

HB 459 -- Redline

Reported to As Passed by the House -- Enact Katelyn's Law

Deletions ~~struck~~ · Insertions underlined

As ~~Reported~~Passed by the House ~~Judiciary Committee~~ 136th General Assembly Regular Session Am.

Representatives Ray, Brennan, Mullins, Deeter, Hall, T., Mathews, ~~A.A., Abrams, Brent, Bryant Bailey, Cockley, Hiner, Lawson-Rowe, Lorenz, Mathews, T., Miller, J., Newman, Odioso, Plummer, Robb Blasdel, Schmidt, Sigrist, Synenberg, Tims, Willis, Workman, Young~~ To amend sections 2152.17, 2901.13, 2927.01, and 1 2929.14 and to enact sections 2921.322 and 2 2941.1427 of the Revised Code to enact Katelyn's 3 Law to create an offense and specification 4 related to moving or removing human remains, to 5 provide that the offense has no statute of 6 limitations, and to modify the offense of abuse 7 of a corpse.

~~To amend sections 2152.17, 2901.13, 2927.01, and 1 2929.14 and to enact sections 2921.322 and 2 2941.1427 of the Revised Code to enact Katelyn's 3 Law to create an offense and specification 4 related to moving or removing human remains, to 5 provide that the offense has no statute of 6 limitations, and to modify the offense of abuse 7 of a corpse.~~

(A) Subject to division (D) of this section, 12 if a child is adjudicated a delinquent child for committing an 13 act, other than a violation of section 2923.12 of the Revised 14 Code, that would be a felony if committed by an adult and if the 15 court determines that, if the child was an adult, the child 16 would be guilty of a specification of the type set forth in 17 section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 18 ~~2941.1414, or 2941.1415, or 2941.1427 of the Revised Code, in 19 addition to any commitment or other disposition the court 20~~ Am.

459 Page 2 As ~~Reported~~Passed by the House ~~Judiciary~~2941.1414, Committee~~or 2941.1415, or 2941.1427 of the Revised Code, in 19 addition to any commitment or other disposition the court 20~~ imposes for the underlying delinquent act, all of the following 21 apply:

45 (3)(4) If the court determines that the child would be 46 guilty of a specification of the type set forth in section 47 2941.144, 2941.146, or 2941.1412 of the Revised Code or if the 48 ~~delinquent act is a violation of division (A)(1) or (2) of 49 section 2903.06 of the Revised Code and the court determines 50~~ Am.

459 Page 3 As ~~Reported~~Passed by the House ~~Judiciary~~delinquent ~~Committee~~act is a violation of division (A)(1) or (2) of 49 section 2903.06 of the Revised Code and the court determines 50 that the child would be guilty of a specification of the type 51 set forth in section 2941.1414 of the Revised Code, the court 52 shall commit the child to the department of youth services for 53 the specification for a definite period of not less than one and 54 not more than five years, and the court also shall commit the 55 child to the department for the underlying delinquent act under 56 sections 2152.11 to 2152.16 of the Revised Code.

74 (2) Except as provided in division (B)(1) of this section, 75 division (A) of this section also applies to a child who is an 76 accomplice regarding a specification of the type set forth in 77 section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 78 to the same extent the specifications would apply to an adult 79 ~~accomplice~~Am. ~~in a criminal proceeding.~~
~~80 Am.~~

459 Page 4 As ~~Reported~~Passed by the House ~~Judiciary~~accomplice ~~Committee~~ ~~(C) If a child is adjudicated a delinquent child for 81 committing an act that would be aggravated murder, murder, or a 82 first, second, or third degree felony offense of violence if 83 committed by an adult and if the court determines that, if the 84 child was an adult, the child would be guilty of a specification 85 of the type set forth in section 2941.142 of the Revised Code in 86 relation to the act for which the child was adjudicated a 87 criminal delinquent proceeding.~~ child, the court shall commit the child for the 88 specification to the legal custody of the department of youth 89 services for institutionalization in a secure facility for a 90 definite period of not less than one and not more than three 91 years, subject to division (D)(2) of this section, and the court 92 also shall commit the child to the department for the underlying 93 delinquent act.

80 (C) If a child is adjudicated a delinquent child for 81 committing an act that would be aggravated murder, murder, or a 82 first, second, or third degree felony offense of violence if 83 committed by an adult and if the court determines that, if the 84 child was an adult, the child would be guilty of a specification 85 of the type set forth in section 2941.142 of the Revised Code in 86 relation to the act for which the child was adjudicated a 87 delinquent child, the court shall commit the child for the 88 specification to the legal custody of the department of youth 89 services for institutionalization in a secure facility for a 90 definite period of not less than one and not more than three 91 years, subject to division (D)(2) of this section, and the court 92 also shall commit the child to the department for the underlying 93 delinquent act.

106 (2) A court that imposes a period of commitment under 107 division (A) of this section is not precluded from imposing an 108 additional period of commitment under division (C) or (D)(1) of 109 ~~this section, a court that imposes a period of commitment under 110 division (C) of this section is not~~

~~precluded from imposing an 111 Am.~~

459 Page 5 As ~~Reported~~Passed by the House ~~Judiciary~~this Committee~~section, a court that imposes a period of commitment under 110 division (C) of this section is not precluded from imposing an 111~~ additional period of commitment under division (A) or (D)(1) of 112 this section, and a court that imposes a period of commitment 113 under division (D)(1) of this section is not precluded from 114 imposing an additional period of commitment under division (A) 115 or (C) of this section.

139 ~~(F) If a child is adjudicated a delinquent child for 140 committing two or more acts that would be felonies if committed 141~~ Am.

459 Page 6 As ~~Reported~~Passed by the House ~~Judiciary(F) Committee~~If a child is adjudicated a delinquent child for 140 committing two or more acts that would be felonies if committed 141 by an adult and if the court entering the delinquent child 142 adjudication orders the commitment of the child for two or more 143 of those acts to the legal custody of the department of youth 144 services for institutionalization in a secure facility pursuant 145 to section 2152.13 or 2152.16 of the Revised Code, the court may 146 order that all of the periods of commitment imposed under those 147 sections for those acts be served consecutively in the legal 148 custody of the department of youth services, provided that those 149 periods of commitment shall be in addition to and commence 150 immediately following the expiration of a period of commitment 151 that the court imposes pursuant to division (A), (B), (C), or 152 (D)(1) of this section.

165 (2) There is no period of limitation for the prosecution 166 of a violation of section 2903.01 or , 2903.02, or 2921.322 of 167 the Revised Code or for the prosecution of a conspiracy to 168 ~~commit, attempt to commit, or complicity in committing a 169 violation of section 2903.01 or , 2903.02, or 2921.322 of the 170~~ Am.

459 Page 7 As ~~Reported~~Passed by the House ~~Judiciary~~commit, Committeeattempt to commit, or complicity in committing a 169 violation of section 2903.01 or , 2903.02, or 2921.322 of the 170 Revised Code.

196 (b) Prosecution that would otherwise be barred under 197 ~~division (A)(5)(a) of this section may be commenced within five 198 years after the date of the discovery of the offense by either 199~~ Am.

459 Page 8 As ~~Reported~~Passed by the House ~~Judiciary~~division Committee(A)(5)(a) of this section may be commenced within five 198 years after the date of the discovery of the offense by either 199 an aggrieved person or the aggrieved person's legal 200 representative who is not a party to the offense.

226 ~~(a) For an offense involving misconduct in office by a 227~~ Am.

459 Page 9 As ~~Reported~~Passed by the House ~~Judiciary(a) Committee~~For an offense involving misconduct in office by a 227 public servant, at any time while the accused remains a public 228 servant, or within two years thereafter;

253 (2) If a DNA record made in connection with the criminal 254 investigation of the commission of a violation of section 255 ~~2907.02 or 2907.03 of the Revised Code is determined to match 256~~ Am.

459 Page 10 As ~~Reported~~Passed by the House ~~Judiciary~~2907.02 Committeeor 2907.03 of the Revised Code is determined to match 256 another DNA record that is of an identifiable person and if the 257 time of the determination is within twenty-five years after the 258 offense is committed, prosecution of that person for a violation 259 of the section may be commenced within the longer of twenty-five 260 years after the offense is committed or five years after the 261 determination is complete.

Proof that the 283 accused departed this state or concealed the accused's identity 284 ~~or whereabouts is prima-facie evidence of the accused's purpose 285~~ Am.

459 Page 11 As ~~Reported~~Passed by the House ~~Judiciaryor Committee~~whereabouts is prima-facie evidence of the accused's purpose 285 to avoid prosecution.

308 (L)(1) The amendments to divisions (A) and (D) of this 309 section that took effect on July 16, 2015, apply to a violation 310 of section 2907.02 or 2907.03 of the Revised Code committed on 311 and after July 16, 2015, and apply to a violation of either of 312 those sections committed prior to July 16, 2015, if prosecution 313 ~~for that violation was not barred under this section as it 314~~ Am.

459 Page 12 As ~~Reported~~Passed by the House ~~Judiciaryfor Committee~~that violation was not barred under this section as it 314 existed on the day prior to July 16, 2015.

340 ~~(C)Am. This section does not apply to any of the following: 341~~ Am.

459 Page 13 As ~~Reported~~Passed by the House ~~Judiciary(C) Committee~~This (1)section A does womanot who apply experiences to any spontaneous of miscarriage or 342 stillbirth and moves or removes the human following: remains related to 343 that spontaneous miscarriage or stillbirth;

341 (1) A woman who experiences a spontaneous miscarriage or 342 stillbirth and moves or removes the human remains related to 343 that spontaneous miscarriage or stillbirth;

368 ~~(C) (D) This section does not apply to any of the 369~~ Am.

459 Page 14 As ~~Reported~~Passed by the House ~~Judiciary(C) Committee~~(D) This section does not apply to any of the 369 following:

392 (1)(a) For a felony of the first degree committed on or 393 after March 22, 2019, the prison term

shall be an indefinite 394 prison term with a stated minimum term selected by the court of 395 three, four, five, six, seven, eight, nine, ten, or eleven years 396 and a maximum term that is determined pursuant to section 397 ~~2929.144 of the Revised Code, except that if the section that 398~~ Am.

459 Page 15 As ~~Reported~~Passed by the House ~~Judiciary~~2929.144 Committee of the Revised Code, except that if the section that 398 criminalizes the conduct constituting the felony specifies a 399 different minimum term or penalty for the offense, the specific 400 language of that section shall control in determining the 401 minimum term or otherwise sentencing the offender but the 402 minimum term or sentence imposed under that specific language 403 shall be considered for purposes of the Revised Code as if it 404 had been imposed under this division.

425 (3)(a) For a felony of the third degree that is a 426 violation of section 2903.06, 2903.08, 2907.03, 2907.04, 427 ~~2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 428~~ Am.

459 Page 16 As ~~Reported~~Passed by the House ~~Judiciary~~2907.05, Committee 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 428 the Revised Code, that is a violation of division (A) of section 429 4511.19 of the Revised Code if the offender previously has been 430 convicted of or pleaded guilty to a violation of division (A) of 431 that section that was a felony, that is a violation of section 432 2911.02 or 2911.12 of the Revised Code if the offender 433 previously has been convicted of or pleaded guilty in two or 434 more separate proceedings to two or more violations of section 435 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 436 that is a violation of division (B) of section 2921.331 of the 437 Revised Code if division (C)(5) of that section applies, the 438 prison term shall be a definite term of twelve, eighteen, 439 twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 440 four, or sixty months.

452 (B)(1)(a) Except as provided in division (B)(1)(e) of this 453 section, if an offender who is convicted of or pleads guilty to 454 a felony also is convicted of or pleads guilty to a 455 specification of the type described in section 2941.141, 456 2941.144, or 2941.145 of the Revised Code, the court shall 457 ~~impose Am. on the offender one of the following prison terms:~~

~~458 Am.~~

459 Page 17 As ~~Reported~~Passed by the House ~~Judiciary~~impose Committee on (i) A prison term of six years if the specification offender is one of 459 the type following described prison terms: division (A) of section 2941.144 of the 460 Revised Code that charges the offender with having a firearm 461 that is an automatic firearm or that was equipped with a firearm 462 muffler or suppressor on or about the offender's person or under 463 the offender's control while committing the offense;

458 (i) A prison term of six years if the specification is of 459 the type described in division (A) of section 2941.144 of the 460 Revised Code that charges the offender with having a firearm 461 that is an automatic firearm or that was equipped with a firearm 462 muffler or suppressor on or about the offender's person or under 463 the offender's control while committing the offense;

~~486 (v) A prison term of fifty-four months if the 487 specification is of the type described in division (D) of 488 Am.~~

459 Page 18 As ~~Reported~~Passed by the House ~~Judiciary~~(v) Committee A prison term of fifty-four months if the 487 specification is of the type described in division (D) of 488 section 2941.145 of the Revised Code that charges the offender 489 with having a firearm on or about the offender's person or under 490 the offender's control while committing the offense and 491 displaying the firearm, brandishing the firearm, indicating that 492 the offender possessed the firearm, or using the firearm to 493 facilitate the offense and that the offender previously has been 494 convicted of or pleaded guilty to a specification of the type 495 described in section 2941.141, 2941.144, 2941.145, 2941.146, or 496 2941.1412 of the Revised Code;

514 (c)(i) Except as provided in division (B)(1)(e) of this 515 section, if an offender who is convicted of or pleads guilty to 516 ~~a violation of section 2923.161 of the Revised Code or to a 517 felony that includes, as an essential element, purposely or 518~~ Am.

459 Page 19 As ~~Reported~~Passed by the House ~~Judiciary~~a Committee violation of section 2923.161 of the Revised Code or to a 517 felony that includes, as an essential element, purposely or 518 knowingly causing or attempting to cause the death of or 519 physical harm to another, also is convicted of or pleads guilty 520 to a specification of the type described in division (A) of 521 section 2941.146 of the Revised Code that charges the offender 522 with committing the offense by discharging a firearm from a 523 motor vehicle other than a manufactured home, the court, after 524 imposing a prison term on the offender for the violation of 525 section 2923.161 of the Revised Code or for the other felony 526 offense under division (A), (B)(2), or (B)(3) of this section, 527 shall impose an additional prison term of five years upon the 528 offender that shall not be reduced pursuant to section 2929.20, 529 division (A)(2) or (3) of section 2967.193 or 2967.194, or any 530 other provision of Chapter 2967.

532 (ii) Except as provided in division (B)(1)(e) of this 533 section, if an offender who is convicted of or pleads guilty to 534 a violation of section 2923.161 of the Revised Code or to a 535 felony that includes, as an essential element, purposely or 536 knowingly causing or attempting to cause the death of or 537 physical harm to another, also is convicted of or pleads guilty 538 to a specification of the type described in division (C) of 539 section 2941.146 of the Revised Code that charges the offender 540

with committing the offense by discharging a firearm from a 541 motor vehicle other than a manufactured home and that the 542 offender previously has been convicted of or pleaded guilty to a 543 specification of the type described in section 2941.141, 544 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 545 the court, after imposing a prison term on the offender for the 546 violation of section 2923.161 of the Revised Code or for the 547 ~~other felony offense under division (A), (B)(2), or (3) of this 548 section, shall impose an additional prison term of ninety months~~ 549 Am.

459 Page 20 As ~~Reported~~Passed by the House ~~Judiciary~~other Committee~~felony offense under division (A), (B)(2), or (3) of this 548 section, shall impose an additional prison term of ninety months~~ 549 upon the offender that shall not be reduced pursuant to section 550 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 551 or any other provision of Chapter 2967.

If a court 576 imposes an additional prison term under division (B)(1)(a) or 577 (c) of this section, the court is not precluded from imposing an 578 ~~additional~~Am.~~prison term under division (B)(1)(d) of this section.~~

~~579 Am.~~

459 Page 21 As ~~Reported~~Passed by the House ~~Judiciary~~Committee (c)~~The court shall not impose any of the prison terms 580 described in division (B)(1)(a) of this section or any of the 581 additional prison term~~term described under in division (B)(1)(c)(B)(1)(d) of this 582 section.~~section upon an offender for a violation of section 2923.12 or 583 2923.123 of the Revised Code.~~

579 (e) The court shall not impose any of the prison terms 580 described in division (B)(1)(a) of this section or any of the 581 additional prison terms described in division (B)(1)(c) of this 582 section upon an offender for a violation of section 2923.12 or 583 2923.123 of the Revised Code.

599 (f)(i) If an offender is convicted of or pleads guilty to 600 a felony that includes, as an essential element, causing or 601 attempting to cause the death of or physical harm to another and 602 also is convicted of or pleads guilty to a specification of the 603 type described in division (A) of section 2941.1412 of the 604 Revised Code that charges the offender with committing the 605 offense by discharging a firearm at a peace officer as defined 606 in section 2935.01 of the Revised Code or a corrections officer, 607 as defined in section 2941.1412 of the Revised Code, the court, 608 ~~after imposing a prison term on the offender for the felony~~ 609 Am.

459 Page 22 As ~~Reported~~Passed by the House ~~Judiciary~~after Committeeimposing a prison term on the offender for the felony 609 offense under division (A), (B)(2), or (B)(3) of this section, 610 shall impose an additional prison term of seven years upon the 611 offender that shall not be reduced pursuant to section 2929.20, 612 division (A)(2) or (3) of section 2967.193 or 2967.194, or any 613 other provision of Chapter 2967.

634 (iii) If an offender is convicted of or pleads guilty to 635 two or more felonies that include, as an essential element, 636 causing or attempting to cause the death or physical harm to 637 another and also is convicted of or pleads guilty to a 638 specification of the type described under division (B)(1)(f) of 639 ~~this section in connection with two or more of the felonies of~~ 640 Am.

459 Page 23 As ~~Reported~~Passed by the House ~~Judiciary~~this Committeesection in connection with two or more of the felonies of 640 which the offender is convicted or to which the offender pleads 641 guilty, the sentencing court shall impose on the offender the 642 prison term specified under division (B)(1)(f) of this section 643 for each of two of the specifications of which the offender is 644 convicted or to which the offender pleads guilty and, in its 645 discretion, also may impose on the offender the prison term 646 specified under that division for any or all of the remaining 647 specifications.

666 (2)(a) If division (B)(2)(b) of this section does not 667 apply, the court may impose on an offender, in addition to the 668 longest prison term authorized or required for the offense or, 669 for offenses for which division (A)(1)(a) or (2)(a) of this 670 ~~section applies, in addition to the longest minimum prison term~~ 671 Am.

459 Page 24 As ~~Reported~~Passed by the House ~~Judiciary~~section Committeeapplies, in addition to the longest minimum prison term 671 authorized or required for the offense, an additional definite 672 prison term of one, two, three, four, five, six, seven, eight, 673 nine, or ten years if all of the following criteria are met:

693 (iv) The court finds that the prison terms imposed 694 pursuant to division (B)(2)(a)(iii) of this section and, if 695 applicable, division (B)(1) or (3) of this section are 696 inadequate to punish the offender and protect the public from 697 future crime, because the applicable factors under section 698 2929.12 of the Revised Code indicating a greater likelihood of 699 recidivism outweigh the applicable factors under that section 700 ~~indicating~~Am.~~a lesser likelihood of recidivism.~~

~~701 Am.~~

459 Page 25 As ~~Reported~~Passed by the House ~~Judiciary~~indicating Committeea (v) lesser~~The likelihood court finds that the prison terms imposed pursuant 702 to division (B)(2)(a)(iii) of this recidivism.~~section and, if applicable, 703 division (B)(1) or (3) of this section are demeaning to the 704 seriousness of the offense, because one or more of the factors 705 under section 2929.12 of the Revised Code indicating that the 706 offender's conduct is more serious than conduct normally 707 constituting the offense are present, and they outweigh the 708 applicable factors under that section indicating that the 709

~~offender's conduct is less serious than conduct normally 710 constituting the offense.~~

701 (v) The court finds that the prison terms imposed pursuant 702 to division (B)(2)(a)(iii) of this section and, if applicable, 703 division (B)(1) or (3) of this section are demeaning to the 704 seriousness of the offense, because one or more of the factors 705 under section 2929.12 of the Revised Code indicating that the 706 offender's conduct is more serious than conduct normally 707 constituting the offense are present, and they outweigh the 708 applicable factors under that section indicating that the 709 offender's conduct is less serious than conduct normally 710 constituting the offense.

722 (ii) The offender within the preceding twenty years has 723 been convicted of or pleaded guilty to three or more offenses 724 described in division (CC)(1) of section 2929.01 of the Revised 725 Code, including all offenses described in that division of which 726 the offender is convicted or to which the offender pleads guilty 727 in the current prosecution and all offenses described in that 728 division of which the offender previously has been convicted or 729 to which the offender previously pleaded guilty, whether 730 ~~prosecutedAm. together or separately.~~

~~731 Am.~~

459 Page 26 As ~~Reported~~Passed by the House ~~Judiciary~~prosecuted Committee~~together (iii) The offense or offenses separately. of which the offender 732 currently is convicted or to which the offender currently pleads 733 guilty is aggravated murder and the court does not impose a 734 sentence of death or life imprisonment without parole, murder, 735 terrorism and the court does not impose a sentence of life 736 imprisonment without parole, any felony of the first degree that 737 is an offense of violence and the court does not impose a 738 sentence of life imprisonment without parole, or any felony of 739 the second degree that is an offense of violence and the trier 740 of fact finds that the offense involved an attempt to cause or a 741 threat to cause serious physical harm to a person or resulted in 742 serious physical harm to a person.~~

731 (iii) The offense or offenses of which the offender 732 currently is convicted or to which the offender currently pleads 733 guilty is aggravated murder and the court does not impose a 734 sentence of death or life imprisonment without parole, murder, 735 terrorism and the court does not impose a sentence of life 736 imprisonment without parole, any felony of the first degree that 737 is an offense of violence and the court does not impose a 738 sentence of life imprisonment without parole, or any felony of 739 the second degree that is an offense of violence and the trier 740 of fact finds that the offense involved an attempt to cause or a 741 threat to cause serious physical harm to a person or resulted in 742 serious physical harm to a person.

757 (3) Except when an offender commits a violation of section 758 2903.01 or 2907.02 of the Revised Code and the penalty imposed 759 ~~for the violation is life imprisonment or commits a violation of 760 section 2903.02 of the Revised Code, if the offender commits a 761 Am.~~

459 Page 27 As ~~Reported~~Passed by the House ~~Judiciary~~for Committee~~the violation is life imprisonment or commits a violation of 760 section 2903.02 of the Revised Code, if the offender commits a 761~~ violation of section 2925.03 or 2925.11 of the Revised Code and 762 that section classifies the offender as a major drug offender, 763 if the offender commits a violation of section 2925.05 of the 764 Revised Code and division (E)(1) of that section classifies the 765 offender as a major drug offender, if the offender commits a 766 felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 767 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 768 division (C) or (D) of section 3719.172, division (E) of section 769 4729.51, or division (J) of section 4729.54 of the Revised Code 770 that includes the sale, offer to sell, or possession of a 771 schedule I or II controlled substance, with the exception of 772 marihuana, and the court imposing sentence upon the offender 773 finds that the offender is guilty of a specification of the type 774 described in division (A) of section 2941.1410 of the Revised 775 Code charging that the offender is a major drug offender, if the 776 court imposing sentence upon an offender for a felony finds that 777 the offender is guilty of corrupt activity with the most serious 778 offense in the pattern of corrupt activity being a felony of the 779 first degree, or if the offender is guilty of an attempted 780 violation of section 2907.02 of the Revised Code and, had the 781 offender completed the violation of section 2907.02 of the 782 Revised Code that was attempted, the offender would have been 783 subject to a sentence of life imprisonment or life imprisonment 784 without parole for the violation of section 2907.02 of the 785 Revised Code, the court shall impose upon the offender for the 786 felony violation a mandatory prison term determined as described 787 in this division that cannot be reduced pursuant to section 788 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 789 or any other provision of Chapter 2967.

The mandatory prison term shall be the maximum definite 791 ~~prison term prescribed in division (A)(1)(b) of this section for 792 a felony of the first degree, except that for offenses for which 793 Am.~~

459 Page 28 As ~~Reported~~Passed by the House ~~Judiciary~~prison Committee~~term prescribed in division (A)(1)(b) of this section for 792 a felony of the first degree, except that for offenses for which 793~~ division (A)(1)(a) of this section applies, the mandatory prison 794 term shall be the longest minimum prison term prescribed in that 795 division for the offense.

In 821 addition to the mandatory prison term or mandatory and 822 ~~additional prison term imposed as described in division (B)(4) 823 of this section, the court also may sentence the offender to a 824 Am.~~

459 Page 29 As ~~Reported~~Passed by the House ~~Judiciary~~additional Committee~~prison term imposed as described in division (B)(4) 823 of this section, the court also may sentence the offender to a 824~~ community control sanction under section 2929.16 or 2929.17 of 825 the Revised Code, but the offender shall serve all of the prison 826 terms so imposed prior to serving the community control 827 sanction.

851 (6) If an offender is convicted of or pleads guilty to a 852 ~~violation of division (A)(1) or (2) of section 2903.06 of the 853 Revised Code and also is convicted of or pleads guilty to a 854~~ Am.

459 Page 30 As ~~Reported~~Passed by the House ~~Judiciary~~violation Committee~~of division (A)(1) or (2) of section 2903.06 of the 853 Revised Code and also is convicted of or pleads guilty to a 854~~ specification of the type described in section 2941.1415 of the 855 Revised Code that charges that the offender previously has been 856 convicted of or pleaded guilty to three or more violations of 857 division (A) of section 4511.19 of the Revised Code or an 858 equivalent offense, as defined in section 2941.1415 of the 859 Revised Code, or three or more violations of any combination of 860 those offenses, the court shall impose on the offender a prison 861 term of three years.

879 (i) If the offense is a felony of the first degree, a 880 definite prison term of not less than five years and not greater 881 than eleven years, except that if the offense is a felony of the 882 first degree committed on or after March 22, 2019, the court 883 ~~shall~~Am. ~~impose as the minimum prison term a mandatory term of not 884 less than five years and not greater than eleven years;~~

~~885~~ Am.

459 Page 31 As ~~Reported~~Passed by the House ~~Judiciary~~ Committee (ii) ~~If the offense is a felony of the second or third 886 degree, a definite prison term of not less than three years and 887 not greater than the maximum prison term allowed for the offense 888 by division (A)(2)(b) or (3) of this section, except that if the 889 offense is a felony of the second degree committed on or after 890 March 22, 2019, the court shall impose as the minimum prison 891 term a mandatory term of not 884 less than three five years and not 892 greater than eighteleven years;~~

885 (ii) If the offense is a felony of the second or third 886 degree, a definite prison term of not less than three years and 887 not greater than the maximum prison term allowed for the offense 888 by division (A)(2)(b) or (3) of this section, except that if the 889 offense is a felony of the second degree committed on or after 890 March 22, 2019, the court shall impose as the minimum prison 891 term a mandatory term of not less than three years and not 892 greater than eight years;

904 (8) If an offender is convicted of or pleads guilty to a 905 felony violation of section 2903.11, 2903.12, or 2903.13 of the 906 Revised Code and also is convicted of or pleads guilty to a 907 specification of the type described in section 2941.1423 of the 908 Revised Code that charges that the victim of the violation was a 909 woman whom the offender knew was pregnant at the time of the 910 violation, notwithstanding the range prescribed in division (A) 911 of this section as the definite prison term or minimum prison 912 term for felonies of the same degree as the violation, the court 913 ~~shall impose on the offender a mandatory prison term that is 914 either a definite prison term of six months or one of the prison 915~~ Am.

459 Page 32 As ~~Reported~~Passed by the House ~~Judiciary~~shall Committee~~impose on the offender a mandatory prison term that is 914 either a definite prison term of six months or one of the prison 915~~ terms prescribed in division (A) of this section for felonies of 916 the same degree as the violation, except that if the violation 917 is a felony of the first or second degree committed on or after 918 March 22, 2019, the court shall impose as the minimum prison 919 term under division (A)(1)(a) or (2)(a) of this section a 920 mandatory term that is one of the terms prescribed in that 921 division, whichever is applicable, for the offense.

942 (b) If a court imposes a prison term on an offender under 943 ~~division (B)(9)(a) of this section, the prison term shall not be 944 reduced pursuant to section 2929.20, division (A)(2) or (3) of 945~~ Am.

459 Page 33 As ~~Reported~~Passed by the House ~~Judiciary~~division Committee~~(B)(9)(a) of this section, the prison term shall not be 944 reduced pursuant to section 2929.20, division (A)(2) or (3) of 945~~ section 2967.193 or 2967.194, or any other provision of Chapter 946 2967.

973 ~~(11) If an offender is convicted of or pleads guilty to a 974 felony violation of section 2925.03 or 2925.05 of the Revised 975~~ Am.

459 Page 34 As ~~Reported~~Passed by the House ~~Judiciary~~(11) Committee~~If an offender is convicted of or pleads guilty to a 974 felony violation of section 2925.03 or 2925.05 of the Revised 975~~ Code or a felony violation of section 2925.11 of the Revised 976 Code for which division (C)(11) of that section applies in 977 determining the sentence for the violation, if the drug involved 978 in the violation is a fentanyl-related compound or a compound, 979 mixture, preparation, or substance containing a fentanyl-related 980 compound, and if the offender also is convicted of or pleads 981 guilty to a specification of the type described in division (B) 982 of section 2941.1410 of the Revised Code that charges that the 983 offender is a major drug offender, in addition to any other 984 penalty imposed for the violation, the court shall impose on the 985 offender a mandatory prison term of three, four, five, six, 986 seven, or eight years.

The prison 1002 term so imposed shall not be reduced pursuant to section 1003 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 1004 ~~or~~Am. ~~any other provision of Chapter 2967.~~

~~or Chapter 5120.~~
~~of the 1005 Revised Code.~~

~~A court shall not impose more than one prison term 1006 Am.~~

459 Page 35 As ~~Reported~~Passed by the House ~~Judiciary~~or Committee~~any another~~ an provision offender under division (B)(12) of this ~~Chapter~~ section 2967. ~~for 1007 felonies committed as part of the same act or transaction.~~

~~or Chapter 5120.~~
~~of the 1005 Revised Code.~~

A court shall not impose more than one prison term 1006 on an offender under division (B)(12) of this section for 1007 felonies committed as part of the same act or transaction.

1025 (b) If a mandatory prison term is imposed upon an offender 1026 pursuant to division (B)(1)(d) of this section for wearing or 1027 carrying body armor while committing an offense of violence that 1028 is a felony, the offender shall serve the mandatory term so 1029 imposed consecutively to any other mandatory prison term imposed 1030 under that division or under division (B)(1)(a) or (c) of this 1031 section, consecutively to and prior to any prison term imposed 1032 for the underlying felony under division (A), (B)(2), or (B)(3) 1033 of this section or any other section of the Revised Code, and 1034 consecutively to any other prison term or mandatory prison term 1035 ~~previously~~Am. ~~or subsequently imposed upon the offender.~~

~~1036 Am.~~

459 Page 36 As ~~Reported~~Passed by the House ~~Judiciary~~ Committee (c) ~~If a mandatory prison term is imposed upon an offender 1037 pursuant to division (B)(1)(f) of this section, the offender 1038 shall serve the mandatory prison term so imposed consecutively 1039 to and prior to any prison term imposed for the underlying 1040 felony under division (A), (B)(2), or (B)(3) of this section or 1041 any other section of the Revised Code, and consecutively to any 1042 other prison term or mandatory prison term previously or 1043 subsequently imposed upon the offender.~~

1036 (c) If a mandatory prison term is imposed upon an offender 1037 pursuant to division (B)(1)(f) of this section, the offender 1038 shall serve the mandatory prison term so imposed consecutively 1039 to and prior to any prison term imposed for the underlying 1040 felony under division (A), (B)(2), or (B)(3) of this section or 1041 any other section of the Revised Code, and consecutively to any 1042 other prison term or mandatory prison term previously or 1043 subsequently imposed upon the offender.

1059 (2) If an offender who is an inmate in a jail, prison, or 1060 other residential detention facility violates section 2917.02, 1061 2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1062 (2) of section 2921.34 of the Revised Code, if an offender who 1063 is under detention at a detention facility commits a felony 1064 violation of section 2923.131 of the Revised Code, or if an 1065 ~~offender who is an inmate in a jail, prison, or other~~ 1066 Am.

459 Page 37 As ~~Reported~~Passed by the House ~~Judiciary~~offender Committeewho is an inmate in a jail, prison, or other 1066 residential detention facility or is under detention at a 1067 detention facility commits another felony while the offender is 1068 an escapee in violation of division (A)(1) or (2) of section 1069 2921.34 of the Revised Code, any prison term imposed upon the 1070 offender for one of those violations shall be served by the 1071 offender consecutively to the prison term or term of 1072 imprisonment the offender was serving when the offender 1073 committed that offense and to any other prison term previously 1074 or subsequently imposed upon the offender.

1092 (a) The offender committed one or more of the multiple 1093 offenses while the offender was awaiting trial or sentencing, 1094 was under a sanction imposed pursuant to section 2929.16, 1095 ~~2929.17, or 2929.18 of the Revised Code, or was under post-~~ 1096 Am.

459 Page 38 As ~~Reported~~Passed by the House ~~Judiciary~~2929.17, Committeeor 2929.18 of the Revised Code, or was under post- 1096 release control for a prior offense.

1124 (6) If a mandatory prison term is imposed on an offender 1125 ~~pursuant to division (B)(9) of this section, the offender shall~~ 1126 Am.

459 Page 39 As ~~Reported~~Passed by the House ~~Judiciary~~pursuant Committeeto division (B)(9) of this section, the offender shall 1126 serve the mandatory prison term consecutively to and prior to 1127 any prison term imposed for the underlying violation of division 1128 (A)(1) or (2) of section 2903.11 of the Revised Code and 1129 consecutively to and prior to any other prison term or mandatory 1130 prison term previously or subsequently imposed on the offender.

1153 (10) When a court sentences an offender to a non-life 1154 felony indefinite prison term, any definite prison term or 1155 ~~mandatory definite prison term previously or subsequently~~ 1156 Am.

459 Page 40 As ~~Reported~~Passed by the House ~~Judiciary~~mandatory Committeedefinite prison term previously or subsequently 1156 imposed on the offender in addition to that indefinite sentence 1157 that is required to be served consecutively to that indefinite 1158 sentence shall be served prior to the indefinite sentence.

Section 2929.191 of the 1183 Revised Code applies if, prior to July 11, 2006, a court imposed 1184 a sentence including a prison term of a type described in this 1185 division and failed to include in the

sentence pursuant to this 1186 ~~divisionAm. a statement regarding post-release control.~~
~~1187 Am.~~

459 Page 41 As ~~Reported~~Passed by the House ~~Judiciary Committee~~ (2) ~~If a court imposes a prison term for a felony of the 1188 third, fourth, or fifth degree that is not subject to division 1189 (D)(1) of this section, it shall include in the sentence a 1190 statement requirement regarding that the offender be subject to a period of post- 1191 release control after the offender's release from imprisonment, 1192 in accordance with that division, if the parole board determines 1193 that a period of post-release control.~~ control. is necessary.

1187 (2) If a court imposes a prison term for a felony of the 1188 third, fourth, or fifth degree that is not subject to division 1189 (D)(1) of this section, it shall include in the sentence a 1190 requirement that the offender be subject to a period of post- 1191 release control after the offender's release from imprisonment, 1192 in accordance with that division, if the parole board determines 1193 that a period of post-release control is necessary.

1209 (2) A person is convicted of or pleads guilty to a 1210 violation of division (A)(1)(b) of section 2907.02 of the 1211 Revised Code committed on or after January 2, 2007, and either 1212 the court does not impose a sentence of life without parole when 1213 authorized pursuant to division (B) of section 2907.02 of the 1214 Revised Code, or division (B) of section 2907.02 of the Revised 1215 Code provides that the court shall not sentence the offender 1216 ~~pursuantAm. to section 2971.03 of the Revised Code.~~
~~1217 Am.~~

459 Page 42 As ~~Reported~~Passed by the House ~~Judiciary~~pursuant Committee (3) ~~A person is convicted of or pleads guilty to attempted 1218 rape committed on or after January 2, 2007, and a specification 1219 of the type described in section 2941.1418, 2971.03 2941.1419, or 1220 2941.1420 of the Revised Code.~~

1217 (3) A person is convicted of or pleads guilty to attempted 1218 rape committed on or after January 2, 2007, and a specification 1219 of the type described in section 2941.1418, 2941.1419, or 1220 2941.1420 of the Revised Code.

1239 (F) If a person who has been convicted of or pleaded 1240 guilty to a felony is sentenced to a prison term or term of 1241 imprisonment under this section, sections 2929.02 to 2929.06 of 1242 the Revised Code, section 2929.142 of the Revised Code, section 1243 2971.03 of the Revised Code, or any other provision of law, 1244 section 5120.163 of the Revised Code applies regarding the 1245 ~~personAm.~~
~~while the person is confined in a state correctional 1246 institution.~~

~~1247 Am.~~

459 Page 43 As ~~Reported~~Passed by the House ~~Judiciary~~person Committee ~~while (G) the If person an offender who is convicted~~confined of or pleads guilty to 1248 a felony that is an offense of violence also is convicted of or 1249 pleads guilty to a specification of the type described in 1250 section 2941.142 of the Revised Code that charges the offender 1251 with having committed the felony while participating in a 1252 state criminal correctional gang, 1246 the institution. court shall impose upon the offender an 1253 additional prison term of one, two, or three years.

1247 (G) If an offender who is convicted of or pleads guilty to 1248 a felony that is an offense of violence also is convicted of or 1249 pleads guilty to a specification of the type described in 1250 section 2941.142 of the Revised Code that charges the offender 1251 with having committed the felony while participating in a 1252 criminal gang, the court shall impose upon the offender an 1253 additional prison term of one, two, or three years.

1274 ~~(ii) If the offender previously has been convicted of or 1275 pleaded guilty to one or more felony or misdemeanor violations 1276 of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1277 Am.~~

459 Page 44 As ~~Reported~~Passed by the House ~~Judiciary(ii) Committee~~If the offender previously has been convicted of or 1275 pleaded guilty to one or more felony or misdemeanor violations 1276 of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1277 the Revised Code and also was convicted of or pleaded guilty to 1278 a specification of the type described in section 2941.1421 of 1279 the Revised Code regarding one or more of those violations, an 1280 additional prison term of one, two, three, four, five, six, 1281 seven, eight, nine, ten, eleven, or twelve months.

1305 ~~(I) At the time of sentencing, the court may recommend the 1306 offender for placement in a program of shock incarceration under 1307 section 5120.031 of the Revised Code or for placement in an 1308 Am.~~

459 Page 45 As ~~Reported~~Passed by the House ~~Judiciary(I) Committee~~At the time of sentencing, the court may recommend the 1306 offender for placement in a program of shock incarceration under 1307 section 5120.031 of the Revised Code or for placement in an 1308 intensive program prison under section 5120.032 of the Revised 1309 Code, disapprove placement of the offender in a program of shock 1310 incarceration or an intensive program prison of that nature, or 1311 make no recommendation on placement of the offender.

1333 If the court does not make a recommendation under this 1334 division with respect to an offender and if the department 1335 ~~determines as specified in section 5120.031 or 5120.032 of the 1336 Revised Code, whichever is applicable, that the offender is 1337 eligible for placement in a program or prison of that nature, 1338 Am.~~

459 Page 46 As ~~Reported~~Passed by the House ~~Judiciary~~determines ~~Committee~~as specified in section 5120.031 or 5120.032 of the 1336 Revised Code, whichever is applicable, that the offender is 1337 eligible for placement in a program or prison of that nature, 1338 the department shall screen the offender and determine if there 1339 is an available program of shock incarceration or an intensive 1340 program prison for which the offender is suited.

The offender shall serve the prison term 1365 imposed under this division consecutively to and prior to the 1366 ~~prisonAm. term imposed for the underlying offense.~~

~~The prison term 1367 shall not be reduced pursuant to section 2929.20, division (A) 1368 (2) or (3) of section 2967.193 or 2967.194, or any other 1369 Am.~~

459 Page 47 As ~~Reported~~Passed by the House ~~Judiciary~~~~prison Committee~~term provisionimposed of for Chapterthe 2967,underlying offense.

~~The prison term 1367 shall not be reduced pursuant to section 2929.20, division (A) 1368 (2) or (3) of section 2967.193 or 2967.194, or any other 1369 provision of Chapter 2967.~~

The 1394 Grand Jurors (or insert the person's or the prosecuting 1395 attorney's name when appropriate) further find and specify that 1396 ~~(set forth that the offender moved or removed human remains to 1397 prevent the discovery of an unlawful act, the discovery of the 1398 death, the discovery of the cause of death, or the discovery of 1399 Am.~~

459 Page 48 As ~~Reported~~Passed by the House ~~Judiciary~~(set ~~Committee~~forth that the offender moved or removed human remains to 1397 prevent the discovery of an unlawful act, the discovery of the 1398 death, the discovery of the cause of death, or the discovery of 1399 the human remains.)" 1400 (B) The specification described in division (A) of this 1401 section may be used in a delinquent child proceeding in the 1402 manner and for the purpose described in section 2152.17 of the 1403 Revised Code.