

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 38**

**Representative Greenspan**

**Cosponsors: Representatives Anielski, Barnes, Goodman, Keller, Kick, Lipps,  
Patton, Perales, Riedel, Retherford, Sprague, Thompson, Wiggam, Young**

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**A BILL**

To amend sections 2903.01, 2903.11, and 2929.14 of 1  
the Revised Code to provide that purposely 2  
causing the death of a first responder or 3  
military member is aggravated murder and to 4  
require an offender to serve the prison term 5  
imposed for felonious assault on a peace 6  
officer, investigator, first responder, or 7  
military member consecutively to the prison term 8  
imposed for any related offense. 9

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

**Section 1.** That sections 2903.01, 2903.11, and 2929.14 of 10  
the Revised Code be amended to read as follows: 11

**Sec. 2903.01.** (A) No person shall purposely, and with 12  
prior calculation and design, cause the death of another or the 13  
unlawful termination of another's pregnancy. 14

(B) No person shall purposely cause the death of another 15  
or the unlawful termination of another's pregnancy while 16  
committing or attempting to commit, or while fleeing immediately 17

after committing or attempting to commit, kidnapping, rape, 18  
aggravated arson, arson, aggravated robbery, robbery, aggravated 19  
burglary, burglary, trespass in a habitation when a person is 20  
present or likely to be present, terrorism, or escape. 21

(C) No person shall purposely cause the death of another 22  
who is under thirteen years of age at the time of the commission 23  
of the offense. 24

(D) No person who is under detention as a result of having 25  
been found guilty of or having pleaded guilty to a felony or who 26  
breaks that detention shall purposely cause the death of 27  
another. 28

(E) No person shall purposely cause the death of a law 29  
enforcement officer, first responder, or military member whom 30  
the offender knows or has reasonable cause to know is a law 31  
enforcement officer, first responder, or military member when 32  
either of the following applies: 33

(1) The victim, at the time of the commission of the 34  
offense, is engaged in the victim's duties. 35

(2) It is the offender's specific purpose to kill a law 36  
enforcement officer, first responder, or military member. 37

(F) Whoever violates this section is guilty of aggravated 38  
murder, and shall be punished as provided in section 2929.02 of 39  
the Revised Code. 40

(G) As used in this section: 41

(1) "Detention" has the same meaning as in section 2921.01 42  
of the Revised Code. 43

(2) "Law enforcement officer" has the same meaning as in 44  
section 2911.01 of the Revised Code and also includes any 45

federal law enforcement officer as defined in section 2921.51 of 46  
the Revised Code and anyone who has previously served as a law 47  
enforcement officer or federal law enforcement officer. 48

(3) "First responder" means an emergency medical service 49  
provider, a firefighter, or any other emergency response 50  
personnel, or anyone who has previously served as a first 51  
responder. 52

(4) "Military member" means a member of the armed forces 53  
of the United States, reserves, or Ohio national guard, a 54  
participant in ROTC or JROTC, or anyone who has previously 55  
served in the military. 56

**Sec. 2903.11.** (A) No person shall knowingly do either of 57  
the following: 58

(1) Cause serious physical harm to another or to another's 59  
unborn; 60

(2) Cause or attempt to cause physical harm to another or 61  
to another's unborn by means of a deadly weapon or dangerous 62  
ordnance. 63

(B) No person, with knowledge that the person has tested 64  
positive as a carrier of a virus that causes acquired 65  
immunodeficiency syndrome, shall knowingly do any of the 66  
following: 67

(1) Engage in sexual conduct with another person without 68  
disclosing that knowledge to the other person prior to engaging 69  
in the sexual conduct; 70

(2) Engage in sexual conduct with a person whom the 71  
offender knows or has reasonable cause to believe lacks the 72  
mental capacity to appreciate the significance of the knowledge 73

that the offender has tested positive as a carrier of a virus 74  
that causes acquired immunodeficiency syndrome; 75

(3) Engage in sexual conduct with a person under eighteen 76  
years of age who is not the spouse of the offender. 77

(C) The prosecution of a person under this section does 78  
not preclude prosecution of that person under section 2907.02 of 79  
the Revised Code. 80

(D) (1) (a) Whoever violates this section is guilty of 81  
felonious assault. Except as otherwise provided in this division 82  
or division (D) (1) (b) or (c) of this section, felonious assault 83  
is a felony of the second degree. If the victim of a violation 84  
of division (A) of this section is a peace officer ~~or~~, an 85  
investigator of the bureau of criminal identification and 86  
investigation, a first responder, or a military member, 87  
felonious assault is a felony of the first degree. 88

(b) Regardless of whether the felonious assault is a 89  
felony of the first or second degree under division (D) (1) (a) of 90  
this section, if the offender also is convicted of or pleads 91  
guilty to a specification as described in section 2941.1423 of 92  
the Revised Code that was included in the indictment, count in 93  
the indictment, or information charging the offense, except as 94  
otherwise provided in this division or unless a longer prison 95  
term is required under any other provision of law, the court 96  
shall sentence the offender to a mandatory prison term as 97  
provided in division (B) (8) of section 2929.14 of the Revised 98  
Code. 99

(c) If the victim of the offense is a peace officer ~~or~~, 100  
an investigator of the bureau of criminal identification and 101  
investigation, a first responder, or a military member and ~~if~~ 102

~~the victim suffered serious physical harm as a result of the~~ 103  
~~commission of the offense~~ offender knew or had reasonable cause 104  
to know the victim's profession, felonious assault is a felony 105  
of the first degree, and the court, pursuant to division (F) of 106  
section 2929.13 of the Revised Code, shall impose as a mandatory 107  
prison term one of the prison terms prescribed for a felony of 108  
the first degree. Any prison term imposed for an offense under 109  
this division shall be served consecutively to any prison term 110  
imposed for one or more offenses committed at the same time, as 111  
part of a common scheme or plan, or as part of a course of 112  
criminal conduct connected to the felonious assault. 113

(2) In addition to any other sanctions imposed pursuant to 114  
division (D) (1) of this section for felonious assault committed 115  
in violation of division (A) (2) of this section, if the deadly 116  
weapon used in the commission of the violation is a motor 117  
vehicle, the court shall impose upon the offender a class two 118  
suspension of the offender's driver's license, commercial 119  
driver's license, temporary instruction permit, probationary 120  
license, or nonresident operating privilege as specified in 121  
division (A) (2) of section 4510.02 of the Revised Code. 122

(E) As used in this section: 123

(1) "Deadly weapon" and "dangerous ordnance" have the same 124  
meanings as in section 2923.11 of the Revised Code. 125

(2) "Motor vehicle" has the same meaning as in section 126  
4501.01 of the Revised Code. 127

(3) "Peace officer" has the same meaning as in section 128  
2935.01 of the Revised Code and also includes any federal law 129  
enforcement officer as defined in section 2921.51 of the Revised 130  
Code and anyone who has previously served as a peace officer or 131

<u>federal law enforcement officer.</u>	132
(4) "Sexual conduct" has the same meaning as in section 2907.01 of the Revised Code, except that, as used in this section, it does not include the insertion of an instrument, apparatus, or other object that is not a part of the body into the vaginal or anal opening of another, unless the offender knew at the time of the insertion that the instrument, apparatus, or other object carried the offender's bodily fluid.	133 134 135 136 137 138 139
(5) "Investigator of the bureau of criminal identification and investigation" means an investigator of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under section 109.541 of the Revised Code.	140 141 142 143 144 145 146
(6) "Investigator" has the same meaning as in section 109.541 of the Revised Code.	147 148
<u>(7) "First responder" has the same meaning as in section 2903.01 of the Revised Code.</u>	149 150
<u>(8) "Military member" has the same meaning as in section 2903.01 of the Revised Code.</u>	151 152
<b>Sec. 2929.14.</b> (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code 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	153 154 155 156 157 158 159 160

definite prison term that shall be one of the following: 161

(1) For a felony of the first degree, the prison term 162  
shall be three, four, five, six, seven, eight, nine, ten, or 163  
eleven years. 164

(2) For a felony of the second degree, the prison term 165  
shall be two, three, four, five, six, seven, or eight years. 166

(3) (a) For a felony of the third degree that is a 167  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 168  
2907.05, or 3795.04 of the Revised Code or that is a violation 169  
of section 2911.02 or 2911.12 of the Revised Code if the 170  
offender previously has been convicted of or pleaded guilty in 171  
two or more separate proceedings to two or more violations of 172  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 173  
Code, the prison term shall be twelve, eighteen, twenty-four, 174  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 175  
months. 176

(b) For a felony of the third degree that is not an 177  
offense for which division (A) (3) (a) of this section applies, 178  
the prison term shall be nine, twelve, eighteen, twenty-four, 179  
thirty, or thirty-six months. 180

(4) For a felony of the fourth degree, the prison term 181  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 182  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 183

(5) For a felony of the fifth degree, the prison term 184  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 185

(B) (1) (a) Except as provided in division (B) (1) (e) of this 186  
section, if an offender who is convicted of or pleads guilty to 187  
a felony also is convicted of or pleads guilty to a 188  
specification of the type described in section 2941.141, 189

2941.144, or 2941.145 of the Revised Code, the court shall 190  
impose on the offender one of the following prison terms: 191

(i) A prison term of six years if the specification is of 192  
the type described in division (A) of section 2941.144 of the 193  
Revised Code that charges the offender with having a firearm 194  
that is an automatic firearm or that was equipped with a firearm 195  
muffler or suppressor on or about the offender's person or under 196  
the offender's control while committing the offense; 197

(ii) A prison term of three years if the specification is 198  
of the type described in division (A) of section 2941.145 of the 199  
Revised Code that charges the offender with having a firearm on 200  
or about the offender's person or under the offender's control 201  
while committing the offense and displaying the firearm, 202  
brandishing the firearm, indicating that the offender possessed 203  
the firearm, or using it to facilitate the offense; 204

(iii) A prison term of one year if the specification is of 205  
the type described in division (A) of section 2941.141 of the 206  
Revised Code that charges the offender with having a firearm on 207  
or about the offender's person or under the offender's control 208  
while committing the offense; 209

(iv) A prison term of nine years if the specification is 210  
of the type described in division (D) of section 2941.144 of the 211  
Revised Code that charges the offender with having a firearm 212  
that is an automatic firearm or that was equipped with a firearm 213  
muffler or suppressor on or about the offender's person or under 214  
the offender's control while committing the offense and 215  
specifies that the offender previously has been convicted of or 216  
pleaded guilty to a specification of the type described in 217  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 218  
the Revised Code; 219

(v) A prison term of fifty-four months if the 220  
specification is of the type described in division (D) of 221  
section 2941.145 of the Revised Code that charges the offender 222  
with having a firearm on or about the offender's person or under 223  
the offender's control while committing the offense and 224  
displaying the firearm, brandishing the firearm, indicating that 225  
the offender possessed the firearm, or using the firearm to 226  
facilitate the offense and that the offender previously has been 227  
convicted of or pleaded guilty to a specification of the type 228  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 229  
2941.1412 of the Revised Code; 230

(vi) A prison term of eighteen months if the specification 231  
is of the type described in division (D) of section 2941.141 of 232  
the Revised Code that charges the offender with having a firearm 233  
on or about the offender's person or under the offender's 234  
control while committing the offense and that the offender 235  
previously has been convicted of or pleaded guilty to a 236  
specification of the type described in section 2941.141, 237  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 238

(b) If a court imposes a prison term on an offender under 239  
division (B) (1) (a) of this section, the prison term shall not be 240  
reduced pursuant to section 2967.19, section 2929.20, section 241  
2967.193, or any other provision of Chapter 2967. or Chapter 242  
5120. of the Revised Code. Except as provided in division (B) (1) 243  
(g) of this section, a court shall not impose more than one 244  
prison term on an offender under division (B) (1) (a) of this 245  
section for felonies committed as part of the same act or 246  
transaction. 247

(c) (i) Except as provided in division (B) (1) (e) of this 248  
section, if an offender who is convicted of or pleads guilty to 249

a violation of section 2923.161 of the Revised Code or to a 250  
felony that includes, as an essential element, purposely or 251  
knowingly causing or attempting to cause the death of or 252  
physical harm to another, also is convicted of or pleads guilty 253  
to a specification of the type described in division (A) of 254  
section 2941.146 of the Revised Code that charges the offender 255  
with committing the offense by discharging a firearm from a 256  
motor vehicle other than a manufactured home, the court, after 257  
imposing a prison term on the offender for the violation of 258  
section 2923.161 of the Revised Code or for the other felony 259  
offense under division (A), (B) (2), or (B) (3) of this section, 260  
shall impose an additional prison term of five years upon the 261  
offender that shall not be reduced pursuant to section 2929.20, 262  
section 2967.19, section 2967.193, or any other provision of 263  
Chapter 2967. or Chapter 5120. of the Revised Code. 264

(ii) Except as provided in division (B) (1) (e) of this 265  
section, if an offender who is convicted of or pleads guilty to 266  
a violation of section 2923.161 of the Revised Code or to a 267  
felony that includes, as an essential element, purposely or 268  
knowingly causing or attempting to cause the death of or 269  
physical harm to another, also is convicted of or pleads guilty 270  
to a specification of the type described in division (C) of 271  
section 2941.146 of the Revised Code that charges the offender 272  
with committing the offense by discharging a firearm from a 273  
motor vehicle other than a manufactured home and that the 274  
offender previously has been convicted of or pleaded guilty to a 275  
specification of the type described in section 2941.141, 276  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 277  
the court, after imposing a prison term on the offender for the 278  
violation of section 2923.161 of the Revised Code or for the 279  
other felony offense under division (A), (B) (2), or (3) of this 280

section, shall impose an additional prison term of ninety months 281  
upon the offender that shall not be reduced pursuant to section 282  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 283  
2967. or Chapter 5120. of the Revised Code. 284

(iii) A court shall not impose more than one additional 285  
prison term on an offender under division (B) (1) (c) of this 286  
section for felonies committed as part of the same act or 287  
transaction. If a court imposes an additional prison term on an 288  
offender under division (B) (1) (c) of this section relative to an 289  
offense, the court also shall impose a prison term under 290  
division (B) (1) (a) of this section relative to the same offense, 291  
provided the criteria specified in that division for imposing an 292  
additional prison term are satisfied relative to the offender 293  
and the offense. 294

(d) If an offender who is convicted of or pleads guilty to 295  
an offense of violence that is a felony also is convicted of or 296  
pleads guilty to a specification of the type described in 297  
section 2941.1411 of the Revised Code that charges the offender 298  
with wearing or carrying body armor while committing the felony 299  
offense of violence, the court shall impose on the offender a 300  
prison term of two years. The prison term so imposed, subject to 301  
divisions (C) to (I) of section 2967.19 of the Revised Code, 302  
shall not be reduced pursuant to section 2929.20, section 303  
2967.19, section 2967.193, or any other provision of Chapter 304  
2967. or Chapter 5120. of the Revised Code. A court shall not 305  
impose more than one prison term on an offender under division 306  
(B) (1) (d) of this section for felonies committed as part of the 307  
same act or transaction. If a court imposes an additional prison 308  
term under division (B) (1) (a) or (c) of this section, the court 309  
is not precluded from imposing an additional prison term under 310  
division (B) (1) (d) of this section. 311

(e) The court shall not impose any of the prison terms 312  
described in division (B) (1) (a) of this section or any of the 313  
additional prison terms described in division (B) (1) (c) of this 314  
section upon an offender for a violation of section 2923.12 or 315  
2923.123 of the Revised Code. The court shall not impose any of 316  
the prison terms described in division (B) (1) (a) or (b) of this 317  
section upon an offender for a violation of section 2923.122 318  
that involves a deadly weapon that is a firearm other than a 319  
dangerous ordnance, section 2923.16, or section 2923.121 of the 320  
Revised Code. The court shall not impose any of the prison terms 321  
described in division (B) (1) (a) of this section or any of the 322  
additional prison terms described in division (B) (1) (c) of this 323  
section upon an offender for a violation of section 2923.13 of 324  
the Revised Code unless all of the following apply: 325

(i) The offender previously has been convicted of 326  
aggravated murder, murder, or any felony of the first or second 327  
degree. 328

(ii) Less than five years have passed since the offender 329  
was released from prison or post-release control, whichever is 330  
later, for the prior offense. 331

(f) (i) If an offender is convicted of or pleads guilty to 332  
a felony that includes, as an essential element, causing or 333  
attempting to cause the death of or physical harm to another and 334  
also is convicted of or pleads guilty to a specification of the 335  
type described in division (A) of section 2941.1412 of the 336  
Revised Code that charges the offender with committing the 337  
offense by discharging a firearm at a peace officer as defined 338  
in section 2935.01 of the Revised Code or a corrections officer, 339  
as defined in section 2941.1412 of the Revised Code, the court, 340  
after imposing a prison term on the offender for the felony 341

offense under division (A), (B) (2), or (B) (3) of this section, 342  
shall impose an additional prison term of seven years upon the 343  
offender that shall not be reduced pursuant to section 2929.20, 344  
section 2967.19, section 2967.193, or any other provision of 345  
Chapter 2967. or Chapter 5120. of the Revised Code. 346

(ii) If an offender is convicted of or pleads guilty to a 347  
felony that includes, as an essential element, causing or 348  
attempting to cause the death of or physical harm to another and 349  
also is convicted of or pleads guilty to a specification of the 350  
type described in division (B) of section 2941.1412 of the 351  
Revised Code that charges the offender with committing the 352  
offense by discharging a firearm at a peace officer, as defined 353  
in section 2935.01 of the Revised Code, or a corrections 354  
officer, as defined in section 2941.1412 of the Revised Code, 355  
and that the offender previously has been convicted of or 356  
pleaded guilty to a specification of the type described in 357  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 358  
the Revised Code, the court, after imposing a prison term on the 359  
offender for the felony offense under division (A), (B) (2), or 360  
(3) of this section, shall impose an additional prison term of 361  
one hundred twenty-six months upon the offender that shall not 362  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 363  
any other provision of Chapter 2967. or 5120. of the Revised 364  
Code. 365

(iii) If an offender is convicted of or pleads guilty to 366  
two or more felonies that include, as an essential element, 367  
causing or attempting to cause the death or physical harm to 368  
another and also is convicted of or pleads guilty to a 369  
specification of the type described under division (B) (1) (f) of 370  
this section in connection with two or more of the felonies of 371  
which the offender is convicted or to which the offender pleads 372

guilty, the sentencing court shall impose on the offender the 373  
prison term specified under division (B) (1) (f) of this section 374  
for each of two of the specifications of which the offender is 375  
convicted or to which the offender pleads guilty and, in its 376  
discretion, also may impose on the offender the prison term 377  
specified under that division for any or all of the remaining 378  
specifications. If a court imposes an additional prison term on 379  
an offender under division (B) (1) (f) of this section relative to 380  
an offense, the court shall not impose a prison term under 381  
division (B) (1) (a) or (c) of this section relative to the same 382  
offense. 383

(g) If an offender is convicted of or pleads guilty to two 384  
or more felonies, if one or more of those felonies are 385  
aggravated murder, murder, attempted aggravated murder, 386  
attempted murder, aggravated robbery, felonious assault, or 387  
rape, and if the offender is convicted of or pleads guilty to a 388  
specification of the type described under division (B) (1) (a) of 389  
this section in connection with two or more of the felonies, the 390  
sentencing court shall impose on the offender the prison term 391  
specified under division (B) (1) (a) of this section for each of 392  
the two most serious specifications of which the offender is 393  
convicted or to which the offender pleads guilty and, in its 394  
discretion, also may impose on the offender the prison term 395  
specified under that division for any or all of the remaining 396  
specifications. 397

(2) (a) If division (B) (2) (b) of this section does not 398  
apply, the court may impose on an offender, in addition to the 399  
longest prison term authorized or required for the offense, an 400  
additional definite prison term of one, two, three, four, five, 401  
six, seven, eight, nine, or ten years if all of the following 402  
criteria are met: 403

(i) The offender is convicted of or pleads guilty to a 404  
specification of the type described in section 2941.149 of the 405  
Revised Code that the offender is a repeat violent offender. 406

(ii) The offense of which the offender currently is 407  
convicted or to which the offender currently pleads guilty is 408  
aggravated murder and the court does not impose a sentence of 409  
death or life imprisonment without parole, murder, terrorism and 410  
the court does not impose a sentence of life imprisonment 411  
without parole, any felony of the first degree that is an 412  
offense of violence and the court does not impose a sentence of 413  
life imprisonment without parole, or any felony of the second 414  
degree that is an offense of violence and the trier of fact 415  
finds that the offense involved an attempt to cause or a threat 416  
to cause serious physical harm to a person or resulted in 417  
serious physical harm to a person. 418

(iii) The court imposes the longest prison term for the 419  
offense that is not life imprisonment without parole. 420

(iv) The court finds that the prison terms imposed 421  
pursuant to division (B) (2) (a) (iii) of this section and, if 422  
applicable, division (B) (1) or (3) of this section are 423  
inadequate to punish the offender and protect the public from 424  
future crime, because the applicable factors under section 425  
2929.12 of the Revised Code indicating a greater likelihood of 426  
recidivism outweigh the applicable factors under that section 427  
indicating a lesser likelihood of recidivism. 428

(v) The court finds that the prison terms imposed pursuant 429  
to division (B) (2) (a) (iii) of this section and, if applicable, 430  
division (B) (1) or (3) of this section are demeaning to the 431  
seriousness of the offense, because one or more of the factors 432  
under section 2929.12 of the Revised Code indicating that the 433

offender's conduct is more serious than conduct normally 434  
constituting the offense are present, and they outweigh the 435  
applicable factors under that section indicating that the 436  
offender's conduct is less serious than conduct normally 437  
constituting the offense. 438

(b) The court shall impose on an offender the longest 439  
prison term authorized or required for the offense and shall 440  
impose on the offender an additional definite prison term of 441  
one, two, three, four, five, six, seven, eight, nine, or ten 442  
years if all of the following criteria are met: 443

(i) The offender is convicted of or pleads guilty to a 444  
specification of the type described in section 2941.149 of the 445  
Revised Code that the offender is a repeat violent offender. 446

(ii) The offender within the preceding twenty years has 447  
been convicted of or pleaded guilty to three or more offenses 448  
described in division (CC)(1) of section 2929.01 of the Revised 449  
Code, including all offenses described in that division of which 450  
the offender is convicted or to which the offender pleads guilty 451  
in the current prosecution and all offenses described in that 452  
division of which the offender previously has been convicted or 453  
to which the offender previously pleaded guilty, whether 454  
prosecuted together or separately. 455

(iii) The offense or offenses of which the offender 456  
currently is convicted or to which the offender currently pleads 457  
guilty is aggravated murder and the court does not impose a 458  
sentence of death or life imprisonment without parole, murder, 459  
terrorism and the court does not impose a sentence of life 460  
imprisonment without parole, any felony of the first degree that 461  
is an offense of violence and the court does not impose a 462  
sentence of life imprisonment without parole, or any felony of 463

the second degree that is an offense of violence and the trier 464  
of fact finds that the offense involved an attempt to cause or a 465  
threat to cause serious physical harm to a person or resulted in 466  
serious physical harm to a person. 467

(c) For purposes of division (B)(2)(b) of this section, 468  
two or more offenses committed at the same time or as part of 469  
the same act or event shall be considered one offense, and that 470  
one offense shall be the offense with the greatest penalty. 471

(d) A sentence imposed under division (B)(2)(a) or (b) of 472  
this section shall not be reduced pursuant to section 2929.20, 473  
section 2967.19, or section 2967.193, or any other provision of 474  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 475  
shall serve an additional prison term imposed under this section 476  
consecutively to and prior to the prison term imposed for the 477  
underlying offense. 478

(e) When imposing a sentence pursuant to division (B)(2) 479  
(a) or (b) of this section, the court shall state its findings 480  
explaining the imposed sentence. 481

(3) Except when an offender commits a violation of section 482  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 483  
for the violation is life imprisonment or commits a violation of 484  
section 2903.02 of the Revised Code, if the offender commits a 485  
violation of section 2925.03 or 2925.11 of the Revised Code and 486  
that section classifies the offender as a major drug offender, 487  
if the offender commits a felony violation of section 2925.02, 488  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 489  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 490  
division (E) of section 4729.51, or division (J) of section 491  
4729.54 of the Revised Code that includes the sale, offer to 492  
sell, or possession of a schedule I or II controlled substance, 493

with the exception of marihuana, and the court imposing sentence 494  
upon the offender finds that the offender is guilty of a 495  
specification of the type described in section 2941.1410 of the 496  
Revised Code charging that the offender is a major drug 497  
offender, if the court imposing sentence upon an offender for a 498  
felony finds that the offender is guilty of corrupt activity 499  
with the most serious offense in the pattern of corrupt activity 500  
being a felony of the first degree, or if the offender is guilty 501  
of an attempted violation of section 2907.02 of the Revised Code 502  
and, had the offender completed the violation of section 2907.02 503  
of the Revised Code that was attempted, the offender would have 504  
been subject to a sentence of life imprisonment or life 505  
imprisonment without parole for the violation of section 2907.02 506  
of the Revised Code, the court shall impose upon the offender 507  
for the felony violation a mandatory prison term of the maximum 508  
prison term prescribed for a felony of the first degree that, 509  
subject to divisions (C) to (I) of section 2967.19 of the 510  
Revised Code, cannot be reduced pursuant to section 2929.20, 511  
section 2967.19, or any other provision of Chapter 2967. or 512  
5120. of the Revised Code. 513

(4) If the offender is being sentenced for a third or 514  
fourth degree felony OVI offense under division (G) (2) of 515  
section 2929.13 of the Revised Code, the sentencing court shall 516  
impose upon the offender a mandatory prison term in accordance 517  
with that division. In addition to the mandatory prison term, if 518  
the offender is being sentenced for a fourth degree felony OVI 519  
offense, the court, notwithstanding division (A) (4) of this 520  
section, may sentence the offender to a definite prison term of 521  
not less than six months and not more than thirty months, and if 522  
the offender is being sentenced for a third degree felony OVI 523  
offense, the sentencing court may sentence the offender to an 524

additional prison term of any duration specified in division (A) 525  
(3) of this section. In either case, the additional prison term 526  
imposed shall be reduced by the sixty or one hundred twenty days 527  
imposed upon the offender as the mandatory prison term. The 528  
total of the additional prison term imposed under division (B) 529  
(4) of this section plus the sixty or one hundred twenty days 530  
imposed as the mandatory prison term shall equal a definite term 531  
in the range of six months to thirty months for a fourth degree 532  
felony OVI offense and shall equal one of the authorized prison 533  
terms specified in division (A) (3) of this section for a third 534  
degree felony OVI offense. If the court imposes an additional 535  
prison term under division (B) (4) of this section, the offender 536  
shall serve the additional prison term after the offender has 537  
served the mandatory prison term required for the offense. In 538  
addition to the mandatory prison term or mandatory and 539  
additional prison term imposed as described in division (B) (4) 540  
of this section, the court also may sentence the offender to a 541  
community control sanction under section 2929.16 or 2929.17 of 542  
the Revised Code, but the offender shall serve all of the prison 543  
terms so imposed prior to serving the community control 544  
sanction. 545

If the offender is being sentenced for a fourth degree 546  
felony OVI offense under division (G) (1) of section 2929.13 of 547  
the Revised Code and the court imposes a mandatory term of local 548  
incarceration, the court may impose a prison term as described 549  
in division (A) (1) of that section. 550

(5) If an offender is convicted of or pleads guilty to a 551  
violation of division (A) (1) or (2) of section 2903.06 of the 552  
Revised Code and also is convicted of or pleads guilty to a 553  
specification of the type described in section 2941.1414 of the 554  
Revised Code that charges that the victim of the offense is a 555

peace officer, as defined in section 2935.01 of the Revised 556  
Code, or an investigator of the bureau of criminal 557  
identification and investigation, as defined in section 2903.11 558  
of the Revised Code, the court shall impose on the offender a 559  
prison term of five years. If a court imposes a prison term on 560  
an offender under division (B) (5) of this section, the prison 561  
term, subject to divisions (C) to (I) of section 2967.19 of the 562  
Revised Code, shall not be reduced pursuant to section 2929.20, 563  
section 2967.19, section 2967.193, or any other provision of 564  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 565  
shall not impose more than one prison term on an offender under 566  
division (B) (5) of this section for felonies committed as part 567  
of the same act. 568

(6) If an offender is convicted of or pleads guilty to a 569  
violation of division (A) (1) or (2) of section 2903.06 of the 570  
Revised Code and also is convicted of or pleads guilty to a 571  
specification of the type described in section 2941.1415 of the 572  
Revised Code that charges that the offender previously has been 573  
convicted of or pleaded guilty to three or more violations of 574  
division (A) or (B) of section 4511.19 of the Revised Code or an 575  
equivalent offense, as defined in section 2941.1415 of the 576  
Revised Code, or three or more violations of any combination of 577  
those divisions and offenses, the court shall impose on the 578  
offender a prison term of three years. If a court imposes a 579  
prison term on an offender under division (B) (6) of this 580  
section, the prison term, subject to divisions (C) to (I) of 581  
section 2967.19 of the Revised Code, shall not be reduced 582  
pursuant to section 2929.20, section 2967.19, section 2967.193, 583  
or any other provision of Chapter 2967. or Chapter 5120. of the 584  
Revised Code. A court shall not impose more than one prison term 585  
on an offender under division (B) (6) of this section for 586

felonies committed as part of the same act. 587

(7) (a) If an offender is convicted of or pleads guilty to 588  
a felony violation of section 2905.01, 2905.02, 2907.21, 589  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 590  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 591  
the Revised Code and also is convicted of or pleads guilty to a 592  
specification of the type described in section 2941.1422 of the 593  
Revised Code that charges that the offender knowingly committed 594  
the offense in furtherance of human trafficking, the court shall 595  
impose on the offender a mandatory prison term that is one of 596  
the following: 597

(i) If the offense is a felony of the first degree, a 598  
definite prison term of not less than five years and not greater 599  
than ten years; 600

(ii) If the offense is a felony of the second or third 601  
degree, a definite prison term of not less than three years and 602  
not greater than the maximum prison term allowed for the offense 603  
by division (A) of section 2929.14 of the Revised Code; 604

(iii) If the offense is a felony of the fourth or fifth 605  
degree, a definite prison term that is the maximum prison term 606  
allowed for the offense by division (A) of section 2929.14 of 607  
the Revised Code. 608

(b) Subject to divisions (C) to (I) of section 2967.19 of 609  
the Revised Code, the prison term imposed under division (B) (7) 610  
(a) of this section shall not be reduced pursuant to section 611  
2929.20, section 2967.19, section 2967.193, or any other 612  
provision of Chapter 2967. of the Revised Code. A court shall 613  
not impose more than one prison term on an offender under 614  
division (B) (7) (a) of this section for felonies committed as 615

part of the same act, scheme, or plan. 616

(8) If an offender is convicted of or pleads guilty to a 617  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 618  
Revised Code and also is convicted of or pleads guilty to a 619  
specification of the type described in section 2941.1423 of the 620  
Revised Code that charges that the victim of the violation was a 621  
woman whom the offender knew was pregnant at the time of the 622  
violation, notwithstanding the range of prison terms prescribed 623  
in division (A) of this section for felonies of the same degree 624  
as the violation, the court shall impose on the offender a 625  
mandatory prison term that is either a definite prison term of 626  
six months or one of the prison terms prescribed in section 627  
2929.14 of the Revised Code for felonies of the same degree as 628  
the violation. 629

(C) (1) (a) Subject to division (C) (1) (b) of this section, 630  
if a mandatory prison term is imposed upon an offender pursuant 631  
to division (B) (1) (a) of this section for having a firearm on or 632  
about the offender's person or under the offender's control 633  
while committing a felony, if a mandatory prison term is imposed 634  
upon an offender pursuant to division (B) (1) (c) of this section 635  
for committing a felony specified in that division by 636  
discharging a firearm from a motor vehicle, or if both types of 637  
mandatory prison terms are imposed, the offender shall serve any 638  
mandatory prison term imposed under either division 639  
consecutively to any other mandatory prison term imposed under 640  
either division or under division (B) (1) (d) of this section, 641  
consecutively to and prior to any prison term imposed for the 642  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 643  
this section or any other section of the Revised Code, and 644  
consecutively to any other prison term or mandatory prison term 645  
previously or subsequently imposed upon the offender. 646

(b) If a mandatory prison term is imposed upon an offender 647  
pursuant to division (B)(1)(d) of this section for wearing or 648  
carrying body armor while committing an offense of violence that 649  
is a felony, the offender shall serve the mandatory term so 650  
imposed consecutively to any other mandatory prison term imposed 651  
under that division or under division (B)(1)(a) or (c) of this 652  
section, consecutively to and prior to any prison term imposed 653  
for the underlying felony under division (A), (B)(2), or (B)(3) 654  
of this section or any other section of the Revised Code, and 655  
consecutively to any other prison term or mandatory prison term 656  
previously or subsequently imposed upon the offender. 657

(c) If a mandatory prison term is imposed upon an offender 658  
pursuant to division (B)(1)(f) of this section, the offender 659  
shall serve the mandatory prison term so imposed consecutively 660  
to and prior to any prison term imposed for the underlying 661  
felony under division (A), (B)(2), or (B)(3) of this section or 662  
any other section of the Revised Code, and consecutively to any 663  
other prison term or mandatory prison term previously or 664  
subsequently imposed upon the offender. 665

(d) If a mandatory prison term is imposed upon an offender 666  
pursuant to division (B)(7) or (8) of this section, the offender 667  
shall serve the mandatory prison term so imposed consecutively 668  
to any other mandatory prison term imposed under that division 669  
or under any other provision of law and consecutively to any 670  
other prison term or mandatory prison term previously or 671  
subsequently imposed upon the offender. 672

(2) If an offender who is an inmate in a jail, prison, or 673  
other residential detention facility violates section 2917.02, 674  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 675  
(2) of section 2921.34 of the Revised Code, if an offender who 676

is under detention at a detention facility commits a felony 677  
violation of section 2923.131 of the Revised Code, or if an 678  
offender who is an inmate in a jail, prison, or other 679  
residential detention facility or is under detention at a 680  
detention facility commits another felony while the offender is 681  
an escapee in violation of division (A)(1) or (2) of section 682  
2921.34 of the Revised Code, any prison term imposed upon the 683  
offender for one of those violations shall be served by the 684  
offender consecutively to the prison term or term of 685  
imprisonment the offender was serving when the offender 686  
committed that offense and to any other prison term previously 687  
or subsequently imposed upon the offender. 688

(3) If a prison term is imposed for a violation of 689  
division (B) of section 2911.01 of the Revised Code, a violation 690  
of division (A) of section 2913.02 of the Revised Code in which 691  
the stolen property is a firearm or dangerous ordnance, or a 692  
felony violation of division (B) of section 2921.331 of the 693  
Revised Code, the offender shall serve that prison term 694  
consecutively to any other prison term or mandatory prison term 695  
previously or subsequently imposed upon the offender. 696

(4) If multiple prison terms are imposed on an offender 697  
for convictions of multiple offenses, the court may require the 698  
offender to serve the prison terms consecutively if the court 699  
finds that the consecutive service is necessary to protect the 700  
public from future crime or to punish the offender and that 701  
consecutive sentences are not disproportionate to the 702  
seriousness of the offender's conduct and to the danger the 703  
offender poses to the public, and if the court also finds any of 704  
the following: 705

(a) The offender committed one or more of the multiple 706

offenses while the offender was awaiting trial or sentencing, 707  
was under a sanction imposed pursuant to section 2929.16, 708  
2929.17, or 2929.18 of the Revised Code, or was under post- 709  
release control for a prior offense. 710

(b) At least two of the multiple offenses were committed 711  
as part of one or more courses of conduct, and the harm caused 712  
by two or more of the multiple offenses so committed was so 713  
great or unusual that no single prison term for any of the 714  
offenses committed as part of any of the courses of conduct 715  
adequately reflects the seriousness of the offender's conduct. 716

(c) The offender's history of criminal conduct 717  
demonstrates that consecutive sentences are necessary to protect 718  
the public from future crime by the offender. 719

(5) If a mandatory prison term is imposed upon an offender 720  
pursuant to division (B) (5) or (6) of this section, the offender 721  
shall serve the mandatory prison term consecutively to and prior 722  
to any prison term imposed for the underlying violation of 723  
division (A) (1) or (2) of section 2903.06 of the Revised Code 724  
pursuant to division (A) of this section or section 2929.142 of 725  
the Revised Code. If a mandatory prison term is imposed upon an 726  
offender pursuant to division (B) (5) of this section, and if a 727  
mandatory prison term also is imposed upon the offender pursuant 728  
to division (B) (6) of this section in relation to the same 729  
violation, the offender shall serve the mandatory prison term 730  
imposed pursuant to division (B) (5) of this section 731  
consecutively to and prior to the mandatory prison term imposed 732  
pursuant to division (B) (6) of this section and consecutively to 733  
and prior to any prison term imposed for the underlying 734  
violation of division (A) (1) or (2) of section 2903.06 of the 735  
Revised Code pursuant to division (A) of this section or section 736

2929.142 of the Revised Code. 737

(6) If a prison term is imposed for felonious assault 738  
under division (D) (1) (c) of section 2903.11 of the Revised Code, 739  
the offender shall serve the prison term consecutively to any 740  
prison term imposed for one or more offenses committed at the 741  
same time, as part of a common scheme or plan, or as part of a 742  
course of criminal conduct connected to the felonious assault. 743

(7) When consecutive prison terms are imposed pursuant to 744  
division (C) (1), (2), (3), (4), ~~or (5)~~, or (6), or division (H) 745  
(1) or (2) of this section, the term to be served is the 746  
aggregate of all of the terms so imposed. 747

(D) (1) If a court imposes a prison term for a felony of 748  
the first degree, for a felony of the second degree, for a 749  
felony sex offense, or for a felony of the third degree that is 750  
not a felony sex offense and in the commission of which the 751  
offender caused or threatened to cause physical harm to a 752  
person, it shall include in the sentence a requirement that the 753  
offender be subject to a period of post-release control after 754  
the offender's release from imprisonment, in accordance with 755  
that division. If a court imposes a sentence including a prison 756  
term of a type described in this division on or after July 11, 757  
2006, the failure of a court to include a post-release control 758  
requirement in the sentence pursuant to this division does not 759  
negate, limit, or otherwise affect the mandatory period of post- 760  
release control that is required for the offender under division 761  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 762  
the Revised Code applies if, prior to July 11, 2006, a court 763  
imposed a sentence including a prison term of a type described 764  
in this division and failed to include in the sentence pursuant 765  
to this division a statement regarding post-release control. 766

(2) If a court imposes a prison term for a felony of the 767  
third, fourth, or fifth degree that is not subject to division 768  
(D) (1) of this section, it shall include in the sentence a 769  
requirement that the offender be subject to a period of post- 770  
release control after the offender's release from imprisonment, 771  
in accordance with that division, if the parole board determines 772  
that a period of post-release control is necessary. Section 773  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 774  
a court imposed a sentence including a prison term of a type 775  
described in this division and failed to include in the sentence 776  
pursuant to this division a statement regarding post-release 777  
control. 778

(E) The court shall impose sentence upon the offender in 779  
accordance with section 2971.03 of the Revised Code, and Chapter 780  
2971. of the Revised Code applies regarding the prison term or 781  
term of life imprisonment without parole imposed upon the 782  
offender and the service of that term of imprisonment if any of 783  
the following apply: 784

(1) A person is convicted of or pleads guilty to a violent 785  
sex offense or a designated homicide, assault, or kidnapping 786  
offense, and, in relation to that offense, the offender is 787  
adjudicated a sexually violent predator. 788

(2) A person is convicted of or pleads guilty to a 789  
violation of division (A) (1) (b) of section 2907.02 of the 790  
Revised Code committed on or after January 2, 2007, and either 791  
the court does not impose a sentence of life without parole when 792  
authorized pursuant to division (B) of section 2907.02 of the 793  
Revised Code, or division (B) of section 2907.02 of the Revised 794  
Code provides that the court shall not sentence the offender 795  
pursuant to section 2971.03 of the Revised Code. 796

(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 January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

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

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

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

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 857  
a specification of the type described in section 2941.1421 of 858  
the Revised Code regarding one or more of those violations, an 859  
additional prison term of one, two, three, four, five, six, 860  
seven, eight, nine, ten, eleven, or twelve months. 861

(b) In lieu of imposing an additional prison term under 862  
division (H)(2)(a) of this section, the court may directly 863  
impose on the offender a sanction that requires the offender to 864  
wear a real-time processing, continual tracking electronic 865  
monitoring device during the period of time specified by the 866  
court. The period of time specified by the court shall equal the 867  
duration of an additional prison term that the court could have 868  
imposed upon the offender under division (H)(2)(a) of this 869  
section. A sanction imposed under this division shall commence 870  
on the date specified by the court, provided that the sanction 871  
shall not commence until after the offender has served the 872  
prison term imposed for the felony violation of section 2907.22, 873  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 874  
residential sanction imposed for the violation under section 875  
2929.16 of the Revised Code. A sanction imposed under this 876  
division shall be considered to be a community control sanction 877  
for purposes of section 2929.15 of the Revised Code, and all 878  
provisions of the Revised Code that pertain to community control 879  
sanctions shall apply to a sanction imposed under this division, 880  
except to the extent that they would by their nature be clearly 881  
inapplicable. The offender shall pay all costs associated with a 882  
sanction imposed under this division, including the cost of the 883  
use of the monitoring device. 884

(I) At the time of sentencing, the court may recommend the 885  
offender for placement in a program of shock incarceration under 886  
section 5120.031 of the Revised Code or for placement in an 887

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

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there 918  
is an available program of shock incarceration or an intensive 919  
program prison for which the offender is suited. If there is an 920  
available program of shock incarceration or an intensive program 921  
prison for which the offender is suited, the department shall 922  
notify the court of the proposed placement of the offender as 923  
specified in section 5120.031 or 5120.032 of the Revised Code 924  
and shall include with the notice a brief description of the 925  
placement. The court shall have ten days from receipt of the 926  
notice to disapprove the placement. 927

(J) If a person is convicted of or pleads guilty to 928  
aggravated vehicular homicide in violation of division (A) (1) of 929  
section 2903.06 of the Revised Code and division (B) (2) (c) of 930  
that section applies, the person shall be sentenced pursuant to 931  
section 2929.142 of the Revised Code. 932

(K) (1) The court shall impose an additional mandatory 933  
prison term of two, three, four, five, six, seven, eight, nine, 934  
ten, or eleven years on an offender who is convicted of or 935  
pleads guilty to a violent felony offense if the offender also 936  
is convicted of or pleads guilty to a specification of the type 937  
described in section 2941.1424 of the Revised Code that charges 938  
that the offender is a violent career criminal and had a firearm 939  
on or about the offender's person or under the offender's 940  
control while committing the presently charged violent felony 941  
offense and displayed or brandished the firearm, indicated that 942  
the offender possessed a firearm, or used the firearm to 943  
facilitate the offense. The offender shall serve the prison term 944  
imposed under this division consecutively to and prior to the 945  
prison term imposed for the underlying offense. The prison term 946  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 947  
any other provision of Chapter 2967. or 5120. of the Revised 948

Code. A court may not impose more than one sentence under 949  
division (B) (2) (a) of this section and this division for acts 950  
committed as part of the same act or transaction. 951

(2) As used in division (K) (1) of this section, "violent 952  
career criminal" and "violent felony offense" have the same 953  
meanings as in section 2923.132 of the Revised Code. 954

**Section 2.** That existing sections 2903.01, 2903.11, and 955  
2929.14 of the Revised Code are hereby repealed. 956

**Section 3.** Section 2929.14 of the Revised Code is 957  
presented in this act as a composite of the section as amended 958  
by both Sub. H.B. 470 and Sub. S.B. 319 of the 131st General 959  
Assembly. The General Assembly, applying the principle stated in 960  
division (B) of section 1.52 of the Revised Code that amendments 961  
are to be harmonized if reasonably capable of simultaneous 962  
operation, finds that the composite is the resulting version of 963  
the section in effect prior to the effective date of the section 964  
as presented in this act. 965