



H.B. 296

127th General Assembly
(As Introduced)

Reps. Hughes, J. McGregor, Webster

BILL SUMMARY

- Permits a court when imposing a prison term upon an offender who also has been convicted of or pleaded guilty to a repeat offender specification and who is not subject to a sentence of death or life imprisonment to impose a definite prison term that is twice as long as the basic prison term authorized under the Felony Sentencing Law.
- Establishes a presumption in favor of the court imposing the longest prison term authorized for a felony offense if the offender previously has been convicted of or pleaded guilty to a felony and the offender is not subject to a sentence of death or life imprisonment.

CONTENT AND OPERATION

Possible prison term that may be imposed on a third-time repeat offender

The bill provides for a repeat offender specification that may be included in an indictment, count in an indictment, or information charging an offense that specifies that the offender has been convicted of or pleaded guilty to two or more felonies under an existing or former state or federal law.¹ If the person is convicted of or pleads guilty to a felony and is convicted of or pleads guilty to this repeat offender specification, the bill permits, but does not require, a court to impose a definite prison term that is twice as long as the basic prison term authorized under the Felony Sentencing Law provided that the offender is not subject to a sentence of death or life imprisonment (see **COMMENT**). Thus, under the bill, a court could impose one of the following prison terms on a repeat offender:

¹ Note that this new specification is not the same as the repeat violent offender specification contained in R.C. 2941.149. The bill makes no change to this specification.

- (1) For a felony of the first degree: 6, 8, 10, 12, 14, 16, 18, or 20 years.
- (2) For a felony of the second degree: 4, 6, 8, 10, 12, 14, or 16 years.
- (3) For a felony of the third degree: 2, 4, 6, 8, or 10 years.
- (4) For a felony of the fourth degree: 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, or 36 months.
- (5) For a felony of the fifth degree: 12, 14, 16, 18, 20, 22, or 24 months.

(R.C. 2929.14(D)(7) and 2941.1421, conforming changes in R.C. 2929.19(B)(2)(d) and (e) and 2953.08(A)(1).)

Presumption of the longest prison term when an offender has a prior felony conviction or guilty plea

The bill also provides that when a court imposes sentence upon an offender for the commission of a felony and the offender is not subject to a sentence of death or life imprisonment or a mandatory prison term, there is a presumption in favor of the court imposing the longest prison term authorized for the offense if the offender previously has been convicted of or pleaded guilty to a felony under an existing or former law of Ohio, another state, or the United States (R.C. 2929.14(D)(8)).

COMMENT

Subject to specified exceptions, the Felony Sentencing Law provides for the following basic prison terms for a felony (R.C. 2929.14(A)):

- (1) For a felony of the first degree, a prison term of 3, 4, 5, 6, 7, 8, 9, or 10, years.
- (2) For a felony of the second degree, a prison term of 2, 3, 4, 5, 6, 7, or 8 years.
- (3) For a felony of the third degree, a prison term of 1, 2, 3, 4, or 5 years.
- (4) For a felony of the fourth degree, a prison term of 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months.
- (5) For a felony of the fifth degree, a prison term of 6, 7, 8, 9, 10, 11, or 12 months.

HISTORY

ACTION

DATE

Introduced

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