  
count in the indictment, or information charging the offense, 184  
the court shall impose an indefinite prison term of thirty years 185  
to life pursuant to division (B) (3) of section 2971.03 of the 186  
Revised Code. 187

(3) ~~If~~ Except as otherwise provided in this division, if a 188  
person is convicted of or pleads guilty to murder in violation 189  
of section 2903.02 of the Revised Code and also is convicted of 190  
or pleads guilty to a sexual motivation specification and a 191  
sexually violent predator specification that were included in 192  
the indictment, count in the indictment, or information that 193  
charged the murder, the court shall impose upon the offender a 194  
term of life imprisonment without parole that shall be served 195  
pursuant to section 2971.03 of the Revised Code. If the offender 196

was under eighteen years of age at the time of the offense, the 197  
court shall impose an indefinite prison term of thirty years to 198  
life. 199

(4) In addition, the offender may be fined an amount fixed 200  
by the court, but not more than fifteen thousand dollars. 201

(C) If an offender receives or received a sentence of life 202  
imprisonment without parole, a sentence of life imprisonment, a 203  
definite sentence, or a sentence to an indefinite prison term 204  
under this chapter for an aggravated murder or murder that was 205  
committed when the offender was under eighteen years of age, the 206  
offender's parole eligibility shall be determined under section 207  
2967.132 of the Revised Code. 208

(D) The court shall not impose a fine or fines for 209  
aggravated murder or murder which, in the aggregate and to the 210  
extent not suspended by the court, exceeds the amount which the 211  
offender is or will be able to pay by the method and within the 212  
time allowed without undue hardship to the offender or to the 213  
dependents of the offender, or will prevent the offender from 214  
making reparation for the victim's wrongful death. 215

~~(D)~~ (1) (E) (1) In addition to any other sanctions imposed 216  
for a violation of section 2903.01 or 2903.02 of the Revised 217  
Code, if the offender used a motor vehicle as the means to 218  
commit the violation, the court shall impose upon the offender a 219  
class two suspension of the offender's driver's license, 220  
commercial driver's license, temporary instruction permit, 221  
probationary license, or nonresident operating privilege as 222  
specified in division (A) (2) of section 4510.02 of the Revised 223  
Code. 224

(2) As used in division ~~(D)~~ (E) of this section, "motor 225



vehicle" has the same meaning as in section 4501.01 of the Revised Code.

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

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

(a) Life imprisonment without parole;

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

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

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

(e) If the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (A) (1) (a) of this section, the

trial court shall sentence the offender pursuant to division (B) 255  
(3) of section 2971.03 of the Revised Code to an indefinite term 256  
consisting of a minimum term of thirty years and a maximum term 257  
of life imprisonment that shall be served pursuant to that 258  
section. 259

(2) If the offender also is convicted of or pleads guilty 260  
to a sexual motivation specification and a sexually violent 261  
predator specification that are included in the indictment, 262  
count in the indictment, or information that charged the 263  
aggravated murder, except as provided in division (H) of this 264  
section, the trial court shall impose upon the offender a 265  
sentence of life imprisonment without parole that shall be 266  
served pursuant to section 2971.03 of the Revised Code. 267

(B) If the indictment or count in the indictment charging 268  
aggravated murder contains one or more specifications of 269  
aggravating circumstances listed in division (A) of section 270  
2929.04 of the Revised Code, the verdict shall separately state 271  
whether the accused is found guilty or not guilty of the 272  
principal charge and, if guilty of the principal charge, whether 273  
the offender was eighteen years of age or older at the time of 274  
the commission of the offense, if the matter of age was raised 275  
by the offender pursuant to section 2929.023 of the Revised 276  
Code, and whether the offender is guilty or not guilty of each 277  
specification. The jury shall be instructed on its duties in 278  
this regard. The instruction to the jury shall include an 279  
instruction that a specification shall be proved beyond a 280  
reasonable doubt in order to support a guilty verdict on the 281  
specification, but the instruction shall not mention the penalty 282  
that may be the consequence of a guilty or not guilty verdict on 283  
any charge or specification. 284

(C) (1) If the indictment or count in the indictment 285  
charging aggravated murder contains one or more specifications 286  
of aggravating circumstances listed in division (A) of section 287  
2929.04 of the Revised Code, then, following a verdict of guilty 288  
of the charge but not guilty of each of the specifications, and 289  
regardless of whether the offender raised the matter of age 290  
pursuant to section 2929.023 of the Revised Code, the trial 291  
court shall impose sentence on the offender as follows: 292

(a) Except as provided in division (C) (1) (b) or (H) of 293  
this section, the trial court shall impose one of the following 294  
sentences on the offender: 295

(i) Life imprisonment without parole; 296

(ii) Subject to division (C) (1) (a) (v) of this section, 297  
life imprisonment with parole eligibility after serving twenty 298  
years of imprisonment; 299

(iii) Subject to division (C) (1) (a) (v) of this section, 300  
life imprisonment with parole eligibility after serving twenty- 301  
five full years of imprisonment; 302

(iv) Subject to division (C) (1) (a) (v) of this section, 303  
life imprisonment with parole eligibility after serving thirty 304  
full years of imprisonment; 305

(v) If the victim of the aggravated murder was less than 306  
thirteen years of age, the offender also is convicted of or 307  
pleads guilty to a sexual motivation specification that was 308  
included in the indictment, count in the indictment, or 309  
information charging the offense, and the trial court does not 310  
impose a sentence of life imprisonment without parole on the 311  
offender pursuant to division (C) (1) (a) (i) of this section, the 312  
trial court shall sentence the offender pursuant to division (B) 313

(3) of section 2971.03 of the Revised Code to an indefinite term 314  
consisting of a minimum term of thirty years and a maximum term 315  
of life imprisonment. 316

(b) If the offender also is convicted of or pleads guilty 317  
to a sexual motivation specification and a sexually violent 318  
predator specification that are included in the indictment, 319  
count in the indictment, or information that charged the 320  
aggravated murder, except as provided in division (H) of this 321  
section, the trial court shall impose upon the offender a 322  
sentence of life imprisonment without parole that shall be 323  
served pursuant to section 2971.03 of the Revised Code. 324

(2) (a) If the indictment or count in the indictment 325  
contains one or more specifications of aggravating circumstances 326  
listed in division (A) of section 2929.04 of the Revised Code 327  
and if the offender is found guilty of both the charge and one 328  
or more of the specifications, the penalty to be imposed on the 329  
offender shall be one of the following: 330

(i) Except as provided in division (C) (2) (a) (ii) ~~or~~, (C) 331  
(2) (a) (iii), or (H) of this section, the penalty to be imposed 332  
on the offender shall be death, life imprisonment without 333  
parole, life imprisonment with parole eligibility after serving 334  
twenty-five full years of imprisonment, or life imprisonment 335  
with parole eligibility after serving thirty full years of 336  
imprisonment. 337

(ii) Except as provided in division (C) (2) (a) (iii) or (H) 338  
of this section, if the victim of the aggravated murder was less 339  
than thirteen years of age, the offender also is convicted of or 340  
pleads guilty to a sexual motivation specification that was 341  
included in the indictment, count in the indictment, or 342  
information charging the offense, and the trial court does not 343

impose a sentence of death or life imprisonment without parole 344  
on the offender pursuant to division (C) (2) (a) (i) of this 345  
section, the penalty to be imposed on the offender shall be an 346  
indefinite term consisting of a minimum term of thirty years and 347  
a maximum term of life imprisonment that shall be imposed 348  
pursuant to division (B) (3) of section 2971.03 of the Revised 349  
Code and served pursuant to that section. 350

(iii) If the offender also is convicted of or pleads 351  
guilty to a sexual motivation specification and a sexually 352  
violent predator specification that are included in the 353  
indictment, count in the indictment, or information that charged 354  
the aggravated murder, except as provided in division (H) of 355  
this section, the penalty to be imposed on the offender shall be 356  
death or life imprisonment without parole that shall be served 357  
pursuant to section 2971.03 of the Revised Code. 358

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 359  
(ii), or (iii) of this section shall be determined pursuant to 360  
divisions (D) and (E) of this section and shall be determined by 361  
one of the following: 362

(i) By the panel of three judges that tried the offender 363  
upon the offender's waiver of the right to trial by jury; 364

(ii) By the trial jury and the trial judge, if the 365  
offender was tried by jury. 366

(D) (1) Death may not be imposed as a penalty for 367  
aggravated murder if the offender raised the matter of age at 368  
trial pursuant to section 2929.023 of the Revised Code and was 369  
not found at trial to have been eighteen years of age or older 370  
at the time of the commission of the offense. When death may be 371  
imposed as a penalty for aggravated murder, the court shall 372

proceed under this division. When death may be imposed as a 373  
penalty, the court, upon the request of the defendant, shall 374  
require a pre-sentence investigation to be made and, upon the 375  
request of the defendant, shall require a mental examination to 376  
be made, and shall require reports of the investigation and of 377  
any mental examination submitted to the court, pursuant to 378  
section 2947.06 of the Revised Code. No statement made or 379  
information provided by a defendant in a mental examination or 380  
proceeding conducted pursuant to this division shall be 381  
disclosed to any person, except as provided in this division, or 382  
be used in evidence against the defendant on the issue of guilt 383  
in any retrial. A pre-sentence investigation or mental 384  
examination shall not be made except upon request of the 385  
defendant. Copies of any reports prepared under this division 386  
shall be furnished to the court, to the trial jury if the 387  
offender was tried by a jury, to the prosecutor, and to the 388  
offender or the offender's counsel for use under this division. 389  
The court, and the trial jury if the offender was tried by a 390  
jury, shall consider any report prepared pursuant to this 391  
division and furnished to it and any evidence raised at trial 392  
that is relevant to the aggravating circumstances the offender 393  
was found guilty of committing or to any factors in mitigation 394  
of the imposition of the sentence of death, shall hear testimony 395  
and other evidence that is relevant to the nature and 396  
circumstances of the aggravating circumstances the offender was 397  
found guilty of committing, the mitigating factors set forth in 398  
division (B) of section 2929.04 of the Revised Code, and any 399  
other factors in mitigation of the imposition of the sentence of 400  
death, and shall hear the statement, if any, of the offender, 401  
and the arguments, if any, of counsel for the defense and 402  
prosecution, that are relevant to the penalty that should be 403  
imposed on the offender. The defendant shall be given great 404

latitude in the presentation of evidence of the mitigating 405  
factors set forth in division (B) of section 2929.04 of the 406  
Revised Code and of any other factors in mitigation of the 407  
imposition of the sentence of death. If the offender chooses to 408  
make a statement, the offender is subject to cross-examination 409  
only if the offender consents to make the statement under oath 410  
or affirmation. 411

The defendant shall have the burden of going forward with 412  
the evidence of any factors in mitigation of the imposition of 413  
the sentence of death. The prosecution shall have the burden of 414  
proving, by proof beyond a reasonable doubt, that the 415  
aggravating circumstances the defendant was found guilty of 416  
committing are sufficient to outweigh the factors in mitigation 417  
of the imposition of the sentence of death. 418

(2) Upon consideration of the relevant evidence raised at 419  
trial, the testimony, other evidence, statement of the offender, 420  
arguments of counsel, and, if applicable, the reports submitted 421  
pursuant to division (D)(1) of this section, the trial jury, if 422  
the offender was tried by a jury, shall determine whether the 423  
aggravating circumstances the offender was found guilty of 424  
committing are sufficient to outweigh the mitigating factors 425  
present in the case. If the trial jury unanimously finds, by 426  
proof beyond a reasonable doubt, that the aggravating 427  
circumstances the offender was found guilty of committing 428  
outweigh the mitigating factors, the trial jury shall recommend 429  
to the court that the sentence of death be imposed on the 430  
offender. Absent such a finding, the jury shall recommend that 431  
the offender be sentenced to one of the following: 432

(a) Except as provided in division (D) (2) (b) ~~or, (D) (2)~~ 433  
(c), or (H) of this section, to life imprisonment without 434

parole, life imprisonment with parole eligibility after serving 435  
twenty-five full years of imprisonment, or life imprisonment 436  
with parole eligibility after serving thirty full years of 437  
imprisonment; 438

(b) Except as provided in division (D) (2) (c) or (H) of 439  
this section, if the victim of the aggravated murder was less 440  
than thirteen years of age, the offender also is convicted of or 441  
pleads guilty to a sexual motivation specification that was 442  
included in the indictment, count in the indictment, or 443  
information charging the offense, and the jury does not 444  
recommend a sentence of life imprisonment without parole 445  
pursuant to division (D) (2) (a) of this section, to an indefinite 446  
term consisting of a minimum term of thirty years and a maximum 447  
term of life imprisonment to be imposed pursuant to division (B) 448  
(3) of section 2971.03 of the Revised Code and served pursuant 449  
to that section. 450

(c) If the offender also is convicted of or pleads guilty 451  
to a sexual motivation specification and a sexually violent 452  
predator specification that are included in the indictment, 453  
count in the indictment, or information that charged the 454  
aggravated murder, except as provided in division (H) of this 455  
section, to life imprisonment without parole. 456

If the trial jury recommends that the offender be 457  
sentenced to life imprisonment without parole, life imprisonment 458  
with parole eligibility after serving twenty-five full years of 459  
imprisonment, life imprisonment with parole eligibility after 460  
serving thirty full years of imprisonment, or an indefinite term 461  
consisting of a minimum term of thirty years and a maximum term 462  
of life imprisonment to be imposed pursuant to division (B) (3) 463  
of section 2971.03 of the Revised Code, except as provided in 464



division (H) of this section, the court shall impose the 465  
sentence recommended by the jury upon the offender. If the 466  
sentence is an indefinite term consisting of a minimum term of 467  
thirty years and a maximum term of life imprisonment imposed as 468  
described in division (D) (2) (b) of this section or a sentence of 469  
life imprisonment without parole imposed under division (D) (2) 470  
(c) of this section, the sentence shall be served pursuant to 471  
section 2971.03 of the Revised Code. If the trial jury 472  
recommends that the sentence of death be imposed upon the 473  
offender, the court shall proceed to impose sentence pursuant to 474  
division (D) (3) of this section. 475

(3) Upon consideration of the relevant evidence raised at 476  
trial, the testimony, other evidence, statement of the offender, 477  
arguments of counsel, and, if applicable, the reports submitted 478  
to the court pursuant to division (D) (1) of this section, if, 479  
after receiving pursuant to division (D) (2) of this section the 480  
trial jury's recommendation that the sentence of death be 481  
imposed, the court finds, by proof beyond a reasonable doubt, or 482  
if the panel of three judges unanimously finds, by proof beyond 483  
a reasonable doubt, that the aggravating circumstances the 484  
offender was found guilty of committing outweigh the mitigating 485  
factors, it shall impose sentence of death on the offender. 486  
Absent such a finding by the court or panel, the court or the 487  
panel shall impose one of the following sentences on the 488  
offender: 489

(a) Except as provided in division (D) (3) (b) or (H) of 490  
this section, one of the following: 491

(i) Life imprisonment without parole; 492

(ii) Subject to division (D) (3) (a) (iv) of this section, 493  
life imprisonment with parole eligibility after serving twenty- 494

five full years of imprisonment; 495

(iii) Subject to division (D) (3) (a) (iv) of this section, 496  
life imprisonment with parole eligibility after serving thirty 497  
full years of imprisonment; 498

(iv) If the victim of the aggravated murder was less than 499  
thirteen years of age, the offender also is convicted of or 500  
pleads guilty to a sexual motivation specification that was 501  
included in the indictment, count in the indictment, or 502  
information charging the offense, and the trial court does not 503  
impose a sentence of life imprisonment without parole on the 504  
offender pursuant to division (D) (3) (a) (i) of this section, the 505  
court or panel shall sentence the offender pursuant to division 506  
(B) (3) of section 2971.03 of the Revised Code to an indefinite 507  
term consisting of a minimum term of thirty years and a maximum 508  
term of life imprisonment. 509

(b) If the offender also is convicted of or pleads guilty 510  
to a sexual motivation specification and a sexually violent 511  
predator specification that are included in the indictment, 512  
count in the indictment, or information that charged the 513  
aggravated murder, except as provided in division (H) of this 514  
section, life imprisonment without parole that shall be served 515  
pursuant to section 2971.03 of the Revised Code. 516

(E) If the offender raised the matter of age at trial 517  
pursuant to section 2929.023 of the Revised Code, was convicted 518  
of aggravated murder and one or more specifications of an 519  
aggravating circumstance listed in division (A) of section 520  
2929.04 of the Revised Code, and was not found at trial to have 521  
been eighteen years of age or older at the time of the 522  
commission of the offense, the court or the panel of three 523  
judges shall not impose a sentence of death on the offender. 524

Instead, the court or panel shall impose one of the following 525  
sentences on the offender: 526

(1) Except as provided in division (E) (2) or (H) of this 527  
section, one of the following: 528

(a) Life imprisonment without parole; 529

(b) Subject to division (E) (2) (d) of this section, life 530  
imprisonment with parole eligibility after serving twenty-five 531  
full years of imprisonment; 532

(c) Subject to division (E) (2) (d) of this section, life 533  
imprisonment with parole eligibility after serving thirty full 534  
years of imprisonment; 535

(d) If the victim of the aggravated murder was less than 536  
thirteen years of age, the offender also is convicted of or 537  
pleads guilty to a sexual motivation specification that was 538  
included in the indictment, count in the indictment, or 539  
information charging the offense, and the trial court does not 540  
impose a sentence of life imprisonment without parole on the 541  
offender pursuant to division (E) (2) (a) of this section, the 542  
court or panel shall sentence the offender pursuant to division 543  
(B) (3) of section 2971.03 of the Revised Code to an indefinite 544  
term consisting of a minimum term of thirty years and a maximum 545  
term of life imprisonment. 546

(2) If the offender also is convicted of or pleads guilty 547  
to a sexual motivation specification and a sexually violent 548  
predator specification that are included in the indictment, 549  
count in the indictment, or information that charged the 550  
aggravated murder, except as provided in division (H) of this 551  
section, life imprisonment without parole that shall be served 552  
pursuant to section 2971.03 of the Revised Code. 553

(F) The court or the panel of three judges, when it 554  
imposes sentence of death, shall state in a separate opinion its 555  
specific findings as to the existence of any of the mitigating 556  
factors set forth in division (B) of section 2929.04 of the 557  
Revised Code, the existence of any other mitigating factors, the 558  
aggravating circumstances the offender was found guilty of 559  
committing, and the reasons why the aggravating circumstances 560  
the offender was found guilty of committing were sufficient to 561  
outweigh the mitigating factors. The court or panel, when it 562  
imposes life imprisonment or an indefinite term consisting of a 563  
minimum term of thirty years and a maximum term of life 564  
imprisonment under division (D) of this section, shall state in 565  
a separate opinion its specific findings of which of the 566  
mitigating factors set forth in division (B) of section 2929.04 567  
of the Revised Code it found to exist, what other mitigating 568  
factors it found to exist, what aggravating circumstances the 569  
offender was found guilty of committing, and why it could not 570  
find that these aggravating circumstances were sufficient to 571  
outweigh the mitigating factors. For cases in which a sentence 572  
of death is imposed for an offense committed before January 1, 573  
1995, the court or panel shall file the opinion required to be 574  
prepared by this division with the clerk of the appropriate 575  
court of appeals and with the clerk of the supreme court within 576  
fifteen days after the court or panel imposes sentence. For 577  
cases in which a sentence of death is imposed for an offense 578  
committed on or after January 1, 1995, the court or panel shall 579  
file the opinion required to be prepared by this division with 580  
the clerk of the supreme court within fifteen days after the 581  
court or panel imposes sentence. The judgment in a case in which 582  
a sentencing hearing is held pursuant to this section is not 583  
final until the opinion is filed. 584

(G) (1) Whenever the court or a panel of three judges 585  
imposes a sentence of death for an offense committed before 586  
January 1, 1995, the clerk of the court in which the judgment is 587  
rendered shall make and retain a copy of the entire record in 588  
the case, and shall deliver the original of the entire record in 589  
the case to the appellate court. 590

(2) Whenever the court or a panel of three judges imposes 591  
a sentence of death for an offense committed on or after January 592  
1, 1995, the clerk of the court in which the judgment is 593  
rendered shall make and retain a copy of the entire record in 594  
the case, and shall deliver the original of the entire record in 595  
the case to the supreme court. 596

(H) A court shall not impose a sentence of life 597  
imprisonment without parole on a person under division (A) (1) or 598  
(2), (C) (1) or (2), (D) (2) or (3), or (E) (1) or (2) of this 599  
section for an offense that was committed when the person was 600  
under eighteen years of age. 601

**Sec. 2929.06.** (A) If a sentence of death imposed upon an 602  
offender is set aside, nullified, or vacated because the court 603  
of appeals, in a case in which a sentence of death was imposed 604  
for an offense committed before January 1, 1995, or the supreme 605  
court, in cases in which the supreme court reviews the sentence 606  
upon appeal, could not affirm the sentence of death under the 607  
standards imposed by section 2929.05 of the Revised Code, is set 608  
aside, nullified, or vacated for the sole reason that the 609  
statutory procedure for imposing the sentence of death that is 610  
set forth in sections 2929.03 and 2929.04 of the Revised Code is 611  
unconstitutional, is set aside, nullified, or vacated pursuant 612  
to division (C) of section 2929.05 of the Revised Code, or is 613  
set aside, nullified, or vacated because a court has determined 614

that the offender is a person with an intellectual disability 615  
under standards set forth in decisions of the supreme court of 616  
this state or the United States supreme court, the trial court 617  
that sentenced the offender shall conduct a hearing to 618  
resentence the offender. At the resentencing hearing, the court 619  
shall impose upon the offender a sentence of life imprisonment 620  
or an indefinite term consisting of a minimum term of thirty 621  
years and a maximum term of life imprisonment that is determined 622  
as specified in this division. If division (D) of section 623  
2929.03 of the Revised Code, at the time the offender committed 624  
the aggravated murder for which the sentence of death was 625  
imposed, required the imposition when a sentence of death was 626  
not imposed of a sentence of life imprisonment without parole or 627  
a sentence of an indefinite term consisting of a minimum term of 628  
thirty years and a maximum term of life imprisonment to be 629  
imposed pursuant to division (A) or (B) (3) of section 2971.03 of 630  
the Revised Code and served pursuant to that section, except as 631  
provided in division (F) of this section, the court shall impose 632  
the sentence so required. In all other cases, except as provided 633  
in division (F) of this section, the sentences of life 634  
imprisonment that are available at the hearing, and from which 635  
the court shall impose sentence, shall be the same sentences of 636  
life imprisonment that were available under division (D) of 637  
section 2929.03 or under section 2909.24 of the Revised Code at 638  
the time the offender committed the offense for which the 639  
sentence of death was imposed. Nothing in this division 640  
regarding the resentencing of an offender shall affect the 641  
operation of section 2971.03 of the Revised Code. 642

(B) Whenever any court of this state or any federal court 643  
sets aside, nullifies, or vacates a sentence of death imposed 644  
upon an offender because of error that occurred in the 645

sentencing phase of the trial and if division (A) of this 646  
section does not apply, the trial court that sentenced the 647  
offender shall conduct a new hearing to resentence the offender. 648  
If the offender was tried by a jury, the trial court shall 649  
impanel a new jury for the hearing. If the offender was tried by 650  
a panel of three judges, that panel or, if necessary, a new 651  
panel of three judges shall conduct the hearing. At the hearing, 652  
the court or panel shall follow the procedure set forth in 653  
division (D) of section 2929.03 of the Revised Code in 654  
determining whether to impose upon the offender a sentence of 655  
death, a sentence of life imprisonment, or an indefinite term 656  
consisting of a minimum term of thirty years and a maximum term 657  
of life imprisonment. If, pursuant to that procedure, the court 658  
or panel determines that it will impose a sentence other than a 659  
sentence of death, except as provided in division (F) of this 660  
section, the court or panel shall impose upon the offender one 661  
of the sentences of life imprisonment that could have been 662  
imposed at the time the offender committed the offense for which 663  
the sentence of death was imposed, determined as specified in 664  
this division, or an indefinite term consisting of a minimum 665  
term of thirty years and a maximum term of life imprisonment 666  
that is determined as specified in this division. If division 667  
(D) of section 2929.03 of the Revised Code, at the time the 668  
offender committed the aggravated murder for which the sentence 669  
of death was imposed, required the imposition when a sentence of 670  
death was not imposed of a sentence of life imprisonment without 671  
parole or a sentence of an indefinite term consisting of a 672  
minimum term of thirty years and a maximum term of life 673  
imprisonment to be imposed pursuant to division (A) or (B) (3) of 674  
section 2971.03 of the Revised Code and served pursuant to that 675  
section, except as provided in division (F) of this section, the 676  
court or panel shall impose the sentence so required. In all 677

other cases, except as provided in division (F) of this section, 678  
the sentences of life imprisonment that are available at the 679  
hearing, and from which the court or panel shall impose 680  
sentence, shall be the same sentences of life imprisonment that 681  
were available under division (D) of section 2929.03 or under 682  
section 2909.24 of the Revised Code at the time the offender 683  
committed the offense for which the sentence of death was 684  
imposed. 685

(C) If a sentence of life imprisonment without parole 686  
imposed upon an offender pursuant to section 2929.021 or 2929.03 687  
of the Revised Code is set aside, nullified, or vacated for the 688  
sole reason that the statutory procedure for imposing the 689  
sentence of life imprisonment without parole that is set forth 690  
in sections 2929.03 and 2929.04 of the Revised Code is 691  
unconstitutional, the trial court that sentenced the offender 692  
shall conduct a hearing to resentence the offender to life 693  
imprisonment with parole eligibility after serving twenty-five 694  
full years of imprisonment or to life imprisonment with parole 695  
eligibility after serving thirty full years of imprisonment. 696

(D) Nothing in this section limits or restricts the rights 697  
of the state to appeal any order setting aside, nullifying, or 698  
vacating a conviction or sentence of death, when an appeal of 699  
that nature otherwise would be available. 700

(E) This section, as amended by H.B. 184 of the 125th 701  
general assembly, shall apply to all offenders who have been 702  
sentenced to death for an aggravated murder that was committed 703  
on or after October 19, 1981, or for terrorism that was 704  
committed on or after May 15, 2002. This section, as amended by 705  
H.B. 184 of the 125th general assembly, shall apply equally to 706  
all such offenders sentenced to death prior to, on, or after 707



March 23, 2005, including offenders who, on March 23, 2005, are 708  
challenging their sentence of death and offenders whose sentence 709  
of death has been set aside, nullified, or vacated by any court 710  
of this state or any federal court but who, as of March 23, 711  
2005, have not yet been resentenced. 712

(F) A court shall not impose a sentence of life 713  
imprisonment without parole on a person under division (A) or 714  
(B) of this section for an offense that was committed when the 715  
person was under eighteen years of age. 716

**Sec. 2929.07.** (A) Notwithstanding any provision of the 717  
Revised Code to the contrary, a court shall not impose a 718  
sentence of life imprisonment without parole on any person for 719  
an offense that was committed when the person was under eighteen 720  
years of age. 721

(B) If an offender receives or received a sentence of life 722  
imprisonment without parole for an offense that was committed 723  
when the offender was under eighteen years of age, the 724  
offender's parole eligibility shall be determined under section 725  
2967.132 of the Revised Code. 726

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 727  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 728  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 729  
in division (D) (6) of section 2919.25 of the Revised Code and 730  
except in relation to an offense for which a sentence of death 731  
or life imprisonment is to be imposed, if the court imposing a 732  
sentence upon an offender for a felony elects or is required to 733  
impose a prison term on the offender pursuant to this chapter, 734  
the court shall impose a prison term that shall be one of the 735  
following: 736

(1) (a) For a felony of the first degree committed on or 737  
after the effective date of this amendment, the prison term 738  
shall be an indefinite prison term with a stated minimum term 739  
selected by the court of three, four, five, six, seven, eight, 740  
nine, ten, or eleven years and a maximum term that is determined 741  
pursuant to section 2929.144 of the Revised Code, except that if 742  
the section that criminalizes the conduct constituting the 743  
felony specifies a different minimum term or penalty for the 744  
offense, the specific language of that section shall control in 745  
determining the minimum term or otherwise sentencing the 746  
offender but the minimum term or sentence imposed under that 747  
specific language shall be considered for purposes of the 748  
Revised Code as if it had been imposed under this division. 749

(b) For a felony of the first degree committed prior to 750  
the effective date of this amendment, the prison term shall be a 751  
definite prison term of three, four, five, six, seven, eight, 752  
nine, ten, or eleven years. 753

(2) (a) For a felony of the second degree committed on or 754  
after the effective date of this amendment, the prison term 755  
shall be an indefinite prison term with a stated minimum term 756  
selected by the court of two, three, four, five, six, seven, or 757  
eight years and a maximum term that is determined pursuant to 758  
section 2929.144 of the Revised Code, except that if the section 759  
that criminalizes the conduct constituting the felony specifies 760  
a different minimum term or penalty for the offense, the 761  
specific language of that section shall control in determining 762  
the minimum term or otherwise sentencing the offender but the 763  
minimum term or sentence imposed under that specific language 764  
shall be considered for purposes of the Revised Code as if it 765  
had been imposed under this division. 766

(b) For a felony of the second degree committed prior to 767  
the effective date of this amendment, the prison term shall be a 768  
definite term of two, three, four, five, six, seven, or eight 769  
years. 770

(3) (a) For a felony of the third degree that is a 771  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 772  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 773  
Code or that is a violation of section 2911.02 or 2911.12 of the 774  
Revised Code if the offender previously has been convicted of or 775  
pleaded guilty in two or more separate proceedings to two or 776  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 777  
of the Revised Code, the prison term shall be a definite term of 778  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 779  
forty-eight, fifty-four, or sixty months. 780

(b) For a felony of the third degree that is not an 781  
offense for which division (A) (3) (a) of this section applies, 782  
the prison term shall be a definite term of nine, twelve, 783  
eighteen, twenty-four, thirty, or thirty-six months. 784

(4) For a felony of the fourth degree, the prison term 785  
shall be a definite term of six, seven, eight, nine, ten, 786  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 787  
or eighteen months. 788

(5) For a felony of the fifth degree, the prison term 789  
shall be a definite term of six, seven, eight, nine, ten, 790  
eleven, or twelve months. 791

(B) (1) (a) Except as provided in division (B) (1) (e) of this 792  
section, if an offender who is convicted of or pleads guilty to 793  
a felony also is convicted of or pleads guilty to a 794  
specification of the type described in section 2941.141, 795

2941.144, or 2941.145 of the Revised Code, the court shall 796  
impose on the offender one of the following prison terms: 797

(i) A prison term of six years if the specification is of 798  
the type described in division (A) of section 2941.144 of the 799  
Revised Code that charges the offender with having a firearm 800  
that is an automatic firearm or that was equipped with a firearm 801  
muffler or suppressor on or about the offender's person or under 802  
the offender's control while committing the offense; 803

(ii) A prison term of three years if the specification is 804  
of the type described in division (A) of section 2941.145 of the 805  
Revised Code that charges the offender with having a firearm on 806  
or about the offender's person or under the offender's control 807  
while committing the offense and displaying the firearm, 808  
brandishing the firearm, indicating that the offender possessed 809  
the firearm, or using it to facilitate the offense; 810

(iii) A prison term of one year if the specification is of 811  
the type described in division (A) of section 2941.141 of the 812  
Revised Code that charges the offender with having a firearm on 813  
or about the offender's person or under the offender's control 814  
while committing the offense; 815

(iv) A prison term of nine years if the specification is 816  
of the type described in division (D) of section 2941.144 of the 817  
Revised Code that charges the offender with having a firearm 818  
that is an automatic firearm or that was equipped with a firearm 819  
muffler or suppressor on or about the offender's person or under 820  
the offender's control while committing the offense and 821  
specifies that the offender previously has been convicted of or 822  
pleaded guilty to a specification of the type described in 823  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 824  
the Revised Code; 825

(v) A prison term of fifty-four months if the 826  
specification is of the type described in division (D) of 827  
section 2941.145 of the Revised Code that charges the offender 828  
with having a firearm on or about the offender's person or under 829  
the offender's control while committing the offense and 830  
displaying the firearm, brandishing the firearm, indicating that 831  
the offender possessed the firearm, or using the firearm to 832  
facilitate the offense and that the offender previously has been 833  
convicted of or pleaded guilty to a specification of the type 834  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 835  
2941.1412 of the Revised Code; 836

(vi) A prison term of eighteen months if the specification 837  
is of the type described in division (D) of section 2941.141 of 838  
the Revised Code that charges the offender with having a firearm 839  
on or about the offender's person or under the offender's 840  
control while committing the offense and that the offender 841  
previously has been convicted of or pleaded guilty to a 842  
specification of the type described in section 2941.141, 843  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 844

(b) If a court imposes a prison term on an offender under 845  
division (B)(1)(a) of this section, the prison term shall not be 846  
reduced pursuant to section 2967.19, section 2929.20, section 847  
2967.193, or any other provision of Chapter 2967. or Chapter 848  
5120. of the Revised Code. Except as provided in division (B)(1) 849  
(g) of this section, a court shall not impose more than one 850  
prison term on an offender under division (B)(1)(a) of this 851  
section for felonies committed as part of the same act or 852  
transaction. 853

(c) (i) Except as provided in division (B)(1)(e) of this 854  
section, if an offender who is convicted of or pleads guilty to 855

a violation of section 2923.161 of the Revised Code or to a 856  
felony that includes, as an essential element, purposely or 857  
knowingly causing or attempting to cause the death of or 858  
physical harm to another, also is convicted of or pleads guilty 859  
to a specification of the type described in division (A) of 860  
section 2941.146 of the Revised Code that charges the offender 861  
with committing the offense by discharging a firearm from a 862  
motor vehicle other than a manufactured home, the court, after 863  
imposing a prison term on the offender for the violation of 864  
section 2923.161 of the Revised Code or for the other felony 865  
offense under division (A), (B) (2), or (B) (3) of this section, 866  
shall impose an additional prison term of five years upon the 867  
offender that shall not be reduced pursuant to section 2929.20, 868  
section 2967.19, section 2967.193, or any other provision of 869  
Chapter 2967. or Chapter 5120. of the Revised Code. 870

(ii) Except as provided in division (B) (1) (e) of this 871  
section, if an offender who is convicted of or pleads guilty to 872  
a violation of section 2923.161 of the Revised Code or to a 873  
felony that includes, as an essential element, purposely or 874  
knowingly causing or attempting to cause the death of or 875  
physical harm to another, also is convicted of or pleads guilty 876  
to a specification of the type described in division (C) of 877  
section 2941.146 of the Revised Code that charges the offender 878  
with committing the offense by discharging a firearm from a 879  
motor vehicle other than a manufactured home and that the 880  
offender previously has been convicted of or pleaded guilty to a 881  
specification of the type described in section 2941.141, 882  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 883  
the court, after imposing a prison term on the offender for the 884  
violation of section 2923.161 of the Revised Code or for the 885  
other felony offense under division (A), (B) (2), or (3) of this 886

section, shall impose an additional prison term of ninety months 887  
upon the offender that shall not be reduced pursuant to section 888  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 889  
2967. or Chapter 5120. of the Revised Code. 890

(iii) A court shall not impose more than one additional 891  
prison term on an offender under division (B) (1) (c) of this 892  
section for felonies committed as part of the same act or 893  
transaction. If a court imposes an additional prison term on an 894  
offender under division (B) (1) (c) of this section relative to an 895  
offense, the court also shall impose a prison term under 896  
division (B) (1) (a) of this section relative to the same offense, 897  
provided the criteria specified in that division for imposing an 898  
additional prison term are satisfied relative to the offender 899  
and the offense. 900

(d) If an offender who is convicted of or pleads guilty to 901  
an offense of violence that is a felony also is convicted of or 902  
pleads guilty to a specification of the type described in 903  
section 2941.1411 of the Revised Code that charges the offender 904  
with wearing or carrying body armor while committing the felony 905  
offense of violence, the court shall impose on the offender an 906  
additional prison term of two years. The prison term so imposed, 907  
subject to divisions (C) to (I) of section 2967.19 of the 908  
Revised Code, shall not be reduced pursuant to section 2929.20, 909  
section 2967.19, section 2967.193, or any other provision of 910  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 911  
shall not impose more than one prison term on an offender under 912  
division (B) (1) (d) of this section for felonies committed as 913  
part of the same act or transaction. If a court imposes an 914  
additional prison term under division (B) (1) (a) or (c) of this 915  
section, the court is not precluded from imposing an additional 916  
prison term under division (B) (1) (d) of this section. 917

(e) The court shall not impose any of the prison terms 918  
described in division (B) (1) (a) of this section or any of the 919  
additional prison terms described in division (B) (1) (c) of this 920  
section upon an offender for a violation of section 2923.12 or 921  
2923.123 of the Revised Code. The court shall not impose any of 922  
the prison terms described in division (B) (1) (a) or (b) of this 923  
section upon an offender for a violation of section 2923.122 924  
that involves a deadly weapon that is a firearm other than a 925  
dangerous ordnance, section 2923.16, or section 2923.121 of the 926  
Revised Code. The court shall not impose any of the prison terms 927  
described in division (B) (1) (a) of this section or any of the 928  
additional prison terms described in division (B) (1) (c) of this 929  
section upon an offender for a violation of section 2923.13 of 930  
the Revised Code unless all of the following apply: 931

(i) The offender previously has been convicted of 932  
aggravated murder, murder, or any felony of the first or second 933  
degree. 934

(ii) Less than five years have passed since the offender 935  
was released from prison or post-release control, whichever is 936  
later, for the prior offense. 937

(f) (i) If an offender is convicted of or pleads guilty to 938  
a felony that includes, as an essential element, causing or 939  
attempting to cause the death of or physical harm to another and 940  
also is convicted of or pleads guilty to a specification of the 941  
type described in division (A) of section 2941.1412 of the 942  
Revised Code that charges the offender with committing the 943  
offense by discharging a firearm at a peace officer as defined 944  
in section 2935.01 of the Revised Code or a corrections officer, 945  
as defined in section 2941.1412 of the Revised Code, the court, 946  
after imposing a prison term on the offender for the felony 947



offense under division (A), (B) (2), or (B) (3) of this section, 948  
shall impose an additional prison term of seven years upon the 949  
offender that shall not be reduced pursuant to section 2929.20, 950  
section 2967.19, section 2967.193, or any other provision of 951  
Chapter 2967. or Chapter 5120. of the Revised Code. 952

(ii) If an offender is convicted of or pleads guilty to a 953  
felony that includes, as an essential element, causing or 954  
attempting to cause the death of or physical harm to another and 955  
also is convicted of or pleads guilty to a specification of the 956  
type described in division (B) of section 2941.1412 of the 957  
Revised Code that charges the offender with committing the 958  
offense by discharging a firearm at a peace officer, as defined 959  
in section 2935.01 of the Revised Code, or a corrections 960  
officer, as defined in section 2941.1412 of the Revised Code, 961  
and that the offender previously has been convicted of or 962  
pleaded guilty to a specification of the type described in 963  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 964  
the Revised Code, the court, after imposing a prison term on the 965  
offender for the felony offense under division (A), (B) (2), or 966  
(3) of this section, shall impose an additional prison term of 967  
one hundred twenty-six months upon the offender that shall not 968  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 969  
any other provision of Chapter 2967. or 5120. of the Revised 970  
Code. 971

(iii) If an offender is convicted of or pleads guilty to 972  
two or more felonies that include, as an essential element, 973  
causing or attempting to cause the death or physical harm to 974  
another and also is convicted of or pleads guilty to a 975  
specification of the type described under division (B) (1) (f) of 976  
this section in connection with two or more of the felonies of 977  
which the offender is convicted or to which the offender pleads 978

guilty, the sentencing court shall impose on the offender the 979  
prison term specified under division (B) (1) (f) of this section 980  
for each of two of the specifications of which the offender is 981  
convicted or to which the offender pleads guilty and, in its 982  
discretion, also may impose on the offender the prison term 983  
specified under that division for any or all of the remaining 984  
specifications. If a court imposes an additional prison term on 985  
an offender under division (B) (1) (f) of this section relative to 986  
an offense, the court shall not impose a prison term under 987  
division (B) (1) (a) or (c) of this section relative to the same 988  
offense. 989

(g) If an offender is convicted of or pleads guilty to two 990  
or more felonies, if one or more of those felonies are 991  
aggravated murder, murder, attempted aggravated murder, 992  
attempted murder, aggravated robbery, felonious assault, or 993  
rape, and if the offender is convicted of or pleads guilty to a 994  
specification of the type described under division (B) (1) (a) of 995  
this section in connection with two or more of the felonies, the 996  
sentencing court shall impose on the offender the prison term 997  
specified under division (B) (1) (a) of this section for each of 998  
the two most serious specifications of which the offender is 999  
convicted or to which the offender pleads guilty and, in its 1000  
discretion, also may impose on the offender the prison term 1001  
specified under that division for any or all of the remaining 1002  
specifications. 1003

(2) (a) If division (B) (2) (b) of this section does not 1004  
apply, the court may impose on an offender, in addition to the 1005  
longest prison term authorized or required for the offense or, 1006  
for offenses for which division (A) (1) (a) or (2) (a) of this 1007  
section applies, in addition to the longest minimum prison term 1008  
authorized or required for the offense, an additional definite 1009

prison term of one, two, three, four, five, six, seven, eight, 1010  
nine, or ten years if all of the following criteria are met: 1011

(i) The offender is convicted of or pleads guilty to a 1012  
specification of the type described in section 2941.149 of the 1013  
Revised Code that the offender is a repeat violent offender. 1014

(ii) The offense of which the offender currently is 1015  
convicted or to which the offender currently pleads guilty is 1016  
aggravated murder and the court does not impose a sentence of 1017  
death or life imprisonment without parole, murder, terrorism and 1018  
the court does not impose a sentence of life imprisonment 1019  
without parole, any felony of the first degree that is an 1020  
offense of violence and the court does not impose a sentence of 1021  
life imprisonment without parole, or any felony of the second 1022  
degree that is an offense of violence and the trier of fact 1023  
finds that the offense involved an attempt to cause or a threat 1024  
to cause serious physical harm to a person or resulted in 1025  
serious physical harm to a person. 1026

(iii) The court imposes the longest prison term for the 1027  
offense or the longest minimum prison term for the offense, 1028  
whichever is applicable, that is not life imprisonment without 1029  
parole. 1030

(iv) The court finds that the prison terms imposed 1031  
pursuant to division (B)(2)(a)(iii) of this section and, if 1032  
applicable, division (B)(1) or (3) of this section are 1033  
inadequate to punish the offender and protect the public from 1034  
future crime, because the applicable factors under section 1035  
2929.12 of the Revised Code indicating a greater likelihood of 1036  
recidivism outweigh the applicable factors under that section 1037  
indicating a lesser likelihood of recidivism. 1038

(v) The court finds that the prison terms imposed pursuant 1039  
to division (B) (2) (a) (iii) of this section and, if applicable, 1040  
division (B) (1) or (3) of this section are demeaning to the 1041  
seriousness of the offense, because one or more of the factors 1042  
under section 2929.12 of the Revised Code indicating that the 1043  
offender's conduct is more serious than conduct normally 1044  
constituting the offense are present, and they outweigh the 1045  
applicable factors under that section indicating that the 1046  
offender's conduct is less serious than conduct normally 1047  
constituting the offense. 1048

(b) The court shall impose on an offender the longest 1049  
prison term authorized or required for the offense or, for 1050  
offenses for which division (A) (1) (a) or (2) (a) of this section 1051  
applies, the longest minimum prison term authorized or required 1052  
for the offense, and shall impose on the offender an additional 1053  
definite prison term of one, two, three, four, five, six, seven, 1054  
eight, nine, or ten years if all of the following criteria are 1055  
met: 1056

(i) The offender is convicted of or pleads guilty to a 1057  
specification of the type described in section 2941.149 of the 1058  
Revised Code that the offender is a repeat violent offender. 1059

(ii) The offender within the preceding twenty years has 1060  
been convicted of or pleaded guilty to three or more offenses 1061  
described in division (CC) (1) of section 2929.01 of the Revised 1062  
Code, including all offenses described in that division of which 1063  
the offender is convicted or to which the offender pleads guilty 1064  
in the current prosecution and all offenses described in that 1065  
division of which the offender previously has been convicted or 1066  
to which the offender previously pleaded guilty, whether 1067  
prosecuted together or separately. 1068

(iii) The offense or offenses of which the offender 1069  
currently is convicted or to which the offender currently pleads 1070  
guilty is aggravated murder and the court does not impose a 1071  
sentence of death or life imprisonment without parole, murder, 1072  
terrorism and the court does not impose a sentence of life 1073  
imprisonment without parole, any felony of the first degree that 1074  
is an offense of violence and the court does not impose a 1075  
sentence of life imprisonment without parole, or any felony of 1076  
the second degree that is an offense of violence and the trier 1077  
of fact finds that the offense involved an attempt to cause or a 1078  
threat to cause serious physical harm to a person or resulted in 1079  
serious physical harm to a person. 1080

(c) For purposes of division (B) (2) (b) of this section, 1081  
two or more offenses committed at the same time or as part of 1082  
the same act or event shall be considered one offense, and that 1083  
one offense shall be the offense with the greatest penalty. 1084

(d) A sentence imposed under division (B) (2) (a) or (b) of 1085  
this section shall not be reduced pursuant to section 2929.20, 1086  
section 2967.19, or section 2967.193, or any other provision of 1087  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1088  
shall serve an additional prison term imposed under division (B) 1089  
(2) (a) or (b) of this section consecutively to and prior to the 1090  
prison term imposed for the underlying offense. 1091

(e) When imposing a sentence pursuant to division (B) (2) 1092  
(a) or (b) of this section, the court shall state its findings 1093  
explaining the imposed sentence. 1094

(3) Except when an offender commits a violation of section 1095  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1096  
for the violation is life imprisonment or commits a violation of 1097  
section 2903.02 of the Revised Code, if the offender commits a 1098

violation of section 2925.03 or 2925.11 of the Revised Code and 1099  
that section classifies the offender as a major drug offender, 1100  
if the offender commits a violation of section 2925.05 of the 1101  
Revised Code and division (E)(1) of that section classifies the 1102  
offender as a major drug offender, if the offender commits a 1103  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1104  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1105  
division (C) or (D) of section 3719.172, division (E) of section 1106  
4729.51, or division (J) of section 4729.54 of the Revised Code 1107  
that includes the sale, offer to sell, or possession of a 1108  
schedule I or II controlled substance, with the exception of 1109  
marihuana, and the court imposing sentence upon the offender 1110  
finds that the offender is guilty of a specification of the type 1111  
described in division (A) of section 2941.1410 of the Revised 1112  
Code charging that the offender is a major drug offender, if the 1113  
court imposing sentence upon an offender for a felony finds that 1114  
the offender is guilty of corrupt activity with the most serious 1115  
offense in the pattern of corrupt activity being a felony of the 1116  
first degree, or if the offender is guilty of an attempted 1117  
violation of section 2907.02 of the Revised Code and, had the 1118  
offender completed the violation of section 2907.02 of the 1119  
Revised Code that was attempted, the offender would have been 1120  
subject to a sentence of life imprisonment or life imprisonment 1121  
without parole for the violation of section 2907.02 of the 1122  
Revised Code, the court shall impose upon the offender for the 1123  
felony violation a mandatory prison term determined as described 1124  
in this division that, subject to divisions (C) to (I) of 1125  
section 2967.19 of the Revised Code, cannot be reduced pursuant 1126  
to section 2929.20, section 2967.19, or any other provision of 1127  
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1128  
term shall be the maximum definite prison term prescribed in 1129  
division (A)(1)(b) of this section for a felony of the first 1130

degree, except that for offenses for which division (A)(1)(a) of 1131  
this section applies, the mandatory prison term shall be the 1132  
longest minimum prison term prescribed in that division for the 1133  
offense. 1134

(4) If the offender is being sentenced for a third or 1135  
fourth degree felony OVI offense under division (G)(2) of 1136  
section 2929.13 of the Revised Code, the sentencing court shall 1137  
impose upon the offender a mandatory prison term in accordance 1138  
with that division. In addition to the mandatory prison term, if 1139  
the offender is being sentenced for a fourth degree felony OVI 1140  
offense, the court, notwithstanding division (A)(4) of this 1141  
section, may sentence the offender to a definite prison term of 1142  
not less than six months and not more than thirty months, and if 1143  
the offender is being sentenced for a third degree felony OVI 1144  
offense, the sentencing court may sentence the offender to an 1145  
additional prison term of any duration specified in division (A) 1146  
(3) of this section. In either case, the additional prison term 1147  
imposed shall be reduced by the sixty or one hundred twenty days 1148  
imposed upon the offender as the mandatory prison term. The 1149  
total of the additional prison term imposed under division (B) 1150  
(4) of this section plus the sixty or one hundred twenty days 1151  
imposed as the mandatory prison term shall equal a definite term 1152  
in the range of six months to thirty months for a fourth degree 1153  
felony OVI offense and shall equal one of the authorized prison 1154  
terms specified in division (A)(3) of this section for a third 1155  
degree felony OVI offense. If the court imposes an additional 1156  
prison term under division (B)(4) of this section, the offender 1157  
shall serve the additional prison term after the offender has 1158  
served the mandatory prison term required for the offense. In 1159  
addition to the mandatory prison term or mandatory and 1160  
additional prison term imposed as described in division (B)(4) 1161

of this section, the court also may sentence the offender to a 1162  
community control sanction under section 2929.16 or 2929.17 of 1163  
the Revised Code, but the offender shall serve all of the prison 1164  
terms so imposed prior to serving the community control 1165  
sanction. 1166

If the offender is being sentenced for a fourth degree 1167  
felony OVI offense under division (G) (1) of section 2929.13 of 1168  
the Revised Code and the court imposes a mandatory term of local 1169  
incarceration, the court may impose a prison term as described 1170  
in division (A) (1) of that section. 1171

(5) If an offender is convicted of or pleads guilty to a 1172  
violation of division (A) (1) or (2) of section 2903.06 of the 1173  
Revised Code and also is convicted of or pleads guilty to a 1174  
specification of the type described in section 2941.1414 of the 1175  
Revised Code that charges that the victim of the offense is a 1176  
peace officer, as defined in section 2935.01 of the Revised 1177  
Code, or an investigator of the bureau of criminal 1178  
identification and investigation, as defined in section 2903.11 1179  
of the Revised Code, the court shall impose on the offender a 1180  
prison term of five years. If a court imposes a prison term on 1181  
an offender under division (B) (5) of this section, the prison 1182  
term, subject to divisions (C) to (I) of section 2967.19 of the 1183  
Revised Code, shall not be reduced pursuant to section 2929.20, 1184  
section 2967.19, section 2967.193, or any other provision of 1185  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1186  
shall not impose more than one prison term on an offender under 1187  
division (B) (5) of this section for felonies committed as part 1188  
of the same act. 1189

(6) If an offender is convicted of or pleads guilty to a 1190  
violation of division (A) (1) or (2) of section 2903.06 of the 1191



Revised Code and also is convicted of or pleads guilty to a 1192  
specification of the type described in section 2941.1415 of the 1193  
Revised Code that charges that the offender previously has been 1194  
convicted of or pleaded guilty to three or more violations of 1195  
division (A) or (B) of section 4511.19 of the Revised Code or an 1196  
equivalent offense, as defined in section 2941.1415 of the 1197  
Revised Code, or three or more violations of any combination of 1198  
those divisions and offenses, the court shall impose on the 1199  
offender a prison term of three years. If a court imposes a 1200  
prison term on an offender under division (B) (6) of this 1201  
section, the prison term, subject to divisions (C) to (I) of 1202  
section 2967.19 of the Revised Code, shall not be reduced 1203  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1204  
or any other provision of Chapter 2967. or Chapter 5120. of the 1205  
Revised Code. A court shall not impose more than one prison term 1206  
on an offender under division (B) (6) of this section for 1207  
felonies committed as part of the same act. 1208

(7) (a) If an offender is convicted of or pleads guilty to 1209  
a felony violation of section 2905.01, 2905.02, 2907.21, 1210  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1211  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1212  
section 2919.22 of the Revised Code and also is convicted of or 1213  
pleads guilty to a specification of the type described in 1214  
section 2941.1422 of the Revised Code that charges that the 1215  
offender knowingly committed the offense in furtherance of human 1216  
trafficking, the court shall impose on the offender a mandatory 1217  
prison term that is one of the following: 1218

(i) If the offense is a felony of the first degree, a 1219  
definite prison term of not less than five years and not greater 1220  
than eleven years, except that if the offense is a felony of the 1221  
first degree committed on or after the effective date of this 1222

amendment, the court shall impose as the minimum prison term a 1223  
mandatory term of not less than five years and not greater than 1224  
eleven years; 1225

(ii) If the offense is a felony of the second or third 1226  
degree, a definite prison term of not less than three years and 1227  
not greater than the maximum prison term allowed for the offense 1228  
by division (A) (2) (b) or (3) of this section, except that if the 1229  
offense is a felony of the second degree committed on or after 1230  
the effective date of this amendment, the court shall impose as 1231  
the minimum prison term a mandatory term of not less than three 1232  
years and not greater than eight years; 1233

(iii) If the offense is a felony of the fourth or fifth 1234  
degree, a definite prison term that is the maximum prison term 1235  
allowed for the offense by division (A) of section 2929.14 of 1236  
the Revised Code. 1237

(b) Subject to divisions (C) to (I) of section 2967.19 of 1238  
the Revised Code, the prison term imposed under division (B) (7) 1239  
(a) of this section shall not be reduced pursuant to section 1240  
2929.20, section 2967.19, section 2967.193, or any other 1241  
provision of Chapter 2967. of the Revised Code. A court shall 1242  
not impose more than one prison term on an offender under 1243  
division (B) (7) (a) of this section for felonies committed as 1244  
part of the same act, scheme, or plan. 1245

(8) If an offender is convicted of or pleads guilty to a 1246  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1247  
Revised Code and also is convicted of or pleads guilty to a 1248  
specification of the type described in section 2941.1423 of the 1249  
Revised Code that charges that the victim of the violation was a 1250  
woman whom the offender knew was pregnant at the time of the 1251  
violation, notwithstanding the range prescribed in division (A) 1252

of this section as the definite prison term or minimum prison 1253  
term for felonies of the same degree as the violation, the court 1254  
shall impose on the offender a mandatory prison term that is 1255  
either a definite prison term of six months or one of the prison 1256  
terms prescribed in division (A) of this section for felonies of 1257  
the same degree as the violation, except that if the violation 1258  
is a felony of the first or second degree committed on or after 1259  
the effective date of this amendment, the court shall impose as 1260  
the minimum prison term under division (A) (1) (a) or (2) (a) of 1261  
this section a mandatory term that is one of the terms 1262  
prescribed in that division, whichever is applicable, for the 1263  
offense. 1264

(9) (a) If an offender is convicted of or pleads guilty to 1265  
a violation of division (A) (1) or (2) of section 2903.11 of the 1266  
Revised Code and also is convicted of or pleads guilty to a 1267  
specification of the type described in section 2941.1425 of the 1268  
Revised Code, the court shall impose on the offender a mandatory 1269  
prison term of six years if either of the following applies: 1270

(i) The violation is a violation of division (A) (1) of 1271  
section 2903.11 of the Revised Code and the specification 1272  
charges that the offender used an accelerant in committing the 1273  
violation and the serious physical harm to another or to 1274  
another's unborn caused by the violation resulted in a 1275  
permanent, serious disfigurement or permanent, substantial 1276  
incapacity; 1277

(ii) The violation is a violation of division (A) (2) of 1278  
section 2903.11 of the Revised Code and the specification 1279  
charges that the offender used an accelerant in committing the 1280  
violation, that the violation caused physical harm to another or 1281  
to another's unborn, and that the physical harm resulted in a 1282

permanent, serious disfigurement or permanent, substantial 1283  
incapacity. 1284

(b) If a court imposes a prison term on an offender under 1285  
division (B) (9) (a) of this section, the prison term shall not be 1286  
reduced pursuant to section 2929.20, section 2967.19, section 1287  
2967.193, or any other provision of Chapter 2967. or Chapter 1288  
5120. of the Revised Code. A court shall not impose more than 1289  
one prison term on an offender under division (B) (9) of this 1290  
section for felonies committed as part of the same act. 1291

(c) The provisions of divisions (B) (9) and (C) (6) of this 1292  
section and of division (D) (2) of section 2903.11, division (F) 1293  
(20) of section 2929.13, and section 2941.1425 of the Revised 1294  
Code shall be known as "Judy's Law." 1295

(10) If an offender is convicted of or pleads guilty to a 1296  
violation of division (A) of section 2903.11 of the Revised Code 1297  
and also is convicted of or pleads guilty to a specification of 1298  
the type described in section 2941.1426 of the Revised Code that 1299  
charges that the victim of the offense suffered permanent 1300  
disabling harm as a result of the offense and that the victim 1301  
was under ten years of age at the time of the offense, 1302  
regardless of whether the offender knew the age of the victim, 1303  
the court shall impose upon the offender an additional definite 1304  
prison term of six years. A prison term imposed on an offender 1305  
under division (B) (10) of this section shall not be reduced 1306  
pursuant to section 2929.20, section 2967.193, or any other 1307  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1308  
If a court imposes an additional prison term on an offender 1309  
under this division relative to a violation of division (A) of 1310  
section 2903.11 of the Revised Code, the court shall not impose 1311  
any other additional prison term on the offender relative to the 1312

same offense. 1313

(11) If an offender is convicted of or pleads guilty to a 1314  
felony violation of section 2925.03 or 2925.05 of the Revised 1315  
Code or a felony violation of section 2925.11 of the Revised 1316  
Code for which division (C) (11) of that section applies in 1317  
determining the sentence for the violation, if the drug involved 1318  
in the violation is a fentanyl-related compound or a compound, 1319  
mixture, preparation, or substance containing a fentanyl-related 1320  
compound, and if the offender also is convicted of or pleads 1321  
guilty to a specification of the type described in division (B) 1322  
of section 2941.1410 of the Revised Code that charges that the 1323  
offender is a major drug offender, in addition to any other 1324  
penalty imposed for the violation, the court shall impose on the 1325  
offender a mandatory prison term of three, four, five, six, 1326  
seven, or eight years. If a court imposes a prison term on an 1327  
offender under division (B) (11) of this section, the prison 1328  
term, subject to divisions (C) to (I) of section 2967.19 of the 1329  
Revised Code, shall not be reduced pursuant to section 2929.20, 1330  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1331  
5120. of the Revised Code. A court shall not impose more than 1332  
one prison term on an offender under division (B) (11) of this 1333  
section for felonies committed as part of the same act. 1334

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1335  
if a mandatory prison term is imposed upon an offender pursuant 1336  
to division (B) (1) (a) of this section for having a firearm on or 1337  
about the offender's person or under the offender's control 1338  
while committing a felony, if a mandatory prison term is imposed 1339  
upon an offender pursuant to division (B) (1) (c) of this section 1340  
for committing a felony specified in that division by 1341  
discharging a firearm from a motor vehicle, or if both types of 1342  
mandatory prison terms are imposed, the offender shall serve any 1343

mandatory prison term imposed under either division 1344  
consecutively to any other mandatory prison term imposed under 1345  
either division or under division (B) (1) (d) of this section, 1346  
consecutively to and prior to any prison term imposed for the 1347  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1348  
this section or any other section of the Revised Code, and 1349  
consecutively to any other prison term or mandatory prison term 1350  
previously or subsequently imposed upon the offender. 1351

(b) If a mandatory prison term is imposed upon an offender 1352  
pursuant to division (B) (1) (d) of this section for wearing or 1353  
carrying body armor while committing an offense of violence that 1354  
is a felony, the offender shall serve the mandatory term so 1355  
imposed consecutively to any other mandatory prison term imposed 1356  
under that division or under division (B) (1) (a) or (c) of this 1357  
section, consecutively to and prior to any prison term imposed 1358  
for the underlying felony under division (A), (B) (2), or (B) (3) 1359  
of this section or any other section of the Revised Code, and 1360  
consecutively to any other prison term or mandatory prison term 1361  
previously or subsequently imposed upon the offender. 1362

(c) If a mandatory prison term is imposed upon an offender 1363  
pursuant to division (B) (1) (f) of this section, the offender 1364  
shall serve the mandatory prison term so imposed consecutively 1365  
to and prior to any prison term imposed for the underlying 1366  
felony under division (A), (B) (2), or (B) (3) of this section or 1367  
any other section of the Revised Code, and consecutively to any 1368  
other prison term or mandatory prison term previously or 1369  
subsequently imposed upon the offender. 1370

(d) If a mandatory prison term is imposed upon an offender 1371  
pursuant to division (B) (7) or (8) of this section, the offender 1372  
shall serve the mandatory prison term so imposed consecutively 1373

to any other mandatory prison term imposed under that division 1374  
or under any other provision of law and consecutively to any 1375  
other prison term or mandatory prison term previously or 1376  
subsequently imposed upon the offender. 1377

(e) If a mandatory prison term is imposed upon an offender 1378  
pursuant to division (B) (11) of this section, the offender shall 1379  
serve the mandatory prison term consecutively to any other 1380  
mandatory prison term imposed under that division, consecutively 1381  
to and prior to any prison term imposed for the underlying 1382  
felony, and consecutively to any other prison term or mandatory 1383  
prison term previously or subsequently imposed upon the 1384  
offender. 1385

(2) If an offender who is an inmate in a jail, prison, or 1386  
other residential detention facility violates section 2917.02, 1387  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1388  
(2) of section 2921.34 of the Revised Code, if an offender who 1389  
is under detention at a detention facility commits a felony 1390  
violation of section 2923.131 of the Revised Code, or if an 1391  
offender who is an inmate in a jail, prison, or other 1392  
residential detention facility or is under detention at a 1393  
detention facility commits another felony while the offender is 1394  
an escapee in violation of division (A) (1) or (2) of section 1395  
2921.34 of the Revised Code, any prison term imposed upon the 1396  
offender for one of those violations shall be served by the 1397  
offender consecutively to the prison term or term of 1398  
imprisonment the offender was serving when the offender 1399  
committed that offense and to any other prison term previously 1400  
or subsequently imposed upon the offender. 1401

(3) If a prison term is imposed for a violation of 1402  
division (B) of section 2911.01 of the Revised Code, a violation 1403

of division (A) of section 2913.02 of the Revised Code in which 1404  
the stolen property is a firearm or dangerous ordnance, or a 1405  
felony violation of division (B) of section 2921.331 of the 1406  
Revised Code, the offender shall serve that prison term 1407  
consecutively to any other prison term or mandatory prison term 1408  
previously or subsequently imposed upon the offender. 1409

(4) If multiple prison terms are imposed on an offender 1410  
for convictions of multiple offenses, the court may require the 1411  
offender to serve the prison terms consecutively if the court 1412  
finds that the consecutive service is necessary to protect the 1413  
public from future crime or to punish the offender and that 1414  
consecutive sentences are not disproportionate to the 1415  
seriousness of the offender's conduct and to the danger the 1416  
offender poses to the public, and if the court also finds any of 1417  
the following: 1418

(a) The offender committed one or more of the multiple 1419  
offenses while the offender was awaiting trial or sentencing, 1420  
was under a sanction imposed pursuant to section 2929.16, 1421  
2929.17, or 2929.18 of the Revised Code, or was under post- 1422  
release control for a prior offense. 1423

(b) At least two of the multiple offenses were committed 1424  
as part of one or more courses of conduct, and the harm caused 1425  
by two or more of the multiple offenses so committed was so 1426  
great or unusual that no single prison term for any of the 1427  
offenses committed as part of any of the courses of conduct 1428  
adequately reflects the seriousness of the offender's conduct. 1429

(c) The offender's history of criminal conduct 1430  
demonstrates that consecutive sentences are necessary to protect 1431  
the public from future crime by the offender. 1432



(5) If a mandatory prison term is imposed upon an offender 1433  
pursuant to division (B) (5) or (6) of this section, the offender 1434  
shall serve the mandatory prison term consecutively to and prior 1435  
to any prison term imposed for the underlying violation of 1436  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1437  
pursuant to division (A) of this section or section 2929.142 of 1438  
the Revised Code. If a mandatory prison term is imposed upon an 1439  
offender pursuant to division (B) (5) of this section, and if a 1440  
mandatory prison term also is imposed upon the offender pursuant 1441  
to division (B) (6) of this section in relation to the same 1442  
violation, the offender shall serve the mandatory prison term 1443  
imposed pursuant to division (B) (5) of this section 1444  
consecutively to and prior to the mandatory prison term imposed 1445  
pursuant to division (B) (6) of this section and consecutively to 1446  
and prior to any prison term imposed for the underlying 1447  
violation of division (A) (1) or (2) of section 2903.06 of the 1448  
Revised Code pursuant to division (A) of this section or section 1449  
2929.142 of the Revised Code. 1450

(6) If a mandatory prison term is imposed on an offender 1451  
pursuant to division (B) (9) of this section, the offender shall 1452  
serve the mandatory prison term consecutively to and prior to 1453  
any prison term imposed for the underlying violation of division 1454  
(A) (1) or (2) of section 2903.11 of the Revised Code and 1455  
consecutively to and prior to any other prison term or mandatory 1456  
prison term previously or subsequently imposed on the offender. 1457

(7) If a mandatory prison term is imposed on an offender 1458  
pursuant to division (B) (10) of this section, the offender shall 1459  
serve that mandatory prison term consecutively to and prior to 1460  
any prison term imposed for the underlying felonious assault. 1461  
Except as otherwise provided in division (C) of this section, 1462  
any other prison term or mandatory prison term previously or 1463

subsequently imposed upon the offender may be served 1464  
concurrently with, or consecutively to, the prison term imposed 1465  
pursuant to division (B)(10) of this section. 1466

(8) Any prison term imposed for a violation of section 1467  
2903.04 of the Revised Code that is based on a violation of 1468  
section 2925.03 or 2925.11 of the Revised Code or on a violation 1469  
of section 2925.05 of the Revised Code that is not funding of 1470  
marihuana trafficking shall run consecutively to any prison term 1471  
imposed for the violation of section 2925.03 or 2925.11 of the 1472  
Revised Code or for the violation of section 2925.05 of the 1473  
Revised Code that is not funding of marihuana trafficking. 1474

(9) When consecutive prison terms are imposed pursuant to 1475  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1476  
division (H)(1) or (2) of this section, subject to division (C) 1477  
(10) of this section, the term to be served is the aggregate of 1478  
all of the terms so imposed. 1479

(10) When a court sentences an offender to a non-life 1480  
felony indefinite prison term, any definite prison term or 1481  
mandatory definite prison term previously or subsequently 1482  
imposed on the offender in addition to that indefinite sentence 1483  
that is required to be served consecutively to that indefinite 1484  
sentence shall be served prior to the indefinite sentence. 1485

(11) If a court is sentencing an offender for a felony of 1486  
the first or second degree, if division (A)(1)(a) or (2)(a) of 1487  
this section applies with respect to the sentencing for the 1488  
offense, and if the court is required under the Revised Code 1489  
section that sets forth the offense or any other Revised Code 1490  
provision to impose a mandatory prison term for the offense, the 1491  
court shall impose the required mandatory prison term as the 1492  
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1493

section, whichever is applicable. 1494

(D) (1) If a court imposes a prison term, other than a term 1495  
of life imprisonment, for a felony of the first degree, for a 1496  
felony of the second degree, for a felony sex offense, or for a 1497  
felony of the third degree that is an offense of violence and 1498  
that is not a felony sex offense, it shall include in the 1499  
sentence a requirement that the offender be subject to a period 1500  
of post-release control after the offender's release from 1501  
imprisonment, in accordance with section 2967.28 of the Revised 1502  
Code. If a court imposes a sentence including a prison term of a 1503  
type described in this division on or after July 11, 2006, the 1504  
failure of a court to include a post-release control requirement 1505  
in the sentence pursuant to this division does not negate, 1506  
limit, or otherwise affect the mandatory period of post-release 1507  
control that is required for the offender under division (B) of 1508  
section 2967.28 of the Revised Code. Section 2929.191 of the 1509  
Revised Code applies if, prior to July 11, 2006, a court imposed 1510  
a sentence including a prison term of a type described in this 1511  
division and failed to include in the sentence pursuant to this 1512  
division a statement regarding post-release control. 1513

(2) If a court imposes a prison term for a felony of the 1514  
third, fourth, or fifth degree that is not subject to division 1515  
(D) (1) of this section, it shall include in the sentence a 1516  
requirement that the offender be subject to a period of post- 1517  
release control after the offender's release from imprisonment, 1518  
in accordance with that division, if the parole board determines 1519  
that a period of post-release control is necessary. Section 1520  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1521  
a court imposed a sentence including a prison term of a type 1522  
described in this division and failed to include in the sentence 1523  
pursuant to this division a statement regarding post-release 1524

control. 1525

(E) The court shall impose sentence upon the offender in 1526  
accordance with section 2971.03 of the Revised Code, and Chapter 1527  
2971. of the Revised Code applies regarding the prison term or 1528  
term of life imprisonment without parole imposed upon the 1529  
offender and the service of that term of imprisonment if any of 1530  
the following apply: 1531

(1) A person is convicted of or pleads guilty to a violent 1532  
sex offense or a designated homicide, assault, or kidnapping 1533  
offense, and, in relation to that offense, the offender is 1534  
adjudicated a sexually violent predator. 1535

(2) A person is convicted of or pleads guilty to a 1536  
violation of division (A) (1) (b) of section 2907.02 of the 1537  
Revised Code committed on or after January 2, 2007, and either 1538  
the court does not impose a sentence of life without parole when 1539  
authorized pursuant to division (B) of section 2907.02 of the 1540  
Revised Code, or division (B) of section 2907.02 of the Revised 1541  
Code provides that the court shall not sentence the offender 1542  
pursuant to section 2971.03 of the Revised Code. 1543

(3) A person is convicted of or pleads guilty to attempted 1544  
rape committed on or after January 2, 2007, and a specification 1545  
of the type described in section 2941.1418, 2941.1419, or 1546  
2941.1420 of the Revised Code. 1547

(4) A person is convicted of or pleads guilty to a 1548  
violation of section 2905.01 of the Revised Code committed on or 1549  
after January 1, 2008, and that section requires the court to 1550  
sentence the offender pursuant to section 2971.03 of the Revised 1551  
Code. 1552

(5) A person is convicted of or pleads guilty to 1553

aggravated murder committed on or after January 1, 2008, and 1554  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1555  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1556  
(d) of section 2929.03, or division (A) or (B) of section 1557  
2929.06 of the Revised Code requires the court to sentence the 1558  
offender pursuant to division (B) (3) of section 2971.03 of the 1559  
Revised Code. 1560

(6) A person is convicted of or pleads guilty to murder 1561  
committed on or after January 1, 2008, and division (B) (2) of 1562  
section 2929.02 of the Revised Code requires the court to 1563  
sentence the offender pursuant to section 2971.03 of the Revised 1564  
Code. 1565

(F) If a person who has been convicted of or pleaded 1566  
guilty to a felony is sentenced to a prison term or term of 1567  
imprisonment under this section, sections 2929.02 to 2929.06 of 1568  
the Revised Code, section 2929.142 of the Revised Code, section 1569  
2971.03 of the Revised Code, or any other provision of law, 1570  
section 5120.163 of the Revised Code applies regarding the 1571  
person while the person is confined in a state correctional 1572  
institution. 1573

(G) If an offender who is convicted of or pleads guilty to 1574  
a felony that is an offense of violence also is convicted of or 1575  
pleads guilty to a specification of the type described in 1576  
section 2941.142 of the Revised Code that charges the offender 1577  
with having committed the felony while participating in a 1578  
criminal gang, the court shall impose upon the offender an 1579  
additional prison term of one, two, or three years. 1580

(H) (1) If an offender who is convicted of or pleads guilty 1581  
to aggravated murder, murder, or a felony of the first, second, 1582  
or third degree that is an offense of violence also is convicted 1583

of or pleads guilty to a specification of the type described in 1584  
section 2941.143 of the Revised Code that charges the offender 1585  
with having committed the offense in a school safety zone or 1586  
towards a person in a school safety zone, the court shall impose 1587  
upon the offender an additional prison term of two years. The 1588  
offender shall serve the additional two years consecutively to 1589  
and prior to the prison term imposed for the underlying offense. 1590

(2) (a) If an offender is convicted of or pleads guilty to 1591  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1592  
2907.25 of the Revised Code and to a specification of the type 1593  
described in section 2941.1421 of the Revised Code and if the 1594  
court imposes a prison term on the offender for the felony 1595  
violation, the court may impose upon the offender an additional 1596  
prison term as follows: 1597

(i) Subject to division (H) (2) (a) (ii) of this section, an 1598  
additional prison term of one, two, three, four, five, or six 1599  
months; 1600

(ii) If the offender previously has been convicted of or 1601  
pleaded guilty to one or more felony or misdemeanor violations 1602  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1603  
the Revised Code and also was convicted of or pleaded guilty to 1604  
a specification of the type described in section 2941.1421 of 1605  
the Revised Code regarding one or more of those violations, an 1606  
additional prison term of one, two, three, four, five, six, 1607  
seven, eight, nine, ten, eleven, or twelve months. 1608

(b) In lieu of imposing an additional prison term under 1609  
division (H) (2) (a) of this section, the court may directly 1610  
impose on the offender a sanction that requires the offender to 1611  
wear a real-time processing, continual tracking electronic 1612  
monitoring device during the period of time specified by the 1613

court. The period of time specified by the court shall equal the 1614  
duration of an additional prison term that the court could have 1615  
imposed upon the offender under division (H) (2) (a) of this 1616  
section. A sanction imposed under this division shall commence 1617  
on the date specified by the court, provided that the sanction 1618  
shall not commence until after the offender has served the 1619  
prison term imposed for the felony violation of section 2907.22, 1620  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1621  
residential sanction imposed for the violation under section 1622  
2929.16 of the Revised Code. A sanction imposed under this 1623  
division shall be considered to be a community control sanction 1624  
for purposes of section 2929.15 of the Revised Code, and all 1625  
provisions of the Revised Code that pertain to community control 1626  
sanctions shall apply to a sanction imposed under this division, 1627  
except to the extent that they would by their nature be clearly 1628  
inapplicable. The offender shall pay all costs associated with a 1629  
sanction imposed under this division, including the cost of the 1630  
use of the monitoring device. 1631

(I) At the time of sentencing, the court may recommend the 1632  
offender for placement in a program of shock incarceration under 1633  
section 5120.031 of the Revised Code or for placement in an 1634  
intensive program prison under section 5120.032 of the Revised 1635  
Code, disapprove placement of the offender in a program of shock 1636  
incarceration or an intensive program prison of that nature, or 1637  
make no recommendation on placement of the offender. In no case 1638  
shall the department of rehabilitation and correction place the 1639  
offender in a program or prison of that nature unless the 1640  
department determines as specified in section 5120.031 or 1641  
5120.032 of the Revised Code, whichever is applicable, that the 1642  
offender is eligible for the placement. 1643

If the court disapproves placement of the offender in a 1644

program or prison of that nature, the department of 1645  
rehabilitation and correction shall not place the offender in 1646  
any program of shock incarceration or intensive program prison. 1647

If the court recommends placement of the offender in a 1648  
program of shock incarceration or in an intensive program 1649  
prison, and if the offender is subsequently placed in the 1650  
recommended program or prison, the department shall notify the 1651  
court of the placement and shall include with the notice a brief 1652  
description of the placement. 1653

If the court recommends placement of the offender in a 1654  
program of shock incarceration or in an intensive program prison 1655  
and the department does not subsequently place the offender in 1656  
the recommended program or prison, the department shall send a 1657  
notice to the court indicating why the offender was not placed 1658  
in the recommended program or prison. 1659

If the court does not make a recommendation under this 1660  
division with respect to an offender and if the department 1661  
determines as specified in section 5120.031 or 5120.032 of the 1662  
Revised Code, whichever is applicable, that the offender is 1663  
eligible for placement in a program or prison of that nature, 1664  
the department shall screen the offender and determine if there 1665  
is an available program of shock incarceration or an intensive 1666  
program prison for which the offender is suited. If there is an 1667  
available program of shock incarceration or an intensive program 1668  
prison for which the offender is suited, the department shall 1669  
notify the court of the proposed placement of the offender as 1670  
specified in section 5120.031 or 5120.032 of the Revised Code 1671  
and shall include with the notice a brief description of the 1672  
placement. The court shall have ten days from receipt of the 1673  
notice to disapprove the placement. 1674



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

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

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

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

under this chapter for a felony offense that was committed when 1705  
the offender was under eighteen years of age, the offender's 1706  
parole eligibility shall be determined under section 2967.132 of 1707  
the Revised Code. 1708

**Sec. 2929.19.** (A) The court shall hold a sentencing 1709  
hearing before imposing a sentence under this chapter upon an 1710  
offender who was convicted of or pleaded guilty to a felony and 1711  
before resentencing an offender who was convicted of or pleaded 1712  
guilty to a felony and whose case was remanded pursuant to 1713  
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 1714  
the offender, the prosecuting attorney, the victim or the 1715  
victim's representative in accordance with section 2930.14 of 1716  
the Revised Code, and, with the approval of the court, any other 1717  
person may present information relevant to the imposition of 1718  
sentence in the case. The court shall inform the offender of the 1719  
verdict of the jury or finding of the court and ask the offender 1720  
whether the offender has anything to say as to why sentence 1721  
should not be imposed upon the offender. 1722

(B) (1) At the sentencing hearing, the court, before 1723  
imposing sentence, shall ~~consider~~ do all of the following: 1724

(a) Consider the record, any information presented at the 1725  
hearing by any person pursuant to division (A) of this section, 1726  
and, if one was prepared, the presentence investigation report 1727  
made pursuant to section 2951.03 of the Revised Code or Criminal 1728  
Rule 32.2, and any victim impact statement made pursuant to 1729  
section 2947.051 of the Revised Code; 1730

(b) If the offense was committed when the offender was 1731  
under eighteen years of age, in addition to other factors 1732  
considered, consider youth and its characteristics as mitigating 1733  
factors, including: 1734

(i) The chronological age of the offender at the time of 1735  
the offense and that age's hallmark features, including 1736  
intellectual capacity, immaturity, impetuosity, and a failure to 1737  
appreciate risks and consequences; 1738

(ii) The family and home environment of the offender at 1739  
the time of the offense, the offender's inability to control the 1740  
offender's surroundings, a history of trauma regarding the 1741  
offender, and the offender's school and special education 1742  
history; 1743

(iii) The circumstances of the offense, including the 1744  
extent of the offender's participation in the conduct and the 1745  
way familial and peer pressures may have impacted the offender's 1746  
conduct; 1747

(iv) Whether the offender might have been charged and 1748  
convicted of a lesser offense if not for the incompetencies 1749  
associated with youth, such as the offender's inability to deal 1750  
with police officers and prosecutors during the offender's 1751  
interrogation or possible plea agreement or the offender's 1752  
inability to assist the offender's own attorney; 1753

(v) Examples of the offender's rehabilitation, including 1754  
any subsequent growth or increase in maturity during 1755  
confinement. 1756

(2) Subject to division (B)(3) of this section, if the 1757  
sentencing court determines at the sentencing hearing that a 1758  
prison term is necessary or required, the court shall do all of 1759  
the following: 1760

(a) Impose a stated prison term and, if the court imposes 1761  
a mandatory prison term, notify the offender that the prison 1762  
term is a mandatory prison term; 1763

(b) In addition to any other information, include in the 1764  
sentencing entry the name and section reference to the offense 1765  
or offenses, the sentence or sentences imposed and whether the 1766  
sentence or sentences contain mandatory prison terms, if 1767  
sentences are imposed for multiple counts whether the sentences 1768  
are to be served concurrently or consecutively, and the name and 1769  
section reference of any specification or specifications for 1770  
which sentence is imposed and the sentence or sentences imposed 1771  
for the specification or specifications; 1772

(c) If the prison term is a non-life felony indefinite 1773  
prison term, notify the offender of all of the following: 1774

(i) That it is rebuttably presumed that the offender will 1775  
be released from service of the sentence on the expiration of 1776  
the minimum prison term imposed as part of the sentence or on 1777  
the offender's presumptive earned early release date, as defined 1778  
in section 2967.271 of the Revised Code, whichever is earlier; 1779

(ii) That the department of rehabilitation and correction 1780  
may rebut the presumption described in division (B) (2) (c) (i) of 1781  
this section if, at a hearing held under section 2967.271 of the 1782  
Revised Code, the department makes specified determinations 1783  
regarding the offender's conduct while confined, the offender's 1784  
rehabilitation, the offender's threat to society, the offender's 1785  
restrictive housing, if any, while confined, and the offender's 1786  
security classification; 1787

(iii) That if, as described in division (B) (2) (c) (ii) of 1788  
this section, the department at the hearing makes the specified 1789  
determinations and rebuts the presumption, the department may 1790  
maintain the offender's incarceration after the expiration of 1791  
that minimum term or after that presumptive earned early release 1792  
date for the length of time the department determines to be 1793

reasonable, subject to the limitation specified in section 1794  
2967.271 of the Revised Code; 1795

(iv) That the department may make the specified 1796  
determinations and maintain the offender's incarceration under 1797  
the provisions described in divisions (B)(2)(c)(i) and (ii) of 1798  
this section more than one time, subject to the limitation 1799  
specified in section 2967.271 of the Revised Code; 1800

(v) That if the offender has not been released prior to 1801  
the expiration of the offender's maximum prison term imposed as 1802  
part of the sentence, the offender must be released upon the 1803  
expiration of that term. 1804

(d) Notify the offender that the offender will be 1805  
supervised under section 2967.28 of the Revised Code after the 1806  
offender leaves prison if the offender is being sentenced, other 1807  
than to a sentence of life imprisonment, for a felony of the 1808  
first degree or second degree, for a felony sex offense, or for 1809  
a felony of the third degree that is an offense of violence and 1810  
is not a felony sex offense. This division applies with respect 1811  
to all prison terms imposed for an offense of a type described 1812  
in this division, including a non-life felony indefinite prison 1813  
term and including a term imposed for any offense of a type 1814  
described in this division that is a risk reduction sentence, as 1815  
defined in section 2967.28 of the Revised Code. If a court 1816  
imposes a sentence including a prison term of a type described 1817  
in division (B)(2)(d) of this section on or after July 11, 2006, 1818  
the failure of a court to notify the offender pursuant to 1819  
division (B)(2)(d) of this section that the offender will be 1820  
supervised under section 2967.28 of the Revised Code after the 1821  
offender leaves prison or to include in the judgment of 1822  
conviction entered on the journal a statement to that effect 1823

does not negate, limit, or otherwise affect the mandatory period 1824  
of supervision that is required for the offender under division 1825  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1826  
the Revised Code applies if, prior to July 11, 2006, a court 1827  
imposed a sentence including a prison term of a type described 1828  
in division (B) (2) (d) of this section and failed to notify the 1829  
offender pursuant to division (B) (2) (d) of this section 1830  
regarding post-release control or to include in the judgment of 1831  
conviction entered on the journal or in the sentence a statement 1832  
regarding post-release control. 1833

(e) Notify the offender that the offender may be 1834  
supervised under section 2967.28 of the Revised Code after the 1835  
offender leaves prison if the offender is being sentenced for a 1836  
felony of the third, fourth, or fifth degree that is not subject 1837  
to division (B) (2) (d) of this section. This division applies 1838  
with respect to all prison terms imposed for an offense of a 1839  
type described in this division, including a term imposed for 1840  
any such offense that is a risk reduction sentence, as defined 1841  
in section 2967.28 of the Revised Code. Section 2929.191 of the 1842  
Revised Code applies if, prior to July 11, 2006, a court imposed 1843  
a sentence including a prison term of a type described in 1844  
division (B) (2) (e) of this section and failed to notify the 1845  
offender pursuant to division (B) (2) (e) of this section 1846  
regarding post-release control or to include in the judgment of 1847  
conviction entered on the journal or in the sentence a statement 1848  
regarding post-release control. 1849

(f) Notify the offender that, if a period of supervision 1850  
is imposed following the offender's release from prison, as 1851  
described in division (B) (2) (d) or (e) of this section, and if 1852  
the offender violates that supervision or a condition of post- 1853  
release control imposed under division (B) of section 2967.131 1854

of the Revised Code, the parole board may impose a prison term, 1855  
as part of the sentence, of up to one-half of the definite 1856  
prison term originally imposed upon the offender as the 1857  
offender's stated prison term or up to one-half of the minimum 1858  
prison term originally imposed upon the offender as part of the 1859  
offender's stated non-life felony indefinite prison term. If a 1860  
court imposes a sentence including a prison term on or after 1861  
July 11, 2006, the failure of a court to notify the offender 1862  
pursuant to division (B) (2) (f) of this section that the parole 1863  
board may impose a prison term as described in division (B) (2) 1864  
(f) of this section for a violation of that supervision or a 1865  
condition of post-release control imposed under division (B) of 1866  
section 2967.131 of the Revised Code or to include in the 1867  
judgment of conviction entered on the journal a statement to 1868  
that effect does not negate, limit, or otherwise affect the 1869  
authority of the parole board to so impose a prison term for a 1870  
violation of that nature if, pursuant to division (D) (1) of 1871  
section 2967.28 of the Revised Code, the parole board notifies 1872  
the offender prior to the offender's release of the board's 1873  
authority to so impose a prison term. Section 2929.191 of the 1874  
Revised Code applies if, prior to July 11, 2006, a court imposed 1875  
a sentence including a prison term and failed to notify the 1876  
offender pursuant to division (B) (2) (f) of this section 1877  
regarding the possibility of the parole board imposing a prison 1878  
term for a violation of supervision or a condition of post- 1879  
release control. 1880

(g) (i) Determine, notify the offender of, and include in 1881  
the sentencing entry the total number of days, including the 1882  
sentencing date but excluding conveyance time, that the offender 1883  
has been confined for any reason arising out of the offense for 1884  
which the offender is being sentenced and by which the 1885

department of rehabilitation and correction must reduce the 1886  
definite prison term imposed on the offender as the offender's 1887  
stated prison term or, if the offense is an offense for which a 1888  
non-life felony indefinite prison term is imposed under division 1889  
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the 1890  
minimum and maximum prison terms imposed on the offender as part 1891  
of that non-life felony indefinite prison term, under section 1892  
2967.191 of the Revised Code. The court's calculation shall not 1893  
include the number of days, if any, that the offender served in 1894  
the custody of the department of rehabilitation and correction 1895  
arising out of any prior offense for which the prisoner was 1896  
convicted and sentenced. 1897

(ii) In making a determination under division (B) (2) (g) (i) 1898  
of this section, the court shall consider the arguments of the 1899  
parties and conduct a hearing if one is requested. 1900

(iii) The sentencing court retains continuing jurisdiction 1901  
to correct any error not previously raised at sentencing in 1902  
making a determination under division (B) (2) (g) (i) of this 1903  
section. The offender may, at any time after sentencing, file a 1904  
motion in the sentencing court to correct any error made in 1905  
making a determination under division (B) (2) (g) (i) of this 1906  
section, and the court may in its discretion grant or deny that 1907  
motion. If the court changes the number of days in its 1908  
determination or redetermination, the court shall cause the 1909  
entry granting that change to be delivered to the department of 1910  
rehabilitation and correction without delay. Sections 2931.15 1911  
and 2953.21 of the Revised Code do not apply to a motion made 1912  
under this section. 1913

(iv) An inaccurate determination under division (B) (2) (g) 1914  
(i) of this section is not grounds for setting aside the 1915



offender's conviction or sentence and does not otherwise render 1916  
the sentence void or voidable. 1917

(v) The department of rehabilitation and correction shall 1918  
rely upon the latest journal entry of the court in determining 1919  
the total days of local confinement for purposes of division (B) 1920  
(2) (f) (i) to (iii) of this section and section 2967.191 of the 1921  
Revised Code. 1922

(3) (a) The court shall include in the offender's sentence 1923  
a statement that the offender is a tier III sex offender/child- 1924  
victim offender, and the court shall comply with the 1925  
requirements of section 2950.03 of the Revised Code if any of 1926  
the following apply: 1927

(i) The offender is being sentenced for a violent sex 1928  
offense or designated homicide, assault, or kidnapping offense 1929  
that the offender committed on or after January 1, 1997, and the 1930  
offender is adjudicated a sexually violent predator in relation 1931  
to that offense. 1932

(ii) The offender is being sentenced for a sexually 1933  
oriented offense that the offender committed on or after January 1934  
1, 1997, and the offender is a tier III sex offender/child- 1935  
victim offender relative to that offense. 1936

(iii) The offender is being sentenced on or after July 31, 1937  
2003, for a child-victim oriented offense, and the offender is a 1938  
tier III sex offender/child-victim offender relative to that 1939  
offense. 1940

(iv) The offender is being sentenced under section 2971.03 1941  
of the Revised Code for a violation of division (A) (1) (b) of 1942  
section 2907.02 of the Revised Code committed on or after 1943  
January 2, 2007. 1944

(v) The offender is sentenced to a term of life without 1945  
parole under division (B) of section 2907.02 of the Revised 1946  
Code. 1947

(vi) The offender is being sentenced for attempted rape 1948  
committed on or after January 2, 2007, and a specification of 1949  
the type described in section 2941.1418, 2941.1419, or 2941.1420 1950  
of the Revised Code. 1951

(vii) The offender is being sentenced under division (B) 1952  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 1953  
for an offense described in those divisions committed on or 1954  
after January 1, 2008. 1955

(b) Additionally, if any criterion set forth in divisions 1956  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 1957  
circumstances described in division (E) of section 2929.14 of 1958  
the Revised Code, the court shall impose sentence on the 1959  
offender as described in that division. 1960

(4) If the sentencing court determines at the sentencing 1961  
hearing that a community control sanction should be imposed and 1962  
the court is not prohibited from imposing a community control 1963  
sanction, the court shall impose a community control sanction. 1964  
The court shall notify the offender that, if the conditions of 1965  
the sanction are violated, if the offender commits a violation 1966  
of any law, or if the offender leaves this state without the 1967  
permission of the court or the offender's probation officer, the 1968  
court may impose a longer time under the same sanction, may 1969  
impose a more restrictive sanction, or may impose a prison term 1970  
on the offender and shall indicate the specific prison term that 1971  
may be imposed as a sanction for the violation, as selected by 1972  
the court from the range of prison terms for the offense 1973  
pursuant to section 2929.14 of the Revised Code and as described 1974

in section 2929.15 of the Revised Code. 1975

(5) Before imposing a financial sanction under section 1976  
2929.18 of the Revised Code or a fine under section 2929.32 of 1977  
the Revised Code, the court shall consider the offender's 1978  
present and future ability to pay the amount of the sanction or 1979  
fine. 1980

(6) If the sentencing court sentences the offender to a 1981  
sanction of confinement pursuant to section 2929.14 or 2929.16 1982  
of the Revised Code that is to be served in a local detention 1983  
facility, as defined in section 2929.36 of the Revised Code, and 1984  
if the local detention facility is covered by a policy adopted 1985  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1986  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1987  
and section 2929.37 of the Revised Code, both of the following 1988  
apply: 1989

(a) The court shall specify both of the following as part 1990  
of the sentence: 1991

(i) If the offender is presented with an itemized bill 1992  
pursuant to section 2929.37 of the Revised Code for payment of 1993  
the costs of confinement, the offender is required to pay the 1994  
bill in accordance with that section. 1995

(ii) If the offender does not dispute the bill described 1996  
in division (B)(6)(a)(i) of this section and does not pay the 1997  
bill by the times specified in section 2929.37 of the Revised 1998  
Code, the clerk of the court may issue a certificate of judgment 1999  
against the offender as described in that section. 2000

(b) The sentence automatically includes any certificate of 2001  
judgment issued as described in division (B)(6)(a)(ii) of this 2002  
section. 2003

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

(C) (1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G) (1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B) (3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender except that the court may impose a prison term upon the offender as provided in division (A) (1) of section 2929.13 of the Revised Code.

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B) (3) of

section 2929.18 of the Revised Code, and, in addition, may 2035  
impose an additional prison term as specified in section 2929.14 2036  
of the Revised Code. In addition to the mandatory prison term or 2037  
mandatory prison term and additional prison term the court 2038  
imposes, the court also may impose a community control sanction 2039  
on the offender, but the offender shall serve all of the prison 2040  
terms so imposed prior to serving the community control 2041  
sanction. 2042

(D) The sentencing court, pursuant to division (I) (1) of 2043  
section 2929.14 of the Revised Code, may recommend placement of 2044  
the offender in a program of shock incarceration under section 2045  
5120.031 of the Revised Code or an intensive program prison 2046  
under section 5120.032 of the Revised Code, disapprove placement 2047  
of the offender in a program or prison of that nature, or make 2048  
no recommendation. If the court recommends or disapproves 2049  
placement, it shall make a finding that gives its reasons for 2050  
its recommendation or disapproval. 2051

**Sec. 2967.13.** (A) Except as provided in division (G) of 2052  
this section or section 2967.132 of the Revised Code, a prisoner 2053  
serving a sentence of imprisonment for life for an offense 2054  
committed on or after July 1, 1996, is not entitled to any 2055  
earned credit under section 2967.193 of the Revised Code and 2056  
becomes eligible for parole as follows: 2057

(1) If a sentence of imprisonment for life was imposed for 2058  
the offense of murder, at the expiration of the prisoner's 2059  
minimum term; 2060

(2) If a sentence of imprisonment for life with parole 2061  
eligibility after serving twenty years of imprisonment was 2062  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2063  
Code, after serving a term of twenty years; 2064

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

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

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

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

(B) Except as provided in division (G) of this section or  
section 2967.132 of the Revised Code, a prisoner serving a  
sentence of imprisonment for life with parole eligibility after  
serving twenty years of imprisonment or a sentence of  
imprisonment for life with parole eligibility after serving  
twenty-five full years or thirty full years of imprisonment  
imposed pursuant to section 2929.022 or 2929.03 of the Revised  
Code for an offense committed on or after July 1, 1996,  
consecutively to any other term of imprisonment, becomes  
eligible for parole after serving twenty years, twenty full  
years, or thirty full years, as applicable, as to each such  
sentence of life imprisonment, which shall not be reduced for  
earned credits under section 2967.193 of the Revised Code, plus  
the term or terms of the other sentences consecutively imposed  
or, if one of the other sentences is another type of life  
sentence with parole eligibility, the number of years before

parole eligibility for that sentence. 2095

(C) Except as provided in division (G) of this section or 2096  
section 2967.132 of the Revised Code, a prisoner serving 2097  
consecutively two or more sentences in which an indefinite term 2098  
of imprisonment is imposed becomes eligible for parole upon the 2099  
expiration of the aggregate of the minimum terms of the 2100  
sentences. 2101

(D) Except as provided in division (G) of this section or 2102  
section 2967.132 of the Revised Code, a prisoner serving a term 2103  
of imprisonment who is described in division (A) of section 2104  
2967.021 of the Revised Code becomes eligible for parole as 2105  
described in that division or, if the prisoner is serving a 2106  
definite term of imprisonment, shall be released as described in 2107  
that division. 2108

(E) ~~A~~ Except as provided in section 2967.132 of the 2109  
Revised Code, a prisoner serving a sentence of life imprisonment 2110  
without parole imposed pursuant to section 2907.02 or section 2111  
2929.03 or 2929.06 of the Revised Code is not eligible for 2112  
parole and shall be imprisoned until death. 2113

(F) A prisoner serving a stated prison term that is a non- 2114  
life felony indefinite prison term shall be released in 2115  
accordance with sections 2967.271 and 2967.28 of the Revised 2116  
Code. A prisoner serving a stated prison term of any other 2117  
nature shall be released in accordance with section 2967.28 of 2118  
the Revised Code. 2119

(G) ~~A~~ Except as provided in section 2967.132 of the 2120  
Revised Code, a prisoner serving a prison term or term of life 2121  
imprisonment without parole imposed pursuant to section 2971.03 2122  
of the Revised Code never becomes eligible for parole during 2123

that term of imprisonment.

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

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(1) "Aggravated homicide offense" means aggravated murder  
or any other offense or combination of offenses that involved  
the purposeful killing of three or more persons, when the  
offender is the principal offender in each offense.

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

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(B) This section applies to any prisoner serving a prison  
sentence for one or more offenses committed when the prisoner  
was under eighteen years of age. Regardless of whether the  
prisoner's stated prison term includes mandatory time, this  
section shall apply automatically and cannot be limited by the  
sentencing court.

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

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

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(2) Except as provided in division (C)(3) of this section, 2153  
if the prisoner is serving a sentence for one or more homicide 2154  
offenses, none of which are an aggravated homicide offense, the 2155  
prisoner is eligible for parole after serving twenty-five years 2156  
in prison. 2157

(3) If the prisoner is serving a sentence for one or more 2158  
offenses and the sentence permits parole earlier than the parole 2159  
eligibility date specified in division (C)(1) or (2) of this 2160  
section, the prisoner is eligible for parole after serving the 2161  
period of time in prison that is specified in the sentence. 2162

(D) If the prisoner is serving a sentence for an 2163  
aggravated homicide offense, the prisoner is not eligible for 2164  
parole review other than in accordance with the sentence imposed 2165  
for the offense. 2166

(E)(1) Once a prisoner is eligible for parole pursuant to 2167  
division (C) or (D) of this section, the parole board, within a 2168  
reasonable time after the prisoner becomes eligible, shall 2169  
conduct a hearing to consider the prisoner's release on parole 2170  
under parole supervision. The board shall conduct the hearing in 2171  
accordance with Chapters 2930., 2967., and 5149. of the Revised 2172  
Code and in accordance with the board's policies and procedures. 2173  
Those policies and procedures must permit the prisoner's 2174  
privately retained counsel or the state public defender to 2175  
appear at the prisoner's hearing to make a statement in support 2176  
of the prisoner's release. 2177

(2) The parole board shall ensure that the review process 2178  
provides the prisoner a meaningful opportunity to obtain 2179  
release. In addition to any other factors the board is required 2180  
or authorized to consider by rule or statute, the board shall 2181  
consider the following factors as mitigating factors: 2182

(a) The chronological age of the prisoner at the time of 2183  
the offense and that age's hallmark features, including 2184  
intellectual capacity, immaturity, impetuosity, and a failure to 2185  
appreciate risks and consequences; 2186

(b) The family and home environment of the prisoner at the 2187  
time of the offense, the prisoner's inability to control the 2188  
prisoner's surroundings, a history of trauma regarding the 2189  
prisoner, and the prisoner's school and special education 2190  
history; 2191

(c) The circumstances of the offense, including the extent 2192  
of the prisoner's participation in the conduct and the way 2193  
familial and peer pressures may have impacted the prisoner's 2194  
conduct; 2195

(d) Whether the prisoner might have been charged and 2196  
convicted of a lesser offense if not for the incompetencies 2197  
associated with youth such as the prisoner's inability to deal 2198  
with police officers and prosecutors during the prisoner's 2199  
interrogation or possible plea agreement, or the prisoner's 2200  
inability to assist the prisoner's own attorney; 2201

(e) Examples of the prisoner's rehabilitation, including 2202  
any subsequent growth or increase in maturity during 2203  
imprisonment. 2204

(F) In accordance with section 2967.131 of the Revised 2205  
Code, the parole board shall impose appropriate terms and 2206  
conditions of release upon each prisoner granted a parole under 2207  
this section. 2208

(G) If the parole board denies release on parole pursuant 2209  
to this section, the board shall conduct a subsequent release 2210  
review not later than five years after release was denied. 2211

(H) In addition to any notice required by rule or statute, 2212  
the parole board shall notify the state public defender, the 2213  
victim, and the appropriate prosecuting attorney of a prisoner's 2214  
eligibility for review under this section at least sixty days 2215  
before the board begins any review or proceedings involving that 2216  
prisoner under this section. 2217

(I) This section shall apply to determine the parole 2218  
eligibility of all prisoners described in this section who 2219  
committed an offense prior to, on, or after the effective date 2220  
of this section, regardless of when the prisoner committed or 2221  
was sentenced for the offense. 2222

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 2223  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 2224  
another section of the Revised Code, other than divisions (B) 2225  
and (C) of section 2929.14 of the Revised Code, that authorizes 2226  
or requires a specified prison term or a mandatory prison term 2227  
for a person who is convicted of or pleads guilty to a felony or 2228  
that specifies the manner and place of service of a prison term 2229  
or term of imprisonment, the court shall impose a sentence upon 2230  
a person who is convicted of or pleads guilty to a violent sex 2231  
offense and who also is convicted of or pleads guilty to a 2232  
sexually violent predator specification that was included in the 2233  
indictment, count in the indictment, or information charging 2234  
that offense, and upon a person who is convicted of or pleads 2235  
guilty to a designated homicide, assault, or kidnapping offense 2236  
and also is convicted of or pleads guilty to both a sexual 2237  
motivation specification and a sexually violent predator 2238  
specification that were included in the indictment, count in the 2239  
indictment, or information charging that offense, as follows: 2240

(1) ~~If~~ Except as provided in division (A) (5) of this 2241

section, if the offense for which the sentence is being imposed 2242  
is aggravated murder and if the court does not impose upon the 2243  
offender a sentence of death, it shall impose upon the offender 2244  
a term of life imprisonment without parole. If the court 2245  
sentences the offender to death and the sentence of death is 2246  
vacated, overturned, or otherwise set aside, the court shall 2247  
impose upon the offender a term of life imprisonment without 2248  
parole. 2249

(2) ~~If~~ Except as provided in division (A) (5) of this 2250  
section, if the offense for which the sentence is being imposed 2251  
is murder; or if the offense is rape committed in violation of 2252  
division (A) (1) (b) of section 2907.02 of the Revised Code when 2253  
the offender purposely compelled the victim to submit by force 2254  
or threat of force, when the victim was less than ten years of 2255  
age, when the offender previously has been convicted of or 2256  
pleaded guilty to either rape committed in violation of that 2257  
division or a violation of an existing or former law of this 2258  
state, another state, or the United States that is substantially 2259  
similar to division (A) (1) (b) of section 2907.02 of the Revised 2260  
Code, or when the offender during or immediately after the 2261  
commission of the rape caused serious physical harm to the 2262  
victim; or if the offense is an offense other than aggravated 2263  
murder or murder for which a term of life imprisonment may be 2264  
imposed, it shall impose upon the offender a term of life 2265  
imprisonment without parole. 2266

(3) (a) Except as otherwise provided in division (A) (3) (b), 2267  
(c), (d), or (e) or (A) (4) of this section, if the offense for 2268  
which the sentence is being imposed is an offense other than 2269  
aggravated murder, murder, or rape and other than an offense for 2270  
which a term of life imprisonment may be imposed, it shall 2271  
impose an indefinite prison term consisting of a minimum term 2272

fixed by the court as described in this division, but not less 2273  
than two years, and a maximum term of life imprisonment. Except 2274  
as otherwise specified in this division, the minimum term shall 2275  
be fixed by the court from among the range of terms available as 2276  
a definite term for the offense. If the offense is a felony of 2277  
the first or second degree committed on or after ~~the effective~~ 2278  
~~date of this amendment~~ March 22, 2019, the minimum term shall be 2279  
fixed by the court from among the range of terms available as a 2280  
minimum term for the offense under division (A) (1) (a) or (2) (a) 2281  
of that section. 2282

(b) Except as otherwise provided in division (A) (4) of 2283  
this section, if the offense for which the sentence is being 2284  
imposed is kidnapping that is a felony of the first degree, it 2285  
shall impose an indefinite prison term as follows: 2286

(i) If the kidnapping is committed on or after January 1, 2287  
2008, and the victim of the offense is less than thirteen years 2288  
of age, except as otherwise provided in this division, it shall 2289  
impose an indefinite prison term consisting of a minimum term of 2290  
fifteen years and a maximum term of life imprisonment. If the 2291  
kidnapping is committed on or after January 1, 2008, the victim 2292  
of the offense is less than thirteen years of age, and the 2293  
offender released the victim in a safe place unharmed, it shall 2294  
impose an indefinite prison term consisting of a minimum term of 2295  
ten years and a maximum term of life imprisonment. 2296

(ii) If the kidnapping is committed prior to January 1, 2297  
2008, or division (A) (3) (b) (i) of this section does not apply, 2298  
it shall impose an indefinite term consisting of a minimum term 2299  
fixed by the court that is not less than ten years and a maximum 2300  
term of life imprisonment. 2301

(c) Except as otherwise provided in division (A) (4) of 2302

this section, if the offense for which the sentence is being 2303  
imposed is kidnapping that is a felony of the second degree, it 2304  
shall impose an indefinite prison term consisting of a minimum 2305  
term fixed by the court that is not less than eight years, and a 2306  
maximum term of life imprisonment. 2307

(d) Except as otherwise provided in division (A) (4) of 2308  
this section, if the offense for which the sentence is being 2309  
imposed is rape for which a term of life imprisonment is not 2310  
imposed under division (A) (2) of this section or division (B) of 2311  
section 2907.02 of the Revised Code, it shall impose an 2312  
indefinite prison term as follows: 2313

(i) If the rape is committed on or after January 2, 2007, 2314  
in violation of division (A) (1) (b) of section 2907.02 of the 2315  
Revised Code, it shall impose an indefinite prison term 2316  
consisting of a minimum term of twenty-five years and a maximum 2317  
term of life imprisonment. 2318

(ii) If the rape is committed prior to January 2, 2007, or 2319  
the rape is committed on or after January 2, 2007, other than in 2320  
violation of division (A) (1) (b) of section 2907.02 of the 2321  
Revised Code, it shall impose an indefinite prison term 2322  
consisting of a minimum term fixed by the court that is not less 2323  
than ten years, and a maximum term of life imprisonment. 2324

(e) Except as otherwise provided in division (A) (4) of 2325  
this section, if the offense for which sentence is being imposed 2326  
is attempted rape, it shall impose an indefinite prison term as 2327  
follows: 2328

(i) Except as otherwise provided in division (A) (3) (e) 2329  
(ii), (iii), or (iv) of this section, it shall impose an 2330  
indefinite prison term pursuant to division (A) (3) (a) of this 2331

section. 2332

(ii) If the attempted rape for which sentence is being 2333  
imposed was committed on or after January 2, 2007, and if the 2334  
offender also is convicted of or pleads guilty to a 2335  
specification of the type described in section 2941.1418 of the 2336  
Revised Code, it shall impose an indefinite prison term 2337  
consisting of a minimum term of five years and a maximum term of 2338  
twenty-five years. 2339

(iii) If the attempted rape for which sentence is being 2340  
imposed was committed on or after January 2, 2007, and if the 2341  
offender also is convicted of or pleads guilty to a 2342  
specification of the type described in section 2941.1419 of the 2343  
Revised Code, it shall impose an indefinite prison term 2344  
consisting of a minimum term of ten years and a maximum of life 2345  
imprisonment. 2346

(iv) If the attempted rape for which sentence is being 2347  
imposed was committed on or after January 2, 2007, and if the 2348  
offender also is convicted of or pleads guilty to a 2349  
specification of the type described in section 2941.1420 of the 2350  
Revised Code, it shall impose an indefinite prison term 2351  
consisting of a minimum term of fifteen years and a maximum of 2352  
life imprisonment. 2353

(4) For Except as provided in division (A) (5) of this 2354  
section, for any offense for which the sentence is being 2355  
imposed, if the offender previously has been convicted of or 2356  
pleaded guilty to a violent sex offense and also to a sexually 2357  
violent predator specification that was included in the 2358  
indictment, count in the indictment, or information charging 2359  
that offense, or previously has been convicted of or pleaded 2360  
guilty to a designated homicide, assault, or kidnapping offense 2361

and also to both a sexual motivation specification and a 2362  
sexually violent predator specification that were included in 2363  
the indictment, count in the indictment, or information charging 2364  
that offense, it shall impose upon the offender a term of life 2365  
imprisonment without parole. 2366

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 2367  
section, the court shall not impose a sentence of life 2368  
imprisonment without parole upon any person for an offense that 2369  
was committed when the person was under eighteen years of age. 2370  
In any case described in division (A) (1), (2), or (4) of this 2371  
section, if the offense was committed when the person was under 2372  
eighteen years of age, the court shall impose an indefinite 2373  
prison term consisting of a minimum term of thirty years and a 2374  
maximum term of life imprisonment. 2375

(B) (1) Notwithstanding section 2929.13, division (A) or 2376  
(D) of section 2929.14, or another section of the Revised Code 2377  
other than division (B) of section 2907.02 or divisions (B) and 2378  
(C) of section 2929.14 of the Revised Code that authorizes or 2379  
requires a specified prison term or a mandatory prison term for 2380  
a person who is convicted of or pleads guilty to a felony or 2381  
that specifies the manner and place of service of a prison term 2382  
or term of imprisonment, if a person is convicted of or pleads 2383  
guilty to a violation of division (A) (1) (b) of section 2907.02 2384  
of the Revised Code committed on or after January 2, 2007, if 2385  
division (A) of this section does not apply regarding the 2386  
person, and if the court does not impose a sentence of life 2387  
without parole when authorized pursuant to division (B) of 2388  
section 2907.02 of the Revised Code, the court shall impose upon 2389  
the person an indefinite prison term consisting of one of the 2390  
following: 2391



(a) Except as otherwise required in division (B) (1) (b) or 2392  
(c) of this section, a minimum term of ten years and a maximum 2393  
term of life imprisonment. 2394

(b) If the victim was less than ten years of age, a 2395  
minimum term of fifteen years and a maximum of life 2396  
imprisonment. 2397

(c) If the offender purposely compels the victim to submit 2398  
by force or threat of force, or if the offender previously has 2399  
been convicted of or pleaded guilty to violating division (A) (1) 2400  
(b) of section 2907.02 of the Revised Code or to violating an 2401  
existing or former law of this state, another state, or the 2402  
United States that is substantially similar to division (A) (1) 2403  
(b) of that section, or if the offender during or immediately 2404  
after the commission of the offense caused serious physical harm 2405  
to the victim, a minimum term of twenty-five years and a maximum 2406  
of life imprisonment. 2407

(2) Notwithstanding section 2929.13, division (A) or (D) 2408  
of section 2929.14, or another section of the Revised Code other 2409  
than divisions (B) and (C) of section 2929.14 of the Revised 2410  
Code that authorizes or requires a specified prison term or a 2411  
mandatory prison term for a person who is convicted of or pleads 2412  
guilty to a felony or that specifies the manner and place of 2413  
service of a prison term or term of imprisonment and except as 2414  
otherwise provided in division (B) of section 2907.02 of the 2415  
Revised Code, if a person is convicted of or pleads guilty to 2416  
attempted rape committed on or after January 2, 2007, and if 2417  
division (A) of this section does not apply regarding the 2418  
person, the court shall impose upon the person an indefinite 2419  
prison term consisting of one of the following: 2420

(a) If the person also is convicted of or pleads guilty to 2421

a specification of the type described in section 2941.1418 of 2422  
the Revised Code, the court shall impose upon the person an 2423  
indefinite prison term consisting of a minimum term of five 2424  
years and a maximum term of twenty-five years. 2425

(b) If the person also is convicted of or pleads guilty to 2426  
a specification of the type described in section 2941.1419 of 2427  
the Revised Code, the court shall impose upon the person an 2428  
indefinite prison term consisting of a minimum term of ten years 2429  
and a maximum term of life imprisonment. 2430

(c) If the person also is convicted of or pleads guilty to 2431  
a specification of the type described in section 2941.1420 of 2432  
the Revised Code, the court shall impose upon the person an 2433  
indefinite prison term consisting of a minimum term of fifteen 2434  
years and a maximum term of life imprisonment. 2435

(3) Notwithstanding section 2929.13, division (A) or (D) 2436  
of section 2929.14, or another section of the Revised Code other 2437  
than divisions (B) and (C) of section 2929.14 of the Revised 2438  
Code that authorizes or requires a specified prison term or a 2439  
mandatory prison term for a person who is convicted of or pleads 2440  
guilty to a felony or that specifies the manner and place of 2441  
service of a prison term or term of imprisonment, if a person is 2442  
convicted of or pleads guilty to an offense described in 2443  
division (B) (3) (a), (b), (c), or (d) of this section committed 2444  
on or after January 1, 2008, if the person also is convicted of 2445  
or pleads guilty to a sexual motivation specification that was 2446  
included in the indictment, count in the indictment, or 2447  
information charging that offense, and if division (A) of this 2448  
section does not apply regarding the person, the court shall 2449  
impose upon the person an indefinite prison term consisting of 2450  
one of the following: 2451

(a) An indefinite prison term consisting of a minimum of 2452  
ten years and a maximum term of life imprisonment if the offense 2453  
for which the sentence is being imposed is kidnapping, the 2454  
victim of the offense is less than thirteen years of age, and 2455  
the offender released the victim in a safe place unharmed; 2456

(b) An indefinite prison term consisting of a minimum of 2457  
fifteen years and a maximum term of life imprisonment if the 2458  
offense for which the sentence is being imposed is kidnapping 2459  
when the victim of the offense is less than thirteen years of 2460  
age and division (B) (3) (a) of this section does not apply; 2461

(c) An indefinite term consisting of a minimum of thirty 2462  
years and a maximum term of life imprisonment if the offense for 2463  
which the sentence is being imposed is aggravated murder, when 2464  
the victim of the offense is less than thirteen years of age, a 2465  
sentence of death or life imprisonment without parole is not 2466  
imposed for the offense, and division (A) (2) (b) (ii) of section 2467  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 2468  
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 2469  
division (A) or (B) of section 2929.06 of the Revised Code 2470  
requires that the sentence for the offense be imposed pursuant 2471  
to this division; 2472

(d) An indefinite prison term consisting of a minimum of 2473  
thirty years and a maximum term of life imprisonment if the 2474  
offense for which the sentence is being imposed is murder when 2475  
the victim of the offense is less than thirteen years of age. 2476

(C) (1) If the offender is sentenced to a prison term 2477  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 2478  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 2479  
parole board shall have control over the offender's service of 2480  
the term during the entire term unless the parole board 2481

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. 2511

(4) ~~An~~ Except as provided in division (G) of this section, 2512  
an offender who has been sentenced to a term of life 2513  
imprisonment without parole pursuant to division (A)(1), (2), or 2514  
(4) of this section shall not be released from the term of life 2515  
imprisonment or be permitted to serve a portion of it in a place 2516  
other than a state correctional institution. 2517

(D) If a court sentences an offender to a prison term or 2518  
term of life imprisonment without parole pursuant to division 2519  
(A) of this section and the court also imposes on the offender 2520  
one or more additional prison terms pursuant to division (B) of 2521  
section 2929.14 of the Revised Code, all of the additional 2522  
prison terms shall be served consecutively with, and prior to, 2523  
the prison term or term of life imprisonment without parole 2524  
imposed upon the offender pursuant to division (A) of this 2525  
section. 2526

(E) If the offender is convicted of or pleads guilty to 2527  
two or more offenses for which a prison term or term of life 2528  
imprisonment without parole is required to be imposed pursuant 2529  
to division (A) of this section, divisions (A) to (D) of this 2530  
section shall be applied for each offense. All minimum terms 2531  
imposed upon the offender pursuant to division (A)(3) or (B) of 2532  
this section for those offenses shall be aggregated and served 2533  
consecutively, as if they were a single minimum term imposed 2534  
under that division. 2535

(F)(1) If an offender is convicted of or pleads guilty to 2536  
a violent sex offense and also is convicted of or pleads guilty 2537  
to a sexually violent predator specification that was included 2538  
in the indictment, count in the indictment, or information 2539  
charging that offense, or is convicted of or pleads guilty to a 2540

designated homicide, assault, or kidnapping offense and also is 2541  
convicted of or pleads guilty to both a sexual motivation 2542  
specification and a sexually violent predator specification that 2543  
were included in the indictment, count in the indictment, or 2544  
information charging that offense, the conviction of or plea of 2545  
guilty to the offense and the sexually violent predator 2546  
specification automatically classifies the offender as a tier 2547  
III sex offender/child-victim offender for purposes of Chapter 2548  
2950. of the Revised Code. 2549

(2) If an offender is convicted of or pleads guilty to 2550  
committing on or after January 2, 2007, a violation of division 2551  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 2552  
offender is sentenced under section 2971.03 of the Revised Code 2553  
or a sentence of life without parole is imposed under division 2554  
(B) of section 2907.02 of the Revised Code, the conviction of or 2555  
plea of guilty to the offense automatically classifies the 2556  
offender as a tier III sex offender/child-victim offender for 2557  
purposes of Chapter 2950. of the Revised Code. 2558

(3) If a person is convicted of or pleads guilty to 2559  
committing on or after January 2, 2007, attempted rape and also 2560  
is convicted of or pleads guilty to a specification of the type 2561  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 2562  
Revised Code, the conviction of or plea of guilty to the offense 2563  
and the specification automatically classify the offender as a 2564  
tier III sex offender/child-victim offender for purposes of 2565  
Chapter 2950. of the Revised Code. 2566

(4) If a person is convicted of or pleads guilty to one of 2567  
the offenses described in division (B) (3) (a), (b), (c), or (d) 2568  
of this section and a sexual motivation specification related to 2569  
the offense and the victim of the offense is less than thirteen 2570

years of age, the conviction of or plea of guilty to the offense 2571  
automatically classifies the offender as a tier III sex 2572  
offender/child-victim offender for purposes of Chapter 2950. of 2573  
the Revised Code. 2574

(G) Notwithstanding divisions (A) to (E) of this section, 2575  
if an offender receives or received a sentence of life 2576  
imprisonment without parole, a definite sentence, or a sentence 2577  
to an indefinite prison term under this chapter for an offense 2578  
committed when the offender was under eighteen years of age, the 2579  
offender is eligible for parole and the offender's parole 2580  
eligibility shall be determined under section 2967.132 of the 2581  
Revised Code. 2582

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 2583  
member, or the office of victims' services may petition the 2584  
board for a full board hearing that relates to the proposed 2585  
parole or re-parole of a prisoner, including any prisoner 2586  
described in section 2967.132 of the Revised Code. At a meeting 2587  
of the board at which a majority of board members are present, 2588  
the majority of those present shall determine whether a full 2589  
board hearing shall be held. 2590

(2) A victim of a violation of section 2903.01 or 2903.02 2591  
of the Revised Code, an offense of violence that is a felony of 2592  
the first, second, or third degree, or an offense punished by a 2593  
sentence of life imprisonment, the victim's representative, or 2594  
any person described in division (B) (5) of this section may 2595  
request the board to hold a full board hearing that relates to 2596  
the proposed parole or re-parole of the person that committed 2597  
the violation. If a victim, victim's representative, or other 2598  
person requests a full board hearing pursuant to this division, 2599  
the board shall hold a full board hearing. 2600

At least thirty days before the full hearing, except as 2601  
otherwise provided in this division, the board shall give notice 2602  
of the date, time, and place of the hearing to the victim 2603  
regardless of whether the victim has requested the notification. 2604  
The notice of the date, time, and place of the hearing shall not 2605  
be given under this division to a victim if the victim has 2606  
requested pursuant to division (B)(2) of section 2930.03 of the 2607  
Revised Code that the notice not be provided to the victim. At 2608  
least thirty days before the full board hearing and regardless 2609  
of whether the victim has requested that the notice be provided 2610  
or not be provided under this division to the victim, the board 2611  
shall give similar notice to the prosecuting attorney in the 2612  
case, the law enforcement agency that arrested the prisoner if 2613  
any officer of that agency was a victim of the offense, and, if 2614  
different than the victim, the person who requested the full 2615  
hearing. If the prosecuting attorney has not previously been 2616  
sent an institutional summary report with respect to the 2617  
prisoner, upon the request of the prosecuting attorney, the 2618  
board shall include with the notice sent to the prosecuting 2619  
attorney an institutional summary report that covers the 2620  
offender's participation while confined in a state correctional 2621  
institution in training, work, and other rehabilitative 2622  
activities and any disciplinary action taken against the 2623  
offender while so confined. Upon the request of a law 2624  
enforcement agency that has not previously been sent an 2625  
institutional summary report with respect to the prisoner, the 2626  
board also shall send a copy of the institutional summary report 2627  
to the law enforcement agency. If notice is to be provided as 2628  
described in this division, the board may give the notice by any 2629  
reasonable means, including regular mail, telephone, and 2630  
electronic mail, in accordance with division (D)(1) of section 2631  
2930.16 of the Revised Code. If the notice is based on an 2632



offense committed prior to ~~the effective date of this amendment~~ 2633  
March 22, 2013, the notice also shall include the opt-out 2634  
information described in division (D) (1) of section 2930.16 of 2635  
the Revised Code. The board, in accordance with division (D) (2) 2636  
of section 2930.16 of the Revised Code, shall keep a record of 2637  
all attempts to provide the notice, and of all notices provided, 2638  
under this division. 2639

The preceding paragraph, and the notice-related provisions 2640  
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2641  
of section 2930.16, division (H) of section 2967.12, division 2642  
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2643  
2967.26, and division (D) (1) of section 2967.28 of the Revised 2644  
Code enacted in the act in which this paragraph was enacted, 2645  
shall be known as "Roberta's Law." 2646

(B) At a full board hearing that relates to the proposed 2647  
parole or re-parole of a prisoner and that has been petitioned 2648  
for or requested in accordance with division (A) of this 2649  
section, the parole board shall permit the following persons to 2650  
appear and to give testimony or to submit written statements: 2651

(1) The prosecuting attorney of the county in which the 2652  
original indictment against the prisoner was found and members 2653  
of any law enforcement agency that assisted in the prosecution 2654  
of the original offense; 2655

(2) The judge of the court of common pleas who imposed the 2656  
original sentence of incarceration upon the prisoner, or the 2657  
judge's successor; 2658

(3) The victim of the original offense for which the 2659  
prisoner is serving the sentence or the victim's representative 2660  
designated pursuant to section 2930.02 of the Revised Code; 2661

(4) The victim of any behavior that resulted in parole 2662  
being revoked; 2663

(5) With respect to a full board hearing held pursuant to 2664  
division (A) (2) of this section, all of the following: 2665

(a) The spouse of the victim of the original offense; 2666

(b) The parent or parents of the victim of the original 2667  
offense; 2668

(c) The sibling of the victim of the original offense; 2669

(d) The child or children of the victim of the original 2670  
offense. 2671

(6) Counsel or some other person designated by the 2672  
prisoner as a representative, as described in division (C) of 2673  
this section. 2674

(C) Except as otherwise provided in this division, a full 2675  
board hearing of the parole board is not subject to section 2676  
121.22 of the Revised Code. The persons who may attend a full 2677  
board hearing are the persons described in divisions (B) (1) to 2678  
(6) of this section, and representatives of the press, radio and 2679  
television stations, and broadcasting networks who are members 2680  
of a generally recognized professional media organization. 2681

At the request of a person described in division (B) (3) of 2682  
this section, representatives of the news media described in 2683  
this division shall be excluded from the hearing while that 2684  
person is giving testimony at the hearing. The prisoner being 2685  
considered for parole has no right to be present at the hearing, 2686  
but may be represented by counsel or some other person 2687  
designated by the prisoner. 2688

If there is an objection at a full board hearing to a 2689

recommendation for the parole of a prisoner, the board may 2690  
approve or disapprove the recommendation or defer its decision 2691  
until a subsequent full board hearing. The board may permit 2692  
interested persons other than those listed in this division and 2693  
division (B) of this section to attend full board hearings 2694  
pursuant to rules adopted by the adult parole authority. 2695

(D) If the victim of the original offense died as a result 2696  
of the offense and the offense was aggravated murder, murder, an 2697  
offense of violence that is a felony of the first, second, or 2698  
third degree, or an offense punished by a sentence of life 2699  
imprisonment, the family of the victim may show at a full board 2700  
hearing a video recording not exceeding five minutes in length 2701  
memorializing the victim. 2702

(E) The adult parole authority shall adopt rules for the 2703  
implementation of this section. The rules shall specify 2704  
reasonable restrictions on the number of media representatives 2705  
that may attend a hearing, based on considerations of space, and 2706  
other procedures designed to accomplish an effective, orderly 2707  
process for full board hearings. 2708

**Section 2.** That existing sections 2907.02, 2909.24, 2709  
2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03, 2710  
and 5149.101 of the Revised Code are hereby repealed. 2711

**Section 3.** That the version of section 2907.02 of the 2712  
Revised Code that is scheduled to take effect March 22, 2020, be 2713  
amended to read as follows: 2714

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 2715  
conduct with another who is not the spouse of the offender or 2716  
who is the spouse of the offender but is living separate and 2717  
apart from the offender, when any of the following applies: 2718

(a) For the purpose of preventing resistance, the offender 2719  
substantially impairs the other person's judgment or control by 2720  
administering any drug, intoxicant, or controlled substance to 2721  
the other person surreptitiously or by force, threat of force, 2722  
or deception. 2723

(b) The other person is less than thirteen years of age, 2724  
whether or not the offender knows the age of the other person. 2725

(c) The other person's ability to resist or consent is 2726  
substantially impaired because of a mental or physical condition 2727  
or because of advanced age, and the offender knows or has 2728  
reasonable cause to believe that the other person's ability to 2729  
resist or consent is substantially impaired because of a mental 2730  
or physical condition or because of advanced age. 2731

(2) No person shall engage in sexual conduct with another 2732  
when the offender purposely compels the other person to submit 2733  
by force or threat of force. 2734

(B) Whoever violates this section is guilty of rape, a 2735  
felony of the first degree. If the offender under division (A) 2736  
(1)(a) of this section substantially impairs the other person's 2737  
judgment or control by administering any controlled substance, 2738  
as defined in section 3719.01 of the Revised Code, to the other 2739  
person surreptitiously or by force, threat of force, or 2740  
deception, the prison term imposed upon the offender shall be 2741  
one of the definite prison terms prescribed for a felony of the 2742  
first degree in division (A)(1)(b) of section 2929.14 of the 2743  
Revised Code that is not less than five years, except that if 2744  
the violation is committed on or after ~~the effective date of~~ 2745  
~~this amendment~~ March 22, 2019, the court shall impose as the 2746  
minimum prison term for the offense a mandatory prison term that 2747  
is one of the minimum terms prescribed for a felony of the first 2748

degree in division (A) (1) (a) of section 2929.14 of the Revised 2749  
Code that is not less than five years. Except as otherwise 2750  
provided in this division, notwithstanding sections 2929.11 to 2751  
2929.14 of the Revised Code, an offender under division (A) (1) 2752  
(b) of this section shall be sentenced to a prison term or term 2753  
of life imprisonment pursuant to section 2971.03 of the Revised 2754  
Code. If an offender is convicted of or pleads guilty to a 2755  
violation of division (A) (1) (b) of this section, if the offender 2756  
was less than sixteen years of age at the time the offender 2757  
committed the violation of that division, and if the offender 2758  
during or immediately after the commission of the offense did 2759  
not cause serious physical harm to the victim, the victim was 2760  
ten years of age or older at the time of the commission of the 2761  
violation, and the offender has not previously been convicted of 2762  
or pleaded guilty to a violation of this section or a 2763  
substantially similar existing or former law of this state, 2764  
another state, or the United States, the court shall not 2765  
sentence the offender to a prison term or term of life 2766  
imprisonment pursuant to section 2971.03 of the Revised Code, 2767  
and instead the court shall sentence the offender as otherwise 2768  
provided in this division. If an offender under division (A) (1) 2769  
(b) of this section previously has been convicted of or pleaded 2770  
guilty to violating division (A) (1) (b) of this section or to 2771  
violating an existing or former law of this state, another 2772  
state, or the United States that is substantially similar to 2773  
division (A) (1) (b) of this section, if the offender during or 2774  
immediately after the commission of the offense caused serious 2775  
physical harm to the victim, or if the victim under division (A) 2776  
(1) (b) of this section is less than ten years of age, in lieu of 2777  
sentencing the offender to a prison term or term of life 2778  
imprisonment pursuant to section 2971.03 of the Revised Code, 2779  
except as otherwise provided in this division, the court may 2780

impose upon the offender a term of life without parole. If the 2781  
court imposes a term of life without parole pursuant to this 2782  
division, division (F) of section 2971.03 of the Revised Code 2783  
applies, and the offender automatically is classified a tier III 2784  
sex offender/child-victim offender, as described in that 2785  
division. A court shall not impose a term of life without parole 2786  
on an offender for rape if the offender was under eighteen years 2787  
of age at the time of the offense. 2788

(C) A victim need not prove physical resistance to the 2789  
offender in prosecutions under this section. 2790

(D) Evidence of specific instances of the victim's sexual 2791  
activity, opinion evidence of the victim's sexual activity, and 2792  
reputation evidence of the victim's sexual activity shall not be 2793  
admitted under this section unless it involves evidence of the 2794  
origin of semen, pregnancy, or disease, or the victim's past 2795  
sexual activity with the offender, and only to the extent that 2796  
the court finds that the evidence is material to a fact at issue 2797  
in the case and that its inflammatory or prejudicial nature does 2798  
not outweigh its probative value. 2799

Evidence of specific instances of the defendant's sexual 2800  
activity, opinion evidence of the defendant's sexual activity, 2801  
and reputation evidence of the defendant's sexual activity shall 2802  
not be admitted under this section unless it involves evidence 2803  
of the origin of semen, pregnancy, or disease, the defendant's 2804  
past sexual activity with the victim, or is admissible against 2805  
the defendant under section 2945.59 of the Revised Code, and 2806  
only to the extent that the court finds that the evidence is 2807  
material to a fact at issue in the case and that its 2808  
inflammatory or prejudicial nature does not outweigh its 2809  
probative value. 2810

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

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

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

**Section 4.** That the version of existing section 2907.02 of the Revised Code that is scheduled to take effect March 22, 2020, is hereby repealed.

**Section 5.** That Sections 3 and 4 of this act shall take effect on March 22, 2020.

**Section 6.** (A) The amendments to sections 2907.02, 2909.24, 2929.03, 2929.06, 2929.19, divisions (A) and (B) of section 2929.02, and division (A) of section 2971.03 of the Revised Code made in Sections 1 and 2 of this act, the enactment of division (A) of section 2929.07 of the Revised Code made in Sections 1 and 2 of this act, and the amendments to the version of section 2907.02 of the Revised Code that takes effect March 22, 2020, made in Sections 3 and 4 of this act, apply to both of the following:

(1) All offenses described in those provisions that are 2840  
committed on or after the effective date of this section; 2841

(2) All offenses described in those provisions that were 2842  
committed prior to the effective date of this section if, as of 2843  
the effective date of this section, the offender has not been 2844  
sentenced for the particular offense. 2845

(B) The amendments to sections 2967.13, 5149.101, division 2846  
(C) of section 2929.02, division (L) of section 2929.14, and 2847  
divisions (C) and (G) of section 2971.03 of the Revised Code and 2848  
the enactment of section 2967.132 and division (B) of section 2849  
2929.07 of the Revised Code made in Sections 1 and 2 of this act 2850  
apply to all offenses, offenders, and prisoners described in 2851  
those provisions, regardless of when the offender or prisoner 2852  
committed, or was sentenced for, the offense. 2853

**Section 7.** The General Assembly, applying the principle 2854  
stated in division (B) of section 1.52 of the Revised Code that 2855  
amendments are to be harmonized if reasonably capable of 2856  
simultaneous operation, finds that the following sections, 2857  
presented in this act as composites of the sections as amended 2858  
by the acts indicated, are the resulting versions of the 2859  
sections in effect prior to the effective date of the sections 2860  
as presented in this act: 2861

Section 2907.02 of the Revised Code (as presented in 2862  
Section 3 of this act) as amended by both S.B. 201 and S.B. 229 2863  
of the 132nd General Assembly. 2864

Section 2929.14 of the Revised Code as amended by H.B. 63, 2865  
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 2866  
Assembly. 2867

Section 2929.19 of the Revised Code as amended by both 2868



S.B. 66 and S.B. 201 of the 132nd General Assembly.

2869