



Ohio Revised Code

Section 2923.132 Use of firearm or dangerous ordnance by violent career criminal.

Effective: March 22, 2019

Legislation: Senate Bill 201 - 132nd General Assembly

(A) As used in this section:

(1)(a) "Violent career criminal" means a person who within the preceding eight years, subject to extension as provided in division (A)(1)(b) of this section, has been convicted of or pleaded guilty to two or more violent felony offenses that are separated by intervening sentences and are not so closely related to each other and connected in time and place that they constitute a course of criminal conduct.

(b) Except as provided in division (A)(1)(c) of this section, the eight-year period described in division (A)(1)(a) of this section shall be extended by a period of time equal to any period of time during which the person, within that eight-year period, was confined as a result of having been accused of an offense, having been convicted of or pleaded guilty to an offense, or having been accused of violating or found to have violated any community control sanction, post-release control sanction, or term or condition of supervised release.

(c) Division (A)(1)(b) of this section shall not apply to extend the eight-year period described in division (A)(1)(a) of this section by any period of time during which a person is confined if the person is acquitted of the charges or the charges are dismissed in final disposition of the case or during which a person is confined as a result of having been accused of violating any sanction, term, or condition described in division (A)(1)(b) of this section if the person subsequently is not found to have violated that sanction, term, or condition.

(2) "Violent felony offense" means any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 2911.01, 2911.02, or 2911.11 of the Revised Code;



- (b) A violation of division (A)(1) or (2) of section 2911.12 of the Revised Code;
 - (c) A felony violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code;
 - (d) A felony violation of section 2909.24 of the Revised Code or a violation of section 2919.25 of the Revised Code that is a felony of the third degree;
 - (e) A felony violation of any existing or former ordinance or law of this state, another state, or the United States that is or was substantially equivalent to any offense listed or described in divisions (A)(2)(a) to (e) of this section;
 - (f) A conspiracy or attempt to commit, or complicity in committing, any of the offenses listed or described in divisions (A)(2)(a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree.
- (3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.
- (4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.
- (5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.
- (6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code.
- (B) No violent career criminal shall knowingly use any firearm or dangerous ordnance.
- (C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree. For an offense committed prior to the effective date of this amendment, notwithstanding the range of definite prison terms set forth in division (A)(1)(b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. For an offense committed on or after the effective date of this amendment, notwithstanding the range of minimum prison terms set forth in division (A)(1)(a) of section 2929.14 of the Revised Code, the



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court shall impose upon the offender an indefinite prison term pursuant to that division, with a minimum term under that sentence that is a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years.