

---

**A BILL**

To amend sections 2307.60, 2901.05, and 2929.14 and 1  
to enact sections 2307.601 and 2901.09 of the 2  
Revised Code to bar recovery of damages in tort 3  
actions commenced by criminal offenders in 4  
specified circumstances even if the offender has 5  
not been charged with or convicted of any offense 6  
based on the offender's criminal conduct, to 7  
create a rebuttable presumption that a person 8  
acted in self defense or defense of another and 9  
had a reasonable fear of imminent peril of death 10  
or serious physical harm to the person's self or 11  
another when using defensive force that is 12  
intended or likely to cause death or great bodily 13  
harm to another if the person against whom the 14  
defensive force is used is in the process of 15  
entering or has entered, unlawfully and without 16  
privilege to do so, the residence or vehicle 17  
occupied by the person using the defensive force, 18  
and to remove current sentencing restrictions and 19  
impose new sentencing requirements when a court 20  
sentences an offender convicted of multiple 21  
felonies and multiple gun specifications. 22

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

**Section 1.** That sections 2307.60, 2901.05, and 2929.14 be 23

amended and sections 2307.601 and 2901.09 of the Revised Code be 24  
enacted to read as follows: 25

**Sec. 2307.60.** (A)(1) Anyone injured in person or property by 26  
a criminal act has, and may recover full damages in, a civil 27  
action unless specifically excepted by law, may recover the costs 28  
of maintaining the civil action and attorney's fees if authorized 29  
by any provision of the Rules of Civil Procedure or another 30  
section of the Revised Code or under the common law of this state, 31  
and may recover punitive or exemplary damages if authorized by 32  
section 2315.21 or another section of the Revised Code. 33

(2) A final judgment of a trial court that has not been 34  
reversed on appeal or otherwise set aside, nullified, or vacated, 35  
entered after a trial or upon a plea of guilty, but not upon a 36  
plea of no contest or the equivalent plea from another 37  
jurisdiction, that adjudges an offender guilty of an offense of 38  
violence punishable by death or imprisonment in excess of one 39  
year, when entered as evidence in any subsequent civil proceeding 40  
based on the criminal act, shall preclude the offender from 41  
denying in the subsequent civil proceeding any fact essential to 42  
sustaining that judgment, unless the offender can demonstrate that 43  
extraordinary circumstances prevented the offender from having a 44  
full and fair opportunity to litigate the issue in the criminal 45  
proceeding or other extraordinary circumstances justify affording 46  
the offender an opportunity to relitigate the issue. The offender 47  
may introduce evidence of the offender's pending appeal of the 48  
final judgment of the trial court, if applicable, and the court 49  
may consider that evidence in determining the liability of the 50  
offender. 51

(B)(1) As used in division (B) of this section, ~~"tort:~~ 52

(a) "Tort action" means a civil action for damages for 53  
injury, death, or loss to person or property other than a civil 54

action for damages for a breach of contract or another agreement 55  
between persons. "Tort action" includes, but is not limited to, a 56  
product liability claim, as defined in section 2307.71 of the 57  
Revised Code, and an asbestos claim, as defined in section 2307.91 58  
of the Revised Code, an action for wrongful death under Chapter 59  
2125. of the Revised Code, and an action based on derivative 60  
claims for relief. 61

(b) "Residence" has the same meaning as in section 2901.05 of 62  
the Revised Code. 63

(2) Recovery on a claim for relief in a tort action is barred 64  
to any person or the person's legal representative if ~~the~~ any of 65  
the following apply: 66

(a) The person has been convicted of or has pleaded guilty to 67  
a felony, or to a misdemeanor that is an offense of violence, 68  
arising out of criminal conduct that was a proximate cause of the 69  
injury or loss for which relief is claimed in the tort action. 70

~~(3) Division~~ (b) The person engaged in conduct that, if 71  
prosecuted, would constitute a felony, a misdemeanor that is an 72  
offense of violence, an attempt to commit a felony, or an attempt 73  
to commit a misdemeanor that is an offense of violence and that 74  
conduct was a proximate cause of the injury or loss for which 75  
relief is claimed in the tort action, regardless of whether the 76  
person has been convicted of or pleaded guilty to or has been 77  
charged with committing the felony, the misdemeanor, or the 78  
attempt to commit the felony or misdemeanor. 79

(c) The person suffered the injury or loss for which relief 80  
is claimed in the tort action as a proximate result of the victim 81  
of conduct that, if prosecuted, would constitute a felony, a 82  
misdemeanor that is an offense of violence, an attempt to commit a 83  
felony, or an attempt to commit a misdemeanor that is an offense 84  
of violence acting against the person in self-defense, defense of 85

another, or defense of the victim's residence, regardless of 86  
whether the person has been convicted of or pleaded guilty to or 87  
has been charged with committing the felony, the misdemeanor, or 88  
the attempt to commit the felony or misdemeanor. Division 89  
(B)(2)(c) of this section does not apply if the person who 90  
suffered the injury or loss, at the time of the victim's act of 91  
self-defense, defense of another, or defense of residence, was an 92  
innocent bystander who had no connection with the underlying 93  
conduct that prompted the victim's exercise of self-defense, 94  
defense of another, or defense of residence. 95

(3) Recovery against a victim of conduct that, if prosecuted, 96  
would constitute a felony, a misdemeanor that is an offense of 97  
violence, an attempt to commit a felony, or an attempt to commit a 98  
misdemeanor that is an offense of violence, on a claim for relief 99  
in a tort action is barred to any person or the person's legal 100  
representative if conduct the person engaged in against that 101  
person was a proximate cause of the injury or loss for which 102  
relief is claimed in the tort action and that conduct, if 103  
prosecuted, would constitute a felony, a misdemeanor that is an 104  
offense of violence, an attempt to commit a felony, or an attempt 105  
to commit a misdemeanor that is an offense of violence, regardless 106  
of whether the person has been convicted of or pleaded guilty to 107  
or has been charged with committing the felony, the misdemeanor, 108  
or the attempt to commit the felony or misdemeanor. 109

(4) Divisions (B)(1) to (3) of this section ~~does~~ do not apply 110  
to civil claims based upon alleged intentionally tortious conduct, 111  
alleged violations of the United States Constitution, or alleged 112  
violations of statutes of the United States pertaining to civil 113  
rights. For purposes of division (B)(4) of this section, a 114  
person's act of self-defense, defense of another, or defense of 115  
the person's residence does not constitute intentionally tortious 116  
conduct. 117

Sec. 2307.601. (A) As used in this section: 118

(1) "Residence" and "vehicle" have the same meanings as in 119  
section 2901.05 of the Revised Code. 120

(2) "Tort action" has the same meaning as in section 2307.60 121  
of the Revised Code. 122

(B) For purposes of determining the potential liability of a 123  
person in a tort action related to the person's use of force 124  
alleged to be in self-defense, defense of another, or defense of 125  
the person's residence, if the person lawfully is in that person's 126  
residence, the person has no duty to retreat before using force in 127  
self-defense, defense of another, or defense of that person's 128  
residence, and, if the person lawfully is an occupant of that 129  
person's vehicle or lawfully is an occupant in a vehicle owned by 130  
an immediate family member of the person, the person has no duty 131  
to retreat before using force in self-defense or defense of 132  
another. 133

Sec. 2901.05. (A) Every person accused of an offense is 134  
presumed innocent until proven guilty beyond a reasonable doubt, 135  
and the burden of proof for all elements of the offense is upon 136  
the prosecution. The burden of going forward with the evidence of 137  
an affirmative defense, and the burden of proof, by a 138  
preponderance of the evidence, for an affirmative defense, is upon 139  
the accused. 140

(B)(1) Subject to division (B)(2) of this section, a person 141  
is presumed to have acted in self defense or defense of another 142  
and is presumed to have had a reasonable fear of imminent peril of 143  
death or serious physical harm to the person's self or another 144  
when using defensive force that is intended or likely to cause 145  
death or great bodily harm to another if the person against whom 146  
the defensive force is used is in the process of unlawfully and 147

without privilege to do so entering, or has unlawfully and without 148  
privilege to do so entered, the residence or vehicle occupied by 149  
the person using the defensive force. 150

(2) The presumption set forth in division (B)(1) of this 151  
section does not apply if the person against whom the defensive 152  
force is used has a right to be in, or is a lawful resident of, 153  
the residence or vehicle. 154

(3) The presumption set forth in division (B)(1) of this 155  
section is a rebuttable presumption and may be rebutted by a 156  
preponderance of the evidence. 157

(C) As part of its charge to the jury in a criminal case, the 158  
court shall read the definitions of "reasonable doubt" and "proof 159  
beyond a reasonable doubt," contained in division (D) of this 160  
section. 161

~~(C)(D)~~ As used in this section, ~~an:~~ 162

(1) An "affirmative defense" is either of the following: 163

~~(1)~~(a) A defense expressly designated as affirmative; 164

~~(2)~~(b) A defense involving an excuse or justification 165  
peculiarly within the knowledge of the accused, on which ~~he~~ the 166  
accused can fairly be required to adduce supporting evidence. 167

(2) "Dwelling" means a building or conveyance of any kind 168  
that has a roof over it and that is designed to be occupied by 169  
people lodging in the building or conveyance at night, regardless 170  
of whether the building or conveyance is temporary or permanent or 171  
is mobile or immobile. As used in this division, a building or 172  
conveyance includes, but is not limited to, an attached porch, and 173  
a building or conveyance with a roof over it includes, but is not 174  
limited to, a tent. 175

(3) "Residence" means a dwelling in which a person resides 176  
either temporarily or permanently or is visiting as a guest. 177

(4) "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport people or property. 178  
179

~~(D)~~(E) "Reasonable doubt" is present when the jurors, after they have carefully considered and compared all the evidence, cannot say they are firmly convinced of the truth of the charge. It is a doubt based on reason and common sense. Reasonable doubt is not mere possible doubt, because everything relating to human affairs or depending on moral evidence is open to some possible or imaginary doubt. "Proof beyond a reasonable doubt" is proof of such character that an ordinary person would be willing to rely and act upon it in the most important of ~~his~~ the person's own affairs. 180  
181  
182  
183  
184  
185  
186  
187  
188  
189

**Sec. 2901.09.** (A) As used in this section, "residence" and "vehicle" have the same meanings as in section 2901.05 of the Revised Code. 190  
191  
192

(B) For purposes of any section of the Revised Code that sets forth a criminal offense, a person who lawfully is in that person's residence has no duty to retreat before using force in self-defense, defense of another, or defense of that person's residence, and a person who lawfully is an occupant of that person's vehicle or who lawfully is an occupant in a vehicle owned by an immediate family member of the person has no duty to retreat before using force in self-defense or defense of another. 193  
194  
195  
196  
197  
198  
199  
200

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), or (L) of this section and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall 201  
202  
203  
204  
205  
206  
207

be one of the following: 208

(1) For a felony of the first degree, the prison term shall 209  
be three, four, five, six, seven, eight, nine, or ten years. 210

(2) For a felony of the second degree, the prison term shall 211  
be two, three, four, five, six, seven, or eight years. 212

(3) For a felony of the third degree, the prison term shall 213  
be one, two, three, four, or five years. 214

(4) For a felony of the fourth degree, the prison term shall 215  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 216  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 217

(5) For a felony of the fifth degree, the prison term shall 218  
be six, seven, eight, nine, ten, eleven, or twelve months. 219

(B) Except as provided in division (C), (D)(1), (D)(2), 220  
(D)(3), (D)(5), (D)(6), (G), or (L) of this section, in section 221  
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 222  
Revised Code, if the court imposing a sentence upon an offender 223  
for a felony elects or is required to impose a prison term on the 224  
offender, the court shall impose the shortest prison term 225  
authorized for the offense pursuant to division (A) of this 226  
section, unless one or more of the following applies: 227

(1) The offender was serving a prison term at the time of the 228  
offense, or the offender previously had served a prison term. 229

(2) The court finds on the record that the shortest prison 230  
term will demean the seriousness of the offender's conduct or will 231  
not adequately protect the public from future crime by the 232  
offender or others. 233

(C) Except as provided in division (G) or (L) of this section 234  
or in Chapter 2925. of the Revised Code, the court imposing a 235  
sentence upon an offender for a felony may impose the longest 236  
prison term authorized for the offense pursuant to division (A) of 237



this section only upon offenders who committed the worst forms of 238  
the offense, upon offenders who pose the greatest likelihood of 239  
committing future crimes, upon certain major drug offenders under 240  
division (D)(3) of this section, and upon certain repeat violent 241  
offenders in accordance with division (D)(2) of this section. 242

(D)(1)(a) Except as provided in division (D)(1)(e) of this 243  
section, if an offender who is convicted of or pleads guilty to a 244  
felony also is convicted of or pleads guilty to a specification of 245  
the type described in section 2941.141, 2941.144, or 2941.145 of 246  
the Revised Code, the court shall impose on the offender one of 247  
the following prison terms: 248

(i) A prison term of six years if the specification is of the 249  
type described in section 2941.144 of the Revised Code that 250  
charges the offender with having a firearm that is an automatic 251  
firearm or that was equipped with a firearm muffler or silencer on 252  
or about the offender's person or under the offender's control 253  
while committing the felony; 254

(ii) A prison term of three years if the specification is of 255  
the type described in section 2941.145 of the Revised Code that 256  
charges the offender with having a firearm on or about the 257  
offender's person or under the offender's control while committing 258  
the offense and displaying the firearm, brandishing the firearm, 259  
indicating that the offender possessed the firearm, or using it to 260  
facilitate the offense; 261

(iii) A prison term of one year if the specification is of 262  
the type described in section 2941.141 of the Revised Code that 263  
charges the offender with having a firearm on or about the 264  
offender's person or under the offender's control while committing 265  
the felony. 266

(b) If a court imposes a prison term on an offender under 267  
division (D)(1)(a) of this section, the prison term shall not be 268

reduced pursuant to section 2929.20, section 2967.193, or any 269  
other provision of Chapter 2967. or Chapter 5120. of the Revised 270  
Code. ~~A court shall not impose more than one prison term on an~~ 271  
~~offender under division (D)(1)(a) of this section for felonies~~ 272  
~~committed as part of the same act or transaction~~ If an offender is 273  
convicted of or pleads guilty to two or more felonies and also is 274  
convicted of or pleads guilty to a specification of the type 275  
described under division (D)(1)(a) of this section in connection 276  
with two or more of the felonies of which the offender is 277  
convicted or to which the offender pleads guilty, the sentencing 278  
court shall impose on the offender the prison term specified under 279  
division (D)(1)(a) of this section for each of the two most 280  
serious specifications of which the offender is convicted or to 281  
which the offender pleads guilty and, in its discretion, also may 282  
impose on the offender the prison term specified under that 283  
division for any or all of the remaining specifications. 284

(c) Except as provided in division (D)(1)(e) of this section, 285  
if an offender who is convicted of or pleads guilty to a violation 286  
of section 2923.161 of the Revised Code or to a felony that 287  
includes, as an essential element, purposely or knowingly causing 288  
or attempting to cause the death of or physical harm to another, 289  
also is convicted of or pleads guilty to a specification of the 290  
type described in section 2941.146 of the Revised Code that 291  
charges the offender with committing the offense by discharging a 292  
firearm from a motor vehicle other than a manufactured home, the 293  
court, after imposing a prison term on the offender for the 294  
violation of section 2923.161 of the Revised Code or for the other 295  
felony offense under division (A), (D)(2), or (D)(3) of this 296  
section, shall impose an additional prison term of five years upon 297  
the offender that shall not be reduced pursuant to section 298  
2929.20, section 2967.193, or any other provision of Chapter 2967. 299  
or Chapter 5120. of the Revised Code. A court shall not impose 300  
more than one additional prison term on an offender under division 301

(D)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (D)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (D)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following

apply: 334

(i) The offender previously has been convicted of aggravated 335  
murder, murder, or any felony of the first or second degree. 336

(ii) Less than five years have passed since the offender was 337  
released from prison or post-release control, whichever is later, 338  
for the prior offense. 339

(f) If an offender is convicted of or pleads guilty to a 340  
felony that includes, as an essential element, causing or 341  
attempting to cause the death of or physical harm to another and 342  
also is convicted of or pleads guilty to a specification of the 343  
type described in section 2941.1412 of the Revised Code that 344  
charges the offender with committing the offense by discharging a 345  
firearm at a peace officer as defined in section 2935.01 of the 346  
Revised Code or a corrections officer, as defined in section 347  
2941.1412 of the Revised Code, the court, after imposing a prison 348  
term on the offender for the felony offense under division (A), 349  
(D)(2), or (D)(3) of this section, shall impose an additional 350  
prison term of seven years upon the offender that shall not be 351  
reduced pursuant to section 2929.20, section 2967.193, or any 352  
other provision of Chapter 2967. or Chapter 5120. of the Revised 353  
Code. ~~A court shall not impose more than one additional prison 354  
term on an offender under division (D)(1)(f) of this section for 355  
felonies committed as part of the same act or transaction~~ If an 356  
offender is convicted of or pleads guilty to two or more felonies 357  
that include, as an essential element, causing or attempting to 358  
cause the death or physical harm to another and also is convicted 359  
of or pleads guilty to a specification of the type described under 360  
division (D)(1)(f) of this section in connection with two or more 361  
of the felonies of which the offender is convicted or to which the 362  
offender pleads guilty, the sentencing court shall impose on the 363  
offender the prison term specified under division (D)(1)(f) of 364  
this section for each of two of the specifications of which the 365

offender is convicted or to which the offender pleads guilty and, 366  
in its discretion, also may impose on the offender the prison term 367  
specified under that division for any or all of the remaining 368  
specifications. If a court imposes an additional prison term on an 369  
offender under division (D)(1)(f) of this section relative to an 370  
offense, the court shall not impose a prison term under division 371  
(D)(1)(a) or (c) of this section relative to the same offense. 372

(2)(a) If division (D)(2)(b) of this section does not apply, 374  
the court may impose on an offender, in addition to the longest 375  
prison term authorized or required for the offense, an additional 376  
definite prison term of one, two, three, four, five, six, seven, 377  
eight, nine, or ten years if all of the following criteria are 378  
met: 379

(i) The offender is convicted of or pleads guilty to a 380  
specification of the type described in section 2941.149 of the 381  
Revised Code that the offender is a repeat violent offender. 382

(ii) The offense of which the offender currently is convicted 383  
or to which the offender currently pleads guilty is aggravated 384  
murder and the court does not impose a sentence of death or life 385  
imprisonment without parole, murder, terrorism and the court does 386  
not impose a sentence of life imprisonment without parole, any 387  
felony of the first degree that is an offense of violence and the 388  
court does not impose a sentence of life imprisonment without 389  
parole, or any felony of the second degree that is an offense of 390  
violence and the trier of fact finds that the offense involved an 391  
attempt to cause or a threat to cause serious physical harm to a 392  
person or resulted in serious physical harm to a person. 393

(iii) The court imposes the longest prison term for the 394  
offense that is not life imprisonment without parole. 395

(iv) The court finds that the prison terms imposed pursuant 396

to division (D)(2)(a)(iii) of this section and, if applicable, 397  
division (D)(1) or (3) of this section are inadequate to punish 398  
the offender and protect the public from future crime, because the 399  
applicable factors under section 2929.12 of the Revised Code 400  
indicating a greater likelihood of recidivism outweigh the 401  
applicable factors under that section indicating a lesser 402  
likelihood of recidivism. 403

(v) The court finds that the prison terms imposed pursuant to 404  
division (D)(2)(a)(iii) of this section and, if applicable, 405  
division (D)(1) or (3) of this section are demeaning to the 406  
seriousness of the offense, because one or more of the factors 407  
under section 2929.12 of the Revised Code indicating that the 408  
offender's conduct is more serious than conduct normally 409  
constituting the offense are present, and they outweigh the 410  
applicable factors under that section indicating that the 411  
offender's conduct is less serious than conduct normally 412  
constituting the offense. 413

(b) The court shall impose on an offender the longest prison 414  
term authorized or required for the offense and shall impose on 415  
the offender an additional definite prison term of one, two, 416  
three, four, five, six, seven, eight, nine, or ten years if all of 417  
the following criteria are met: 418

(i) The offender is convicted of or pleads guilty to a 419  
specification of the type described in section 2941.149 of the 420  
Revised Code that the offender is a repeat violent offender. 421

(ii) The offender within the preceding twenty years has been 422  
convicted of or pleaded guilty to three or more offenses described 423  
in division (DD)(1) of section 2929.01 of the Revised Code, 424  
including all offenses described in that division of which the 425  
offender is convicted or to which the offender pleads guilty in 426  
the current prosecution and all offenses described in that 427  
division of which the offender previously has been convicted or to 428

which the offender previously pleaded guilty, whether prosecuted 429  
together or separately. 430

(iii) The offense or offenses of which the offender currently 431  
is convicted or to which the offender currently pleads guilty is 432  
aggravated murder and the court does not impose a sentence of 433  
death or life imprisonment without parole, murder, terrorism and 434  
the court does not impose a sentence of life imprisonment without 435  
parole, any felony of the first degree that is an offense of 436  
violence and the court does not impose a sentence of life 437  
imprisonment without parole, or any felony of the second degree 438  
that is an offense of violence and the trier of fact finds that 439  
the offense involved an attempt to cause or a threat to cause 440  
serious physical harm to a person or resulted in serious physical 441  
harm to a person. 442

(c) For purposes of division (D)(2)(b) of this section, two 443  
or more offenses committed at the same time or as part of the same 444  
act or event shall be considered one offense, and that one offense 445  
shall be the offense with the greatest penalty. 446

(d) A sentence imposed under division (D)(2)(a) or (b) of 447  
this section shall not be reduced pursuant to section 2929.20 or 448  
section 2967.193, or any other provision of Chapter 2967. or 449  
Chapter 5120. of the Revised Code. The offender shall serve an 450  
additional prison term imposed under this section consecutively to 451  
and prior to the prison term imposed for the underlying offense. 452

(e) When imposing a sentence pursuant to division (D)(2)(a) 453  
or (b) of this section, the court shall state its findings 454  
explaining the imposed sentence. 455

(3)(a) Except when an offender commits a violation of section 456  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 457  
the violation is life imprisonment or commits a violation of 458  
section 2903.02 of the Revised Code, if the offender commits a 459

violation of section 2925.03 or 2925.11 of the Revised Code and 460  
that section classifies the offender as a major drug offender and 461  
requires the imposition of a ten-year prison term on the offender, 462  
if the offender commits a felony violation of section 2925.02, 463  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 464  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 465  
division (C) of section 4729.51, or division (J) of section 466  
4729.54 of the Revised Code that includes the sale, offer to sell, 467  
or possession of a schedule I or II controlled substance, with the 468  
exception of marihuana, and the court imposing sentence upon the 469  
offender finds that the offender is guilty of a specification of 470  
the type described in section 2941.1410 of the Revised Code 471  
charging that the offender is a major drug offender, if the court 472  
imposing sentence upon an offender for a felony finds that the 473  
offender is guilty of corrupt activity with the most serious 474  
offense in the pattern of corrupt activity being a felony of the 475  
first degree, or if the offender is guilty of an attempted 476  
violation of section 2907.02 of the Revised Code and, had the 477  
offender completed the violation of section 2907.02 of the Revised 478  
Code that was attempted, the offender would have been subject to a 479  
sentence of life imprisonment or life imprisonment without parole 480  
for the violation of section 2907.02 of the Revised Code, the 481  
court shall impose upon the offender for the felony violation a 482  
ten-year prison term that cannot be reduced pursuant to section 483  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 484

(b) The court imposing a prison term on an offender under 485  
division (D)(3)(a) of this section may impose an additional prison 486  
term of one, two, three, four, five, six, seven, eight, nine, or 487  
ten years, if the court, with respect to the term imposed under 488  
division (D)(3)(a) of this section and, if applicable, divisions 489  
(D)(1) and (2) of this section, makes both of the findings set 490  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 491



(4) 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 sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (D)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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 and the court imposes a mandatory term of local

incarceration, the court may impose a prison term as described in 525  
division (A)(1) of that section. 526

(5) If an offender is convicted of or pleads guilty to a 527  
violation of division (A)(1) or (2) of section 2903.06 of the 528  
Revised Code and also is convicted of or pleads guilty to a 529  
specification of the type described in section 2941.1414 of the 530  
Revised Code that charges that the victim of the offense is a 531  
peace officer, as defined in section 2935.01 of the Revised Code, 532  
or an investigator of the bureau of criminal identification and 533  
investigation, as defined in section 2903.11 of the Revised Code, 534  
the court shall impose on the offender a prison term of five 535  
years. If a court imposes a prison term on an offender under 536  
division (D)(5) of this section, the prison term shall not be 537  
reduced pursuant to section 2929.20, section 2967.193, or any 538  
other provision of Chapter 2967. or Chapter 5120. of the Revised 539  
Code. A court shall not impose more than one prison term on an 540  
offender under division (D)(5) of this section for felonies 541  
committed as part of the same act. 542

(6) If an offender is convicted of or pleads guilty to a 543  
violation of division (A)(1) or (2) of section 2903.06 of the 544  
Revised Code and also is convicted of or pleads guilty to a 545  
specification of the type described in section 2941.1415 of the 546  
Revised Code that charges that the offender previously has been 547  
convicted of or pleaded guilty to three or more violations of 548  
division (A) or (B) of section 4511.19 of the Revised Code or an 549  
equivalent offense, as defined in section 2941.1415 of the Revised 550  
Code, or three or more violations of any combination of those 551  
divisions and offenses, the court shall impose on the offender a 552  
prison term of three years. If a court imposes a prison term on an 553  
offender under division (D)(6) of this section, the prison term 554  
shall not be reduced pursuant to section 2929.20, section 555  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 556

of the Revised Code. A court shall not impose more than one prison 557  
term on an offender under division (D)(6) of this section for 558  
felonies committed as part of the same act. 559

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 560  
mandatory prison term is imposed upon an offender pursuant to 561  
division (D)(1)(a) of this section for having a firearm on or 562  
about the offender's person or under the offender's control while 563  
committing a felony, if a mandatory prison term is imposed upon an 564  
offender pursuant to division (D)(1)(c) of this section for 565  
committing a felony specified in that division by discharging a 566  
firearm from a motor vehicle, or if both types of mandatory prison 567  
terms are imposed, the offender shall serve any mandatory prison 568  
term imposed under either division consecutively to any other 569  
mandatory prison term imposed under either division or under 570  
division (D)(1)(d) of this section, consecutively to and prior to 571  
any prison term imposed for the underlying felony pursuant to 572  
division (A), (D)(2), or (D)(3) of this section or any other 573  
section of the Revised Code, and consecutively to any other prison 574  
term or mandatory prison term previously or subsequently imposed 575  
upon the offender. 576

(b) If a mandatory prison term is imposed upon an offender 577  
pursuant to division (D)(1)(d) of this section for wearing or 578  
carrying body armor while committing an offense of violence that 579  
is a felony, the offender shall serve the mandatory term so 580  
imposed consecutively to any other mandatory prison term imposed 581  
under that division or under division (D)(1)(a) or (c) of this 582  
section, consecutively to and prior to any prison term imposed for 583  
the underlying felony under division (A), (D)(2), or (D)(3) of 584  
this section or any other section of the Revised Code, and 585  
consecutively to any other prison term or mandatory prison term 586  
previously or subsequently imposed upon the offender. 587

(c) If a mandatory prison term is imposed upon an offender 588

pursuant to division (D)(1)(f) of this section, the offender shall 589  
serve the mandatory prison term so imposed consecutively to and 590  
prior to any prison term imposed for the underlying felony under 591  
division (A), (D)(2), or (D)(3) of this section or any other 592  
section of the Revised Code, and consecutively to any other prison 593  
term or mandatory prison term previously or subsequently imposed 594  
upon the offender. 595

(2) If an offender who is an inmate in a jail, prison, or 596  
other residential detention facility violates section 2917.02, 597  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 598  
who is under detention at a detention facility commits a felony 599  
violation of section 2923.131 of the Revised Code, or if an 600  
offender who is an inmate in a jail, prison, or other residential 601  
detention facility or is under detention at a detention facility 602  
commits another felony while the offender is an escapee in 603  
violation of section 2921.34 of the Revised Code, any prison term 604  
imposed upon the offender for one of those violations shall be 605  
served by the offender consecutively to the prison term or term of 606  
imprisonment the offender was serving when the offender committed 607  
that offense and to any other prison term previously or 608  
subsequently imposed upon the offender. 609

(3) If a prison term is imposed for a violation of division 610  
(B) of section 2911.01 of the Revised Code, a violation of 611  
division (A) of section 2913.02 of the Revised Code in which the 612  
stolen property is a firearm or dangerous ordnance, or a felony 613  
violation of division (B) of section 2921.331 of the Revised Code, 614  
the offender shall serve that prison term consecutively to any 615  
other prison term or mandatory prison term previously or 616  
subsequently imposed upon the offender. 617

(4) If multiple prison terms are imposed on an offender for 618  
convictions of multiple offenses, the court may require the 619  
offender to serve the prison terms consecutively if the court 620

finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

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

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

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

(5) If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (D)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (D)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to

division (D)(6) of this section and consecutively to and prior to 653  
any prison term imposed for the underlying violation of division 654  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 655  
division (A) of this section or section 2929.142 of the Revised 656  
Code. 657

(6) When consecutive prison terms are imposed pursuant to 658  
division (E)(1), (2), (3), (4), or (5) of this section, the term 659  
to be served is the aggregate of all of the terms so imposed. 660

(F)(1) If a court imposes a prison term for a felony of the 661  
first degree, for a felony of the second degree, for a felony sex 662  
offense, or for a felony of the third degree that is not a felony 663  
sex offense and in the commission of which the offender caused or 664  
threatened to cause physical harm to a person, it shall include in 665  
the sentence a requirement that the offender be subject to a 666  
period of post-release control after the offender's release from 667  
imprisonment, in accordance with that division. If a court imposes 668  
a sentence including a prison term of a type described in this 669  
division on or after July 11, 2006, the failure of a court to 670  
include a post-release control requirement in the sentence 671  
pursuant to this division does not negate, limit, or otherwise 672  
affect the mandatory period of post-release control that is 673  
required for the offender under division (B) of section 2967.28 of 674  
the Revised Code. Section 2929.191 of the Revised Code applies if, 675  
prior to July 11, 2006, a court imposed a sentence including a 676  
prison term of a type described in this division and failed to 677  
include in the sentence pursuant to this division a statement 678  
regarding post-release control. 679

(2) If a court imposes a prison term for a felony of the 680  
third, fourth, or fifth degree that is not subject to division 681  
(F)(1) of this section, it shall include in the sentence a 682  
requirement that the offender be subject to a period of 683  
post-release control after the offender's release from 684

imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

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

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

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

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

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after the

~~effective date of this amendment~~ January 1, 2008, and that section 716  
requires the court to sentence the offender pursuant to section 717  
2971.03 of the Revised Code. 718

(5) A person is convicted of or pleads guilty to aggravated 719  
murder committed on or after ~~the effective date of this amendment~~ 720  
January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, 721  
division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), 722  
(D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or 723  
(B) of section 2929.06 of the Revised Code requires the court to 724  
sentence the offender pursuant to division (B)(3) of section 725  
2971.03 of the Revised Code. 726

(6) A person is convicted of or pleads guilty to murder 727  
committed on or after ~~the effective date of this amendment~~ January 728  
1, 2008, and division (B)(2) of section 2929.02 of the Revised 729  
Code requires the court to sentence the offender pursuant to 730  
section 2971.03 of the Revised Code. 731

(H) If a person who has been convicted of or pleaded guilty 732  
to a felony is sentenced to a prison term or term of imprisonment 733  
under this section, sections 2929.02 to 2929.06 of the Revised 734  
Code, section 2929.142 of the Revised Code, section 2971.03 of the 735  
Revised Code, or any other provision of law, section 5120.163 of 736  
the Revised Code applies regarding the person while the person is 737  
confined in a state correctional institution. 738

(I) If an offender who is convicted of or pleads guilty to a 739  
felony that is an offense of violence also is convicted of or 740  
pleads guilty to a specification of the type described in section 741  
2941.142 of the Revised Code that charges the offender with having 742  
committed the felony while participating in a criminal gang, the 743  
court shall impose upon the offender an additional prison term of 744  
one, two, or three years. 745

(J) If an offender who is convicted of or pleads guilty to 746



aggravated murder, murder, or a felony of the first, second, or 747  
third degree that is an offense of violence also is convicted of 748  
or pleads guilty to a specification of the type described in 749  
section 2941.143 of the Revised Code that charges the offender 750  
with having committed the offense in a school safety zone or 751  
towards a person in a school safety zone, the court shall impose 752  
upon the offender an additional prison term of two years. The 753  
offender shall serve the additional two years consecutively to and 754  
prior to the prison term imposed for the underlying offense. 755

(K) At the time of sentencing, the court may recommend the 756  
offender for placement in a program of shock incarceration under 757  
section 5120.031 of the Revised Code or for placement in an 758  
intensive program prison under section 5120.032 of the Revised 759  
Code, disapprove placement of the offender in a program of shock 760  
incarceration or an intensive program prison of that nature, or 761  
make no recommendation on placement of the offender. In no case 762  
shall the department of rehabilitation and correction place the 763  
offender in a program or prison of that nature unless the 764  
department determines as specified in section 5120.031 or 5120.032 765  
of the Revised Code, whichever is applicable, that the offender is 766  
eligible for the placement. 767

If the court disapproves placement of the offender in a 768  
program or prison of that nature, the department of rehabilitation 769  
and correction shall not place the offender in any program of 770  
shock incarceration or intensive program prison. 771

If the court recommends placement of the offender in a 772  
program of shock incarceration or in an intensive program prison, 773  
and if the offender is subsequently placed in the recommended 774  
program or prison, the department shall notify the court of the 775  
placement and shall include with the notice a brief description of 776  
the placement. 777

If the court recommends placement of the offender in a 778

program of shock incarceration or in an intensive program prison 779  
and the department does not subsequently place the offender in the 780  
recommended program or prison, the department shall send a notice 781  
to the court indicating why the offender was not placed in the 782  
recommended program or prison. 783

If the court does not make a recommendation under this 784  
division with respect to an offender and if the department 785  
determines as specified in section 5120.031 or 5120.032 of the 786  
Revised Code, whichever is applicable, that the offender is 787  
eligible for placement in a program or prison of that nature, the 788  
department shall screen the offender and determine if there is an 789  
available program of shock incarceration or an intensive program 790  
prison for which the offender is suited. If there is an available 791  
program of shock incarceration or an intensive program prison for 792  
which the offender is suited, the department shall notify the 793  
court of the proposed placement of the offender as specified in 794  
section 5120.031 or 5120.032 of the Revised Code and shall include 795  
with the notice a brief description of the placement. The court 796  
shall have ten days from receipt of the notice to disapprove the 797  
placement. 798

(L) If a person is convicted of or pleads guilty to 799  
aggravated vehicular homicide in violation of division (A)(1) of 800  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 801  
section applies, the person shall be sentenced pursuant to section 802  
2929.142 of the Revised Code. 803

**Section 2.** That existing sections 2307.60, 2901.05, and 804  
2929.14 of the Revised Code are hereby repealed. 805