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Sub. S. B. No. 184

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Grendell, Boccieri, Manning, Collier, DePiero, G. Smith, Reidelbach,
Otterman, Barrett

A B I L L

To amend sections 121.22, 2901.01, 2903.01, 2921.32, 1
2923.31, 2927.24, 2929.04, 2933.51, 2941.14, 2
3313.536, 4507.09, 5502.26, 5502.27, and 5502.271 3
and to enact sections 149.433, 2152.201, 2909.21, 4
2909.22, 2909.23, 2909.24, and 2909.25 of the 5
Revised Code to create the offenses of terrorism, 6
soliciting or providing support for an act of 7
terrorism, and making a terroristic threat; to 8
expand certain offenses and laws relative to those 9
offenses; to increase the penalty for obstructing 10
justice involving terrorism; to expand and rename 11
contaminating a substance for human consumption to 12

include contamination with any hazardous chemical, 13
biological, or radioactive substance; to exempt 14
certain security-related information from the 15
Public Records Law; to revise the Open Meetings Law 16
provision regarding executive sessions to consider 17
security matters; to revise the Emergency 18
Management Law regarding all-hazards emergency 19
operations plans; and to declare an emergency. 20

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

Section 1. That sections 121.22, 2901.01, 2903.01, 2921.32, 21
2923.31, 2927.24, 2929.04, 2933.51, 2941.14, 3313.536, 4507.09, 22
5502.26, 5502.27, and 5502.271 be amended and sections 149.433, 23
2152.201, 2909.21, 2909.22, 2909.23, 2909.24, and 2909.25 of the 24
Revised Code be enacted to read as follows: 25

Sec. 121.22. (A) This section shall be liberally construed to 26
require public officials to take official action and to conduct 27
all deliberations upon official business only in open meetings 28
unless the subject matter is specifically excepted by law. 29

(B) As used in this section: 30

(1) "Public body" means any of the following: 31

(a) Any board, commission, committee, council, or similar 32
decision-making body of a state agency, institution, or authority, 33
and any legislative authority or board, commission, committee, 34
council, agency, authority, or similar decision-making body of any 35
county, township, municipal corporation, school district, or other 36
political subdivision or local public institution; 37

(b) Any committee or subcommittee of a body described in 38
division (B)(1)(a) of this section; 39

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the

general subject matter of discussions in executive sessions	71
authorized under division (G) or (J) of this section.	72
(D) This section does not apply to any of the following:	73
(1) A grand jury;	74
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	75 76 77
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	78 79 80
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	81 82
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	83 84 85
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	86 87 88
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	89 90 91
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	92 93 94
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code.	95 96 97
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order	98 99

or request that a civil action, civil penalty action, or criminal
action be brought to enforce Chapter 3750. of the Revised Code. 100
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(E) The controlling board, the development financing advisory 102
council, the industrial technology and enterprise advisory 103
council, the tax credit authority, or the minority development 104
financing advisory board, when meeting to consider granting 105
assistance pursuant to Chapter 122. or 166. of the Revised Code, 106
in order to protect the interest of the applicant or the possible 107
investment of public funds, by unanimous vote of all board, 108
council, or authority members present, may close the meeting 109
during consideration of the following information confidentially 110
received by the authority, council, or board from the applicant: 111

(1) Marketing plans; 112
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(2) Specific business strategy; 114

(3) Production techniques and trade secrets; 115

(4) Financial projections; 116

(5) Personal financial statements of the applicant or members 117
of the applicant's immediate family, including, but not limited 118
to, tax records or other similar information not open to public 119
inspection. 120

The vote by the authority, council, or board to accept or 121
reject the application, as well as all proceedings of the 122
authority, council, or board not subject to this division, shall 123
be open to the public and governed by this section. 124

(F) Every public body, by rule, shall establish a reasonable 125
method whereby any person may determine the time and place of all 126
regularly scheduled meetings and the time, place, and purpose of 127
all special meetings. A public body shall not hold a special 128
meeting unless it gives at least twenty-four hours' advance notice 129

to the news media that have requested notification, except in the
event of an emergency requiring immediate official action. In the
event of an emergency, the member or members calling the meeting
shall notify the news media that have requested notification
immediately of the time, place, and purpose of the meeting.

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The rule shall provide that any person, upon request and
payment of a reasonable fee, may obtain reasonable advance
notification of all meetings at which any specific type of public
business is to be discussed. Provisions for advance notification
may include, but are not limited to, mailing the agenda of
meetings to all subscribers on a mailing list or mailing notices
in self-addressed, stamped envelopes provided by the person.

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(G) Except as provided in division (J) of this section, the
members of a public body may hold an executive session only after
a majority of a quorum of the public body determines, by a roll
call vote, to hold an executive session and only at a regular or
special meeting for the sole purpose of the consideration of any
of the following matters:

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(1) To consider the appointment, employment, dismissal,
discipline, promotion, demotion, or compensation of a public
employee or official, or the investigation of charges or
complaints against a public employee, official, licensee, or
regulated individual, unless the public employee, official,
licensee, or regulated individual requests a public hearing.
Except as otherwise provided by law, no public body shall hold an
executive session for the discipline of an elected official for
conduct related to the performance of the elected official's
official duties or for the elected official's removal from office.
If a public body holds an executive session pursuant to division
(G)(1) of this section, the motion and vote to hold that executive
session shall state which one or more of the approved purposes
listed in division (G)(1) of this section are the purposes for

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which the executive session is to be held, but need not include 162
the name of any person to be considered at the meeting. 163

(2) To consider the purchase of property for public purposes, 164
or for the sale of property at competitive bidding, if premature 165
disclosure of information would give an unfair competitive or 166
bargaining advantage to a person whose personal, private interest 167
is adverse to the general public interest. No member of a public 168
body shall use division (G)(2) of this section as a subterfuge for 169
providing covert information to prospective buyers or sellers. A 170
purchase or sale of public property is void if the seller or buyer 171
of the public property has received covert information from a 172
member of a public body that has not been disclosed to the general 173
public in sufficient time for other prospective buyers and sellers 174
to prepare and submit offers. 175

If the minutes of the public body show that all meetings and 176
deliberations of the public body have been conducted in compliance 177
with this section, any instrument executed by the public body 178
purporting to convey, lease, or otherwise dispose of any right, 179
title, or interest in any public property shall be conclusively 180
presumed to have been executed in compliance with this section 181
insofar as title or other interest of any bona fide purchasers, 182
lessees, or transferees of the property is concerned. 183

(3) Conferences with an attorney for the public body 184
concerning disputes involving the public body that are the subject 185
of pending or imminent court action; 186

(4) Preparing for, conducting, or reviewing negotiations or 187
bargaining sessions with public employees concerning their 188
compensation or other terms and conditions of their employment; 189

(5) Matters required to be kept confidential by federal law 190
or regulations or state statutes; 191

(6) ~~Specialized details of~~ Details relative to the security 192

arrangements and emergency response protocols for a public body or 193
a public office, if disclosure of the matters discussed might 194
reveal information that could reasonably be used for the purpose 195
of committing, or avoiding prosecution for, a violation of the law 196
expected to jeopardize the security of the public body or public 197
office; 198

(7) In the case of a county hospital operated pursuant to 199
Chapter 339. of the Revised Code, to consider trade secrets, as 200
defined in section 1333.61 of the Revised Code. 201

If a public body holds an executive session to consider any 202
of the matters listed in divisions (G)(2) to (7) of this section, 203
the motion and vote to hold that executive session shall state 204
which one or more of the approved matters listed in those 205
divisions are to be considered at the executive session. 206

A public body specified in division (B)(1)(c) of this section 207
shall not hold an executive session when meeting for the purposes 208
specified in that division. 209

(H) A resolution, rule, or formal action of any kind is 210
invalid unless adopted in an open meeting of the public body. A 211
resolution, rule, or formal action adopted in an open meeting that 212
results from deliberations in a meeting not open to the public is 213
invalid unless the deliberations were for a purpose specifically 214
authorized in division (G) or (J) of this section and conducted at 215
an executive session held in compliance with this section. A 216
resolution, rule, or formal action adopted in an open meeting is 217
invalid if the public body that adopted the resolution, rule, or 218
formal action violated division (F) of this section. 219

(I)(1) Any person may bring an action to enforce this 220
section. An action under division (I)(1) of this section shall be 221
brought within two years after the date of the alleged violation 222
or threatened violation. Upon proof of a violation or threatened 223
violation of this section in an action brought by any person, the 224

court of common pleas shall issue an injunction to compel the 225
members of the public body to comply with its provisions. 226

(2)(a) If the court of common pleas issues an injunction 227
pursuant to division (I)(1) of this section, the court shall order 228
the public body that it enjoins to pay a civil forfeiture of five 229
hundred dollars to the party that sought the injunction and shall 230
award to that party all court costs and, subject to reduction as 231
described in division (I)(2) of this section, reasonable 232
attorney's fees. The court, in its discretion, may reduce an award 233
of attorney's fees to the party that sought the injunction or not 234
award attorney's fees to that party if the court determines both 235
of the following: 236

(i) That, based on the ordinary application of statutory law 237
and case law as it existed at the time of violation or threatened 238
violation that was the basis of the injunction, a well-informed 239
public body reasonably would believe that the public body was not 240
violating or threatening to violate this section; 241

(ii) That a well-informed public body reasonably would 242
believe that the conduct or threatened conduct that was the basis 243
of the injunction would serve the public policy that underlies the 244
authority that is asserted as permitting that conduct or 245
threatened conduct. 246

(b) If the court of common pleas does not issue an injunction 247
pursuant to division (I)(1) of this section and the court 248
determines at that time that the bringing of the action was 249
frivolous conduct, as defined in division (A) of section 2323.51 250
of the Revised Code, the court shall award to the public body all 251
court costs and reasonable attorney's fees, as determined by the 252
court. 253

(3) Irreparable harm and prejudice to the party that sought 254
the injunction shall be conclusively and irrebuttably presumed 255

upon proof of a violation or threatened violation of this section. 256

(4) A member of a public body who knowingly violates an 257
injunction issued pursuant to division (I)(1) of this section may 258
be removed from office by an action brought in the court of common 259
pleas for that purpose by the prosecuting attorney or the attorney 260
general. 261

(J)(1) Pursuant to division (C) of section 5901.09 of the 262
Revised Code, a veterans service commission shall hold an 263
executive session for one or more of the following purposes unless 264
an applicant requests a public hearing: 265

(a) Interviewing an applicant for financial assistance under 266
sections 5901.01 to 5901.15 of the Revised Code; 267

(b) Discussing applications, statements, and other documents 268
described in division (B) of section 5901.09 of the Revised Code; 269

(c) Reviewing matters relating to an applicant's request for 270
financial assistance under sections 5901.01 to 5901.15 of the 271
Revised Code. 272

(2) A veterans service commission shall not exclude an 273
applicant for, recipient of, or former recipient of financial 274
assistance under sections 5901.01 to 5901.15 of the Revised Code, 275
and shall not exclude representatives selected by the applicant, 276
recipient, or former recipient, from a meeting that the commission 277
conducts as an executive session that pertains to the applicant's, 278
recipient's, or former recipient's application for financial 279
assistance. 280

(3) A veterans service commission shall vote on the grant or 281
denial of financial assistance under sections 5901.01 to 5901.15 282
of the Revised Code only in an open meeting of the commission. The 283
minutes of the meeting shall indicate the name, address, and 284
occupation of the applicant, whether the assistance was granted or 285
denied, the amount of the assistance if assistance is granted, and 286

the votes for and against the granting of assistance.

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Sec. 149.433. (A) As used in this section:

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(1) "Act of terrorism" has the same meaning as in section 2909.21 of the Revised Code.

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(2) "Infrastructure record" means any record that discloses the configuration of a public office's critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office is located. "Infrastructure record" does not mean a simple floor plan that discloses only the spatial relationship of components of a public office or the building in which a public office is located.

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(3) "Security record" means either of the following:

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(a) Any record that contains information directly used for protecting or maintaining the security of a public office against attack, interference, or sabotage;

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(b) Any record assembled, prepared, or maintained by a public office or public body to prevent, mitigate, or respond to acts of terrorism, including any of the following:

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(i) Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans either of which is intended to prevent or mitigate acts of terrorism, and communication codes or deployment plans of law enforcement or emergency response personnel;

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(ii) Specific intelligence information and specific investigative records shared by federal and international law enforcement agencies with state and local law enforcement and public safety agencies;

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(iii) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies, and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism. 316
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(B) A record kept by a public office that is a security record or an infrastructure record is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section. 321
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(C) Notwithstanding any other section of the Revised Code, a public office's or a public employee's disclosure of a security record or infrastructure record that is necessary for construction, renovation, or remodeling work on any public building or project does not constitute public disclosure for purposes of waiving division (B) of this section and does not result in that record becoming a public record for purposes of section 149.43 of the Revised Code. 325
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Sec. 2152.201. (A) In addition to any other dispositions authorized or required by this chapter, the juvenile court making disposition of a child adjudicated a delinquent child for committing a violation of section 2909.22, 2909.23, or 2909.24 of the Revised Code or a violation of section 2921.32 of the Revised Code when the offense or act committed by the person aided or to be aided as described in that section is an act of terrorism may order the child to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in the investigation and prosecution of the violation. The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the dispositional 333
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hearing for the child.

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(B) If a child is adjudicated a delinquent child for committing a violation of section 2909.23 or 2909.24 of the Revised Code and if any political subdivision incurred any response costs as a result of, or in making any response to, the threat of the specified offense involved in the violation of section 2909.23 of the Revised Code or the actual specified offense involved in the violation of section 2909.24 of the Revised Code, in addition to any other dispositions authorized or required by this chapter, the juvenile court making disposition of the child for the violation may order the child to reimburse the involved political subdivision for the response costs it so incurred.

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(C) As used in this section, "response costs" and "act of terrorism" have the same meanings as in section 2909.21 of the Revised Code.

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Sec. 2901.01. (A) As used in the Revised Code:

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(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.

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(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.

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(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

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(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.

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(5) "Serious physical harm to persons" means any of the	377
following:	378
(a) Any mental illness or condition of such gravity as would	379
normally require hospitalization or prolonged psychiatric	380
treatment;	381
(b) Any physical harm that carries a substantial risk of	382
death;	383
(c) Any physical harm that involves some permanent	384
incapacity, whether partial or total, or that involves some	385
temporary, substantial incapacity;	386
(d) Any physical harm that involves some permanent	387
disfigurement or that involves some temporary, serious	388
disfigurement;	389
(e) Any physical harm that involves acute pain of such	390
duration as to result in substantial suffering or that involves	391
any degree of prolonged or intractable pain.	392
(6) "Serious physical harm to property" means any physical	393
harm to property that does either of the following:	394
(a) Results in substantial loss to the value of the property	395
or requires a substantial amount of time, effort, or money to	396
repair or replace;	397
(b) Temporarily prevents the use or enjoyment of the property	398
or substantially interferes with its use or enjoyment for an	399
extended period of time.	400
(7) "Risk" means a significant possibility, as contrasted	401
with a remote possibility, that a certain result may occur or that	402
certain circumstances may exist.	403
(8) "Substantial risk" means a strong possibility, as	404
contrasted with a remote or significant possibility, that a	405
certain result may occur or that certain circumstances may exist.	406

(9) "Offense of violence" means any of the following: 407

(a) A violation of section 2903.01, 2903.02, 2903.03, 408
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 409
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 410
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 411
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 412
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 413
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 414
Revised Code or felonious sexual penetration in violation of 415
former section 2907.12 of the Revised Code; 416

(b) A violation of an existing or former municipal ordinance 417
or law of this or any other state or the United States, 418
substantially equivalent to any section, division, or offense 419
listed in division (A)(9)(a) of this section; 420

(c) An offense, other than a traffic offense, under an 421
existing or former municipal ordinance or law of this or any other 422
state or the United States, committed purposely or knowingly, and 423
involving physical harm to persons or a risk of serious physical 424
harm to persons; 425

(d) A conspiracy or attempt to commit, or complicity in 426
committing, any offense under division (A)(9)(a), (b), or (c) of 427
this section. 428

(10)(a) "Property" means any property, real or personal, 429
tangible or intangible, and any interest or license in that 430
property. "Property" includes, but is not limited to, cable 431
television service, other telecommunications service, 432
telecommunications devices, information service, computers, data, 433
computer software, financial instruments associated with 434
computers, other documents associated with computers, or copies of 435
the documents, whether in machine or human readable form, trade 436
secrets, trademarks, copyrights, patents, and property protected 437

by a trademark, copyright, or patent. "Financial instruments
associated with computers" include, but are not limited to,
checks, drafts, warrants, money orders, notes of indebtedness,
certificates of deposit, letters of credit, bills of credit or
debit cards, financial transaction authorization mechanisms,
marketable securities, or any computer system representations of
any of them.

(b) As used in division (A)(10) of this section, "trade
secret" has the same meaning as in section 1333.61 of the Revised
Code, and "telecommunications service" and "information service"
have the same meanings as in section 2913.01 of the Revised Code.

(c) As used in divisions (A)(10) and (13) of this section,
"cable television service," "computer," "computer software,"
"computer system," "computer network," "data," and
"telecommunications device" have the same meanings as in section
2913.01 of the Revised Code.

(11) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer of a
township or joint township police district, marshal, deputy
marshal, municipal police officer, member of a police force
employed by a metropolitan housing authority under division (D) of
section 3735.31 of the Revised Code, or state highway patrol
trooper;

(b) An officer, agent, or employee of the state or any of its
agencies, instrumentalities, or political subdivisions, upon whom,
by statute, a duty to conserve the peace or to enforce all or
certain laws is imposed and the authority to arrest violators is
conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of
the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) An Ohio veterans' home police officer appointed under section 5907.02 of the Revised Code;

(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;

(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(l) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms.

(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out

of necessity.

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(13) "Contraband" means any property described in the following categories:

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(a) Property that in and of itself is unlawful for a person to acquire or possess;

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(b) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a court of this state, in accordance with law, to be contraband because of its use in an unlawful activity or manner, of its nature, or of the circumstances of the person who acquires or possesses it, including, but not limited to, goods and personal property described in division (D) of section 2913.34 of the Revised Code;

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(c) Property that is specifically stated to be contraband by a section of the Revised Code or by an ordinance, regulation, or resolution;

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(d) Property that is forfeitable pursuant to a section of the Revised Code, or an ordinance, regulation, or resolution, including, but not limited to, forfeitable firearms, dangerous ordnance, obscene materials, and goods and personal property described in division (D) of section 2913.34 of the Revised Code;

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(e) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device, paraphernalia, money as defined in section 1301.01 of the Revised Code, or other means of exchange that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in a violation of, Chapter 2925. or 3719. of the Revised Code;

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(f) Any gambling device, paraphernalia, money as defined in section 1301.01 of the Revised Code, or other means of exchange that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, Chapter 2915. of

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the Revised Code;

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(g) Any equipment, machine, device, apparatus, vehicle, vessel, container, liquid, or substance that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, any law of this state relating to alcohol or tobacco;

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(h) Any personal property that has been, is being, or is intended to be used in an attempt or conspiracy to commit, or in the commission of, any offense or in the transportation of the fruits of any offense;

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(i) Any property that is acquired through the sale or other transfer of contraband or through the proceeds of contraband, other than by a court or a law enforcement agency acting within the scope of its duties;

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(j) Any computer, computer system, computer network, computer software, or other telecommunications device that is used in a conspiracy to commit, an attempt to commit, or the commission of any offense, if the owner of the computer, computer system, computer network, computer software, or other telecommunications device is convicted of or pleads guilty to the offense in which it is used;

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(k) Any property that is material support or resources and that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, section 2909.22, 2909.23, or 2909.24 of the Revised Code or of section 2921.32 of the Revised Code when the offense or act committed by the person aided or to be aided as described in that section is an act of terrorism. As used in division (A)(13)(k) of this section, "material support or resources" and "act of terrorism" have the same meanings as in section 2909.21 of the Revised Code.

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(14) A person is "not guilty by reason of insanity" relative

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to a charge of an offense only if the person proves, in the manner
specified in section 2901.05 of the Revised Code, that at the time
of the commission of the offense, the person did not know, as a
result of a severe mental disease or defect, the wrongfulness of
the person's acts.

(B)(1)(a) Subject to division (B)(2) of this section, as used
in any section contained in Title XXIX of the Revised Code that
sets forth a criminal offense, "person" includes all of the
following:

(i) An individual, corporation, business trust, estate,
trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the
Revised Code that does not set forth a criminal offense, "person"
includes an individual, corporation, business trust, estate,
trust, partnership, and association.

(c) As used in division (B)(1)(a) of this section:

(i) "Unborn human" means an individual organism of the
species *Homo sapiens* from fertilization until live birth.

(ii) "Viable" means the stage of development of a human fetus
at which there is a realistic possibility of maintaining and
nourishing of a life outside the womb with or without temporary
artificial life-sustaining support.

(2) Notwithstanding division (B)(1)(a) of this section, in no
case shall the portion of the definition of the term "person" that
is set forth in division (B)(1)(a)(ii) of this section be applied
or construed in any section contained in Title XXIX of the Revised
Code that sets forth a criminal offense in any of the following
manners:

(a) Except as otherwise provided in division (B)(2)(a) of

this section, in a manner so that the offense prohibits or is
construed as prohibiting any pregnant woman or her physician from
performing an abortion with the consent of the pregnant woman,
with the consent of the pregnant woman implied by law in a medical
emergency, or with the approval of one otherwise authorized by law
to consent to medical treatment on behalf of the pregnant woman.
An abortion that violates the conditions described in the
immediately preceding sentence may be punished as a violation of
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06,
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22
of the Revised Code, as applicable. An abortion that does not
violate the conditions described in the second immediately
preceding sentence, but that does violate section 2919.12,
division (B) of section 2919.13, or section 2919.151, 2919.17, or
2919.18 of the Revised Code, may be punished as a violation of
section 2919.12, division (B) of section 2919.13, or section
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable.
Consent is sufficient under this division if it is of the type
otherwise adequate to permit medical treatment to the pregnant
woman, even if it does not comply with section 2919.12 of the
Revised Code.

(b) In a manner so that the offense is applied or is
construed as applying to a woman based on an act or omission of
the woman that occurs while she is or was pregnant and that
results in any of the following:

(i) Her delivery of a stillborn baby;

(ii) Her causing, in any other manner, the death in utero of
a viable, unborn human that she is carrying;

(iii) Her causing the death of her child who is born alive
but who dies from one or more injuries that are sustained while
the child is a viable, unborn human;

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(iv) Her causing her child who is born alive to sustain one 622
or more injuries while the child is a viable, unborn human; 623

(v) Her causing, threatening to cause, or attempting to 624
cause, in any other manner, an injury, illness, or other 625
physiological impairment, regardless of its duration or gravity, 626
or a mental illness or condition, regardless of its duration or 627
gravity, to a viable, unborn human that she is carrying. 628

(C) As used in Title XXIX of the Revised Code: 629

(1) "School safety zone" consists of a school, school 630
building, school premises, school activity, and school bus. 631

(2) "School," "school building," and "school premises" have 632
the same meanings as in section 2925.01 of the Revised Code. 633

(3) "School activity" means any activity held under the 634
auspices of a board of education of a city, local, exempted 635
village, joint vocational, or cooperative education school 636
district, a governing board of an educational service center, or 637
the governing body of a school for which the state board of 638
education prescribes minimum standards under section 3301.07 of 639
the Revised Code. 640

(4) "School bus" has the same meaning as in section 4511.01 641
of the Revised Code. 642

Sec. 2903.01. (A) No person shall purposely, and with prior 643
calculation and design, cause the death of another or the unlawful 644
termination of another's pregnancy. 645

(B) No person shall purposely cause the death of another or 646
the unlawful termination of another's pregnancy while committing 647
or attempting to commit, or while fleeing immediately after 648
committing or attempting to commit, kidnapping, rape, aggravated 649
arson ~~or~~, arson, aggravated robbery ~~or~~, robbery, aggravated 650
burglary ~~or~~, burglary, terrorism, or escape. 651

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

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

(E) No person shall purposely cause the death of a law
enforcement officer whom the offender knows or has reasonable
cause to know is a law enforcement officer when either of the
following applies:

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

(2) It is the offender's specific purpose to kill a law
enforcement officer.

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

(G) As used in this section:

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

(2) "Law enforcement officer" has the same meaning as in
section 2911.01 of the Revised Code.

Sec. 2909.21. As used in sections 2909.21 to 2909.25 of the
Revised Code:

(A) "Act of terrorism" means an act that is committed within
or outside the territorial jurisdiction of this state or the
United States, that constitutes a specified offense if committed
in this state or constitutes an offense in any jurisdiction within
or outside the territorial jurisdiction of the United States

containing all of the essential elements of a specified offense, 681
and that is intended to do one or more of the following: 682
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(1) Intimidate or coerce a civilian population; 684

(2) Influence the policy of any government by intimidation or 685
coercion; 686

(3) Affect the conduct of any government by the act that 687
constitutes the offense. 688

(B) "Material support or resources" means currency, payment 689
instruments, other financial securities, financial services, 690
lodging, training, safehouses, false documentation or 691
identification, communications equipment, facilities, weapons, 692
lethal substances, explosives, personnel, transportation, and 693
other physical assets, except medicine or religious materials. 694

(C) "Payment instrument" means a check, draft, money order, 695
traveler's check, cashier's check, teller's check, or other 696
instrument or order for the transmission or payment of money, 697
regardless of whether the item in question is negotiable. 698

(D) "Response costs" means all costs a political subdivision 699
incurs as a result of, or in making any response to, a threat of a 700
specified offense made as described in section 2909.23 of the 701
Revised Code or a specified offense committed as described in 702
section 2909.24 of the Revised Code, including, but not limited 703
to, all costs so incurred by any law enforcement officers, 704
firefighters, rescue personnel, or emergency medical services 705
personnel of the political subdivision and all costs so incurred 706
by the political subdivision that relate to laboratory testing or 707
hazardous material cleanup. 708

(E) "Specified offense" means any of the following: 709

(1) A felony offense of violence, a violation of section 710
2909.04 or 2927.24 of the Revised Code, or a felony of the first 711

degree that is not a violation of any provision in Chapter 2925.
or 3719. of the Revised Code;

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(2) An attempt to commit, complicity in committing, or a
conspiracy to commit an offense listed in division (E)(1) of this
section.

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Sec. 2909.22. (A) No person shall raise, solicit, collect,
donate, or provide any material support or resources, with purpose
that the material support or resources will be used in whole or in
part to plan, prepare, carry out, or aid in either an act of
terrorism or the concealment of, or an escape from, an act of
terrorism.

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(B) Whoever violates this section is guilty of soliciting or
providing support for an act of terrorism, a felony of the third
degree. Section 2909.25 of the Revised Code applies regarding an
offender who is convicted of or pleads guilty to a violation of
this section.

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(C) A prosecution for a violation of this section does not
preclude a prosecution for a violation of any other section of the
Revised Code. One or more acts, a series of acts, or a course of
behavior that can be prosecuted under this section or any other
section of the Revised Code may be prosecuted under this section,
the other section, or both sections.

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Sec. 2909.23. (A) No person shall threaten to commit or
threaten to cause to be committed a specified offense when both of
the following apply:

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(1) The person makes the threat with purpose to do any of the
following:

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(a) Intimidate or coerce a civilian population;

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(b) Influence the policy of any government by intimidation or

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<u>coercion;</u>	741
<u>(c) Affect the conduct of any government by the threat or by the specified offense.</u>	742 743
<u>(2) As a result of the threat, the person causes a reasonable expectation or fear of the imminent commission of the specified offense.</u>	744 745 746
<u>(B) It is not a defense to a charge of a violation of this section that the defendant did not have the intent or capability to commit the threatened specified offense or that the threat was not made to a person who was a subject of the threatened specified offense.</u>	747 748 749 750 751
<u>(C) Whoever violates this section is guilty of making a terroristic threat, a felony of the third degree. Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.</u>	752 753 754 755
Sec. 2909.24. <u>(A) No person shall commit a specified offense with purpose to do any of the following:</u>	756 757
<u>(1) Intimidate or coerce a civilian population;</u>	758
<u>(2) Influence the policy of any government by intimidation or coercion;</u>	759 760
<u>(3) Affect the conduct of any government by the specified offense.</u>	761 762
<u>(B)(1) Whoever violates this section is guilty of terrorism.</u>	763 764
<u>(2) Except as otherwise provided in divisions (B)(3) and (4) of this section, terrorism is an offense one degree higher than the most serious underlying specified offense the defendant committed.</u>	765 766 767 768
<u>(3) If the most serious underlying specified offense the</u>	769

defendant committed is a felony of the first degree or murder, the 770
person shall be sentenced to life imprisonment without parole. 771

(4) If the most serious underlying specified offense the 772
defendant committed is aggravated murder, the offender shall be 773
sentenced to life imprisonment without parole or death pursuant to 774
sections 2929.02 to 2929.06 of the Revised Code. 775

(5) Section 2909.25 of the Revised Code applies regarding an 776
offender who is convicted of or pleads guilty to a violation of 777
this section. 778

Sec. 2909.25. (A) In addition to the financial sanctions 779
authorized under section 2929.18 of the Revised Code, the court 780
imposing sentence upon an offender who is convicted of or pleads 781
guilty to a violation of section 2909.22, 2909.23, or 2909.24 of 782
the Revised Code or to a violation of section 2921.32 of the 783
Revised Code when the offense or act committed by the person aided 784
or to be aided as described in that section is an act of terrorism 785
may order the offender to pay to the state, municipal, or county 786
law enforcement agencies that handled the investigation and 787
prosecution all of the costs that the state, municipal 788
corporation, or county reasonably incurred in the investigation 789
and prosecution of the violation. The court shall hold a hearing 790
to determine the amount of costs to be imposed under this section. 791
The court may hold the hearing as part of the sentencing hearing 792
for the offender. 793

(B) If a person is convicted of or pleads guilty to a 794
violation of section 2909.23 or 2909.24 of the Revised Code and if 795
any political subdivision incurred any response costs as a result 796
of, or in making any response to, the threat of the specified 797
offense involved in the violation of section 2909.23 of the 798
Revised Code or the actual specified offense involved in the 799
violation of section 2909.24 of the Revised Code, in addition to 800

the financial sanctions authorized under section 2929.18 of the Revised Code, the court imposing sentence upon the offender for the violation may order the offender to reimburse the involved political subdivision for the response costs it so incurred.

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Sec. 2921.32. (A) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime or to assist another to benefit from the commission of a crime, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a crime or to assist a child to benefit from the commission of an act that if committed by an adult would be a crime, shall do any of the following:

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(1) Harbor or conceal the other person or child;

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(2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;

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(3) Warn the other person or child of impending discovery or apprehension;

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(4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;

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(5) Communicate false information to any person;

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(6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

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(B) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of

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division (A) of this section regardless of whether the person or 831
child aided ultimately is apprehended for, is charged with, is 832
convicted of, pleads guilty to, or is adjudicated a delinquent 833
child for committing the crime or act the person or child aided 834
committed. The crime or act the person or child aided committed 835
shall be used under division (C) of this section in determining 836
the penalty for the violation of division (A) of this section, 837
regardless of whether the person or child aided ultimately is 838
apprehended for, is charged with, is convicted of, pleads guilty 839
to, or is adjudicated a delinquent child for committing the crime 840
or act the person or child aided committed. 841

(C)(1) Whoever violates this section is guilty of obstructing 842
justice. 843

(2) If the crime committed by the person aided is a 844
misdemeanor or if the act committed by the child aided would be a 845
misdemeanor if committed by an adult, obstructing justice is a 846
misdemeanor of the same degree as the crime committed by the 847
person aided or a misdemeanor of the same degree that the act 848
committed by the child aided would be if committed by an adult. 849

(3) Except as otherwise provided in ~~division (B)~~ divisions 850
(C)(4) and (5) of this section, if the crime committed by the 851
person aided is a felony or if the act committed by the child 852
aided would be a felony if committed by an adult, obstructing 853
justice is a felony of the fifth degree. 854

(4) If the crime committed by the person aided is aggravated 855
murder, murder, or a felony of the first or second degree or if 856
the act committed by the child aided would be one of those 857
offenses if committed by an adult and if the offender knows or has 858
reason to believe that the crime committed by the person aided is 859
one of those offenses or that the act committed by the child aided 860
would be one of those offenses if committed by an adult, 861
obstructing justice is a felony of the third degree. 862

(C)(5) If the crime or act committed by the person or child
aided is an act of terrorism, obstructing justice is one of the
following: 863
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(a) Except as provided in division (C)(5)(b) of this section,
a felony of the second degree; 866
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(b) If the act of terrorism resulted in the death of a person
who was not a participant in the act of terrorism, a felony of the
first degree. 868
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(D) As used in this section: 871

(1) "Adult" and "child" have the same meanings as in section 2151.011 of the Revised Code. 872
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(2) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 874
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(3) "Act of terrorism" has the same meaning as in section
2909.21 of the Revised Code. 876
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Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the Revised Code: 878
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(A) "Beneficial interest" means any of the following: 880

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 881
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(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person; 883
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(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person. 886
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"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in 889
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either a general or limited partnership. 891

(B) "Costs of investigation and prosecution" and "costs of 892
investigation and litigation" mean all of the costs incurred by 893
the state or a county or municipal corporation under sections 894
2923.31 to 2923.36 of the Revised Code in the prosecution and 895
investigation of any criminal action or in the litigation and 896
investigation of any civil action, and includes, but is not 897
limited to, the costs of resources and personnel. 898

(C) "Enterprise" includes any individual, sole 899
proprietorship, partnership, limited partnership, corporation, 900
trust, union, government agency, or other legal entity, or any 901
organization, association, or group of persons associated in fact 902
although not a legal entity. "Enterprise" includes illicit as well 903
as licit enterprises. 904

(D) "Innocent person" includes any bona fide purchaser of 905
property that is allegedly involved in a violation of section 906
2923.32 of the Revised Code, including any person who establishes 907
a valid claim to or interest in the property in accordance with 908
division (E) of section 2923.32 of the Revised Code, and any 909
victim of an alleged violation of that section or of any 910
underlying offense involved in an alleged violation of that 911
section. 912

(E) "Pattern of corrupt activity" means two or more incidents 913
of corrupt activity, whether or not there has been a prior 914
conviction, that are related to the affairs of the same 915
enterprise, are not isolated, and are not so closely related to 916
each other and connected in time and place that they constitute a 917
single event. 918

At least one of the incidents forming the pattern shall occur 919
on or after January 1, 1986. Unless any incident was an aggravated 920
murder or murder, the last of the incidents forming the pattern 921

shall occur within six years after the commission of any prior
incident forming the pattern, excluding any period of imprisonment
served by any person engaging in the corrupt activity.

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For the purposes of the criminal penalties that may be
imposed pursuant to section 2923.32 of the Revised Code, at least
one of the incidents forming the pattern shall constitute a felony
under the laws of this state in existence at the time it was
committed or, if committed in violation of the laws of the United
States or of any other state, shall constitute a felony under the
law of the United States or the other state and would be a
criminal offense under the law of this state if committed in this
state.

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(F) "Pecuniary value" means money, a negotiable instrument, a
commercial interest, or anything of value, as defined in section
1.03 of the Revised Code, or any other property or service that
has a value in excess of one hundred dollars.

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(G) "Person" means any person, as defined in section 1.59 of
the Revised Code, and any governmental officer, employee, or
entity.

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(H) "Personal property" means any personal property, any
interest in personal property, or any right, including, but not
limited to, bank accounts, debts, corporate stocks, patents, or
copyrights. Personal property and any beneficial interest in
personal property are deemed to be located where the trustee of
the property, the personal property, or the instrument evidencing
the right is located.

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(I) "Corrupt activity" means engaging in, attempting to
engage in, conspiring to engage in, or soliciting, coercing, or
intimidating another person to engage in any of the following:

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(1) Conduct defined as "racketeering activity" under the

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"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 953
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 954

(2) Conduct constituting any of the following: 955

(a) A violation of section 1315.55, 1322.02, 2903.01, 956
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 957
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 958
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 959
2911.13, 2911.31, 2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 960
2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 961
2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; 962
division (A)(1) or (2) of section 1707.042; division (B), (C)(4), 963
(D), (E), or (F) of section 1707.44; division (A)(1) or (2) of 964
section 2923.20; division (J)(1) of section 4712.02; section 965
4719.02, 4719.05, or 4719.06; division (C), (D), or (E) of section 966
4719.07; section 4719.08; or division (A) of section 4719.09 of 967
the Revised Code. 968

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 969
3769.19 of the Revised Code as it existed prior to July 1, 1996, 970
any violation of section 2915.02 of the Revised Code that occurs 971
on or after July 1, 1996, and that, had it occurred prior to that 972
date, would have been a violation of section 3769.11 of the 973
Revised Code as it existed prior to that date, or any violation of 974
section 2915.05 of the Revised Code that occurs on or after July 975
1, 1996, and that, had it occurred prior to that date, would have 976
been a violation of section 3769.15, 3769.16, or 3769.19 of the 977
Revised Code as it existed prior to that date. 978

(c) Any violation of section 2907.21, 2907.22, 2907.31, 979
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 980
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 981
of the Revised Code, any violation of section 2925.11 of the 982
Revised Code that is a felony of the first, second, third, or 983
fourth degree and that occurs on or after July 1, 1996, any 984

violation of section 2915.02 of the Revised Code that occurred 985
prior to July 1, 1996, any violation of section 2915.02 of the 986
Revised Code that occurs on or after July 1, 1996, and that, had 987
it occurred prior to that date, would not have been a violation of 988
section 3769.11 of the Revised Code as it existed prior to that 989
date, any violation of section 2915.06 of the Revised Code as it 990
existed prior to July 1, 1996, or any violation of division (B) of 991
section 2915.05 of the Revised Code as it exists on and after July 992
1, 1996, when the proceeds of the violation, the payments made in 993
the violation, the amount of a claim for payment or for any other 994
benefit that is false or deceptive and that is involved in the 995
violation, or the value of the contraband or other property 996
illegally possessed, sold, or purchased in the violation exceeds 997
five hundred dollars, or any combination of violations described 998
in division (I)(2)(c) of this section when the total proceeds of 999
the combination of violations, payments made in the combination of 1000
violations, amount of the claims for payment or for other benefits 1001
that is false or deceptive and that is involved in the combination 1002
of violations, or value of the contraband or other property 1003
illegally possessed, sold, or purchased in the combination of 1004
violations exceeds five hundred dollars; 1005

(d) Any violation of section 5743.112 of the Revised Code 1006
when the amount of unpaid tax exceeds one hundred dollars; 1007

(e) Any violation or combination of violations of section 1008
2907.32 of the Revised Code involving any material or performance 1009
containing a display of bestiality or of sexual conduct, as 1010
defined in section 2907.01 of the Revised Code, that is explicit 1011
and depicted with clearly visible penetration of the genitals or 1012
clearly visible penetration by the penis of any orifice when the 1013
total proceeds of the violation or combination of violations, the 1014
payments made in the violation or combination of violations, or 1015
the value of the contraband or other property illegally possessed, 1016

sold, or purchased in the violation or combination of violations 1017
exceeds five hundred dollars; 1018

(f) Any combination of violations described in division 1019
(I)(2)(c) of this section and violations of section 2907.32 of the 1020
Revised Code involving any material or performance containing a 1021
display of bestiality or of sexual conduct, as defined in section 1022
2907.01 of the Revised Code, that is explicit and depicted with 1023
clearly visible penetration of the genitals or clearly visible 1024
penetration by the penis of any orifice when the total proceeds of 1025
the combination of violations, payments made in the combination of 1026
violations, amount of the claims for payment or for other benefits 1027
that is false or deceptive and that is involved in the combination 1028
of violations, or value of the contraband or other property 1029
illegally possessed, sold, or purchased in the combination of 1030
violations exceeds five hundred dollars. 1031

(3) Conduct constituting a violation of any law of any state 1032
other than this state that is substantially similar to the conduct 1033
described in division (I)(2) of this section, provided the 1034
defendant was convicted of the conduct in a criminal proceeding in 1035
the other state. 1036

(J) "Real property" means any real property or any interest 1037
in real property, including, but not limited to, any lease of, or 1038
mortgage upon, real property. Real property and any beneficial 1039
interest in it is deemed to be located where the real property is 1040
located. 1041

(K) "Trustee" means any of the following: 1042

(1) Any person acting as trustee under a trust in which the 1043
trustee holds title to personal or real property; 1044

(2) Any person who holds title to personal or real property 1045
for which any other person has a beneficial interest; 1046

(3) Any successor trustee. 1047

"Trustee" does not include an assignee or trustee for an insolvent debtor or an executor, administrator, administrator with the will annexed, testamentary trustee, guardian, or committee, appointed by, under the control of, or accountable to a court.

(L) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of any federal or state law relating to the business of gambling activity or relating to the business of lending money at an usurious rate unless the creditor proves, by a preponderance of the evidence, that the usurious rate was not intentionally set and that it resulted from a good faith error by the creditor, notwithstanding the maintenance of procedures that were adopted by the creditor to avoid an error of that nature.

Sec. 2927.24. (A) As used in this section:

(1) "Poison" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Drug" has the same meaning as in section 4729.01 of the Revised Code.

(3) "Hazardous chemical, biological, or radioactive substance" means any of the following:

(a) Any toxic or poisonous chemical, the precursor of any toxic or poisonous chemical, or any toxin;

(b) Any disease organism or biological agent;

(c) Any substance or item that releases or is designed to release radiation or radioactivity at a level dangerous to human life.

(4) "Biological agent" means any microorganism, virus,

infectious substance, or biological product that may be engineered 1077
through biotechnology, or any naturally occurring or bioengineered 1078
component of any microorganism, virus, infectious substance, or 1079
biological product that may be engineered through biotechnology, 1080
capable of causing death, disease, or other biological malfunction 1081
in a human, an animal, a plant, or another living organism, 1082
deterioration of food, water, equipment, supplies, or material of 1083
any kind, or deleterious alteration of the environment. 1084

(5) "Toxin" means the toxic material of plants, animals, 1085
microorganisms, viruses, fungi, or infectious substances, or a 1086
recombinant molecule, whatever its origin or method of 1087
reproduction, including, but not limited to, any poisonous 1088
substance or biological product that may be engineered through 1089
biotechnology or produced by a living organism and any poisonous 1090
isomer or biological product, homolog, or derivative of any 1091
substance or product of that nature. 1092

(B) Except as provided in division (D) of this section, no 1093
person shall knowingly do any of the following: 1094

(1) Knowingly mingle a poison, hazardous chemical, 1095
biological, or radioactive substance, or other harmful substance 1096
with a food, drink, nonprescription drug, prescription drug, or 1097
pharmaceutical product, or knowingly place a poison, hazardous 1098
chemical, biological, or radioactive substance, or other harmful 1099
substance in a spring, well, reservoir, or public water supply, if 1100
the person knows or has reason to know that the food, drink, 1101
nonprescription drug, prescription drug, pharmaceutical product, 1102
or water may be ingested or used by another person. For purposes 1103
of this division, a person does not know or have reason to know 1104
that water may be ingested or used by another person if it is 1105
disposed of as waste into a household drain including the drain of 1106
a toilet, sink, tub, or floor. 1107

(2) Knowingly release into the air, knowingly leave in any 1108

public place, or knowingly expose one or more persons to any 1109
hazardous chemical, biological, or radioactive substance with the 1110
intent to cause, or create a risk of, death or serious physical 1111
harm to any person. 1112

(C) No person shall ~~inform~~ do any of the following: 1113

(1) Inform another person that a poison, hazardous chemical, 1114
biological, or radioactive substance, or other harmful substance 1115
has been or will be placed in a food, drink, nonprescription drug, 1116
prescription drug, or other pharmaceutical product, spring, well, 1117
reservoir, or public water supply, if the placement of the poison 1118
or ~~other harmful~~ substance would be a violation of division (B)(1) 1119
of this section, and the person knows both that the information is 1120
false and that the information likely will be disseminated to the 1121
public. 1122

(2) Inform another person that a hazardous chemical, 1123
biological, or radioactive substance has been or will be released 1124
into the air or left in a public place, or that one or more 1125
persons has been or will be exposed to a hazardous chemical, 1126
biological, or radioactive substance, if the release, leaving, or 1127
exposure of the hazardous chemical, biological, or radioactive 1128
substance would be a violation of division (B)(2) of this section, 1129
and the person knows both that the information is false and that 1130
the information likely will be disseminated to the general public. 1131

(D)(1) A person may mingle a drug with a food or drink for 1132
the purpose of causing the drug to be ingested or used in the 1133
quantity described by its labeling or prescription. 1134

(2) A person may place a poison or other harmful substance in 1135
a spring, well, reservoir, or public water supply in such quantity 1136
as is necessary to treat the spring, well, reservoir, or water 1137
supply to make it safe for human consumption and use. 1138

(3) The provisions of division ~~(A)~~(B) of this section shall 1139

not be applied in a manner that conflicts with any other state or 1140
federal law or rule relating to substances permitted to be applied 1141
to or present in any food, raw or processed, any milk or milk 1142
product, any meat or meat product, any type of crop, water, or 1143
alcoholic or nonalcoholic beverage. 1144

(E)(1) Whoever violates division (B)(1) or (2) of this 1145
section is guilty of contaminating a substance for human 1146
consumption or use or contamination with a hazardous chemical, 1147
biological, or radioactive substance. Except as otherwise provided 1148
in this division, contaminating a substance for human consumption 1149
or use or contamination with a hazardous chemical, biological, or 1150
radioactive substance is a felony of the first degree. If the 1151
offense involved an amount of poison, the hazardous chemical, 1152
biological, or radioactive substance, or the other harmful 1153
substance sufficient to cause death if ingested or used by a 1154
person regarding a violation of division (B)(1) of this section or 1155
sufficient to cause death to persons who are exposed to it 1156
regarding a violation of division (B)(2) of this section or if the 1157
offense resulted in serious physical harm to another person, 1158
whoever violates division (B)(1) or (2) of this section shall be 1159
imprisoned for life with parole eligibility after serving fifteen 1160
years of imprisonment. 1161

(2) Whoever violates division (C)(1) or (2) of this section 1162
is guilty of spreading a false report of contamination, a felony 1163
of the fourth degree. 1164

(F) Divisions (C)(1) and (2) of this section do not limit or 1165
affect the application of sections 2917.31 or 2917.32 of the 1166
Revised Code. Any act that is a violation of both division (C)(1) 1167
or (2) of this section and of section 2917.31 or 2917.32 of the 1168
Revised Code may be prosecuted under this section, section 2917.31 1169
or 2917.32 of the Revised Code, or both this section and section 1170
2917.31 or 2917.32 of the Revised Code. 1171

Sec. 2929.04. (A) Imposition of the death penalty for 1172
aggravated murder is precluded unless one or more of the following 1173
is specified in the indictment or count in the indictment pursuant 1174
to section 2941.14 of the Revised Code and proved beyond a 1175
reasonable doubt: 1176

(1) The offense was the assassination of the president of the 1177
United States or a person in line of succession to the presidency, 1178
the governor or lieutenant governor of this state, the 1179
president-elect or vice president-elect of the United States, the 1180
governor-elect or lieutenant governor-elect of this state, or a 1181
candidate for any of the offices described in this division. For 1182
purposes of this division, a person is a candidate if the person 1183
has been nominated for election according to law, if the person 1184
has filed a petition or petitions according to law to have the 1185
person's name placed on the ballot in a primary or general 1186
election, or if the person campaigns as a write-in candidate in a 1187
primary or general election. 1188

(2) The offense was committed for hire. 1189

(3) The offense was committed for the purpose of escaping 1190
detection, apprehension, trial, or punishment for another offense 1191
committed by the offender. 1192

(4) The offense was committed while the offender was under 1193
detention or while the offender was at large after having broken 1194
detention. As used in division (A)(4) of this section, "detention" 1195
has the same meaning as in section 2921.01 of the Revised Code, 1196
except that detention does not include hospitalization, 1197
institutionalization, or confinement in a mental health facility 1198
or mental retardation and developmentally disabled facility unless 1199
at the time of the commission of the offense either of the 1200
following circumstances apply: 1201

(a) The offender was in the facility as a result of being 1202

charged with a violation of a section of the Revised Code. 1203

(b) The offender was under detention as a result of being 1204
convicted of or pleading guilty to a violation of a section of the 1205
Revised Code. 1206

(5) Prior to the offense at bar, the offender was convicted 1207
of an offense an essential element of which was the purposeful 1208
killing of or attempt to kill another, or the offense at bar was 1209
part of a course of conduct involving the purposeful killing of or 1210
attempt to kill two or more persons by the offender. 1211

(6) The victim of the offense was a law enforcement officer, 1212
as defined in section 2911.01 of the Revised Code, whom the 1213
offender had reasonable cause to know or knew to be a law 1214
enforcement officer as so defined, and either the victim, at the 1215
time of the commission of the offense, was engaged in the victim's 1216
duties, or it was the offender's specific purpose to kill a law 1217
enforcement officer as so defined. 1218

(7) The offense was committed while the offender was 1219
committing, attempting to commit, or fleeing immediately after 1220
committing or attempting to commit kidnapping, rape, aggravated 1221
arson, aggravated robbery, or aggravated burglary, and either the 1222
offender was the principal offender in the commission of the 1223
aggravated murder or, if not the principal offender, committed the 1224
aggravated murder with prior calculation and design. 1225

(8) The victim of the aggravated murder was a witness to an 1226
offense who was purposely killed to prevent the victim's testimony 1227
in any criminal proceeding and the aggravated murder was not 1228
committed during the commission, attempted commission, or flight 1229
immediately after the commission or attempted commission of the 1230
offense to which the victim was a witness, or the victim of the 1231
aggravated murder was a witness to an offense and was purposely 1232
killed in retaliation for the victim's testimony in any criminal 1233

proceeding.

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(9) The offender, in the commission of the offense,
purposefully caused the death of another who was under thirteen
years of age at the time of the commission of the offense, and
either the offender was the principal offender in the commission
of the offense or, if not the principal offender, committed the
offense with prior calculation and design.

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(10) The offense was committed while the offender was
committing, attempting to commit, or fleeing immediately after
committing or attempting to commit terrorism.

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(B) If one or more of the aggravating circumstances listed in
division (A) of this section is specified in the indictment or
count in the indictment and proved beyond a reasonable doubt, and
if the offender did not raise the matter of age pursuant to
section 2929.023 of the Revised Code or if the offender, after
raising the matter of age, was found at trial to have been
eighteen years of age or older at the time of the commission of
the offense, the court, trial jury, or panel of three judges shall
consider, and weigh against the aggravating circumstances proved
beyond a reasonable doubt, the nature and circumstances of the
offense, the history, character, and background of the offender,
and all of the following factors:

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(1) Whether the victim of the offense induced or facilitated
it;

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(2) Whether it is unlikely that the offense would have been
committed, but for the fact that the offender was under duress,
coercion, or strong provocation;

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(3) Whether, at the time of committing the offense, the
offender, because of a mental disease or defect, lacked
substantial capacity to appreciate the criminality of the
offender's conduct or to conform the offender's conduct to the

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requirements of the law; 1265

(4) The youth of the offender; 1266

(5) The offender's lack of a significant history of prior 1267
criminal convictions and delinquency adjudications; 1268

(6) If the offender was a participant in the offense but not 1269
the principal offender, the degree of the offender's participation 1270
in the offense and the degree of the offender's participation in 1271
the acts that led to the death of the victim; 1272

(7) Any other factors that are relevant to the issue of 1273
whether the offender should be sentenced to death. 1274

(C) The defendant shall be given great latitude in the 1275
presentation of evidence of the factors listed in division (B) of 1276
this section and of any other factors in mitigation of the 1277
imposition of the sentence of death. 1278

The existence of any of the mitigating factors listed in 1279
division (B) of this section does not preclude the imposition of a 1280
sentence of death on the offender but shall be weighed pursuant to 1281
divisions (D)(2) and (3) of section 2929.03 of the Revised Code by 1282
the trial court, trial jury, or the panel of three judges against 1283
the aggravating circumstances the offender was found guilty of 1284
committing. 1285

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of the 1286
Revised Code: 1287

(A) "Wire communication" means an aural transfer that is made 1288
in whole or in part through the use of facilities for the 1289
transmission of communications by the aid of wires or similar 1290
methods of connecting the point of origin of the communication and 1291
the point of reception of the communication, including the use of 1292
a method of connecting the point of origin and the point of 1293
reception of the communication in a switching station, if the 1294

facilities are furnished or operated by a person engaged in 1295
providing or operating the facilities for the transmission of 1296
communications. "Wire communication" includes an electronic 1297
storage of a wire communication. 1298

(B) "Oral communication" means an oral communication uttered 1299
by a person exhibiting an expectation that the communication is 1300
not subject to interception under circumstances justifying that 1301
expectation. "Oral communication" does not include an electronic 1302
communication. 1303

(C) "Intercept" means the aural or other acquisition of the 1304
contents of any wire, oral, or electronic communication through 1305
the use of an interception device. 1306

(D) "Interception device" means an electronic, mechanical, or 1307
other device or apparatus that can be used to intercept a wire, 1308
oral, or electronic communication. "Interception device" does not 1309
mean any of the following: 1310

(1) A telephone or telegraph instrument, equipment, or 1311
facility, or any of its components, if the instrument, equipment, 1312
facility, or component is any of the following: 1313

(a) Furnished to the subscriber or user by a provider of wire 1314
or electronic communication service in the ordinary course of its 1315
business and being used by the subscriber or user in the ordinary 1316
course of its business; 1317

(b) Furnished by a subscriber or user for connection to the 1318
facilities of a provider of wire or electronic communication 1319
service and used in the ordinary course of that subscriber's or 1320
user's business; 1321

(c) Being used by a provider of wire or electronic 1322
communication service in the ordinary course of its business or by 1323
an investigative or law enforcement officer in the ordinary course 1324
of the officer's duties that do not involve the interception of 1325

wire, oral, or electronic communications.	1326
(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.	1327 1328
(E) "Investigative officer" means any of the following:	1329
(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;	1330 1331 1332
(2) A person described in divisions (A)(11)(a) and (b) of section 2901.01 of the Revised Code;	1333 1334
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	1335 1336
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	1337 1338
(5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended.	1339 1340 1341 1342
(F) "Interception warrant" means a court order that authorizes the interception of wire, oral, or electronic communications and that is issued pursuant to sections 2933.53 to 2933.56 of the Revised Code.	1343 1344 1345 1346
(G) "Contents," when used with respect to a wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of the communication.	1347 1348 1349
(H) "Communications common carrier" means a person who is engaged as a common carrier for hire in intrastate, interstate, or foreign communications by wire, radio, or radio transmission of energy. "Communications common carrier" does not include, to the extent that the person is engaged in radio broadcasting, a person engaged in radio broadcasting.	1350 1351 1352 1353 1354 1355

- (I) "Designated offense" means any of the following: 1356
- (1) A felony violation of section 1315.53, 1315.55, 2903.01, 1357
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2907.02, 1358
2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 1359
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 1360
2913.42, 2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 1361
2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 1362
2925.04, 2925.05, or 2925.06 or of division (B) of section 2915.05 1363
of the Revised Code; 1364
- (2) A violation of section 2919.23 of the Revised Code that, 1365
had it occurred prior to July 1, 1996, would have been a violation 1366
of section 2905.04 of the Revised Code as it existed prior to that 1367
date; 1368
- (3) A felony violation of section 2925.11 of the Revised Code 1369
that is not a minor drug possession offense, as defined in section 1370
2925.01 of the Revised Code; 1371
- (4) Complicity in the commission of a felony violation of a 1372
section listed in division (I)(1), (2), or (3) of this section; 1373
- (5) An attempt to commit, or conspiracy in the commission of, 1374
a felony violation of a section listed in division (I)(1), (2), or 1375
(3) of this section, if the attempt or conspiracy is punishable by 1376
a term of imprisonment of more than one year. 1377
- (J) "Aggrieved person" means a person who was a party to an 1378
intercepted wire, oral, or electronic communication or a person 1379
against whom the interception of the communication was directed. 1380
- (K) "Person" means a person, as defined in section 1.59 of 1381
the Revised Code, or a governmental officer, employee, or entity. 1382
- (L) "Special need" means a showing that a licensed physician, 1383
licensed practicing psychologist, attorney, practicing cleric, 1384
journalist, or either spouse is personally engaging in continuing 1385

criminal activity, was engaged in continuing criminal activity 1386
over a period of time, or is committing, has committed, or is 1387
about to commit, a designated offense, or a showing that specified 1388
public facilities are being regularly used by someone who is 1389
personally engaging in continuing criminal activity, was engaged 1390
in continuing criminal activity over a period of time, or is 1391
committing, has committed, or is about to commit, a designated 1392
offense. 1393

(M) "Journalist" means a person engaged in, connected with, 1394
or employed by, any news media, including a newspaper, magazine, 1395
press association, news agency, or wire service, a radio or 1396
television station, or a similar media, for the purpose of 1397
gathering, processing, transmitting, compiling, editing, or 1398
disseminating news for the general public. 1399

(N) "Electronic communication" means a transfer of a sign, 1400
signal, writing, image, sound, datum, or intelligence of any 1401
nature that is transmitted in whole or in part by a wire, radio, 1402
electromagnetic, photoelectronic, or photo-optical system. 1403

"Electronic communication" does not mean any of the following: 1404

(1) A wire or oral communication; 1405

(2) A communication made through a tone-only paging device; 1406

(3) A communication from an electronic or mechanical tracking 1407
device that permits the tracking of the movement of a person or 1408
object. 1409

(O) "User" means a person or entity that uses an electronic 1410
communication service and is duly authorized by the provider of 1411
the service to engage in the use of the electronic communication 1412
service. 1413

(P) "Electronic communications system" means a wire, radio, 1414
electromagnetic, photoelectronic, or photo-optical facility for 1415
the transmission of electronic communications, and a computer 1416

facility or related electronic equipment for the electronic 1417
storage of electronic communications. 1418

(Q) "Electronic communication service" means a service that 1419
provides to users of the service the ability to send or receive 1420
wire or electronic communications. 1421

(R) "Readily accessible to the general public" means, with 1422
respect to a radio communication, that the communication is none 1423
of the following: 1424

(1) Scrambled or encrypted; 1425

(2) Transmitted using a modulation technique, the essential 1426
parameters of which have been withheld from the public with the 1427
intention of preserving the privacy of the communication; 1428

(3) Carried on a subcarrier or other signal subsidiary to a 1429
radio transmission; 1430

(4) Transmitted over a communications system provided by a 1431
communications common carrier, unless the communication is a 1432
tone-only paging system communication; 1433

(5) Transmitted on a frequency allocated under part 25, 1434
subpart D, E, or F of part 74, or part 94 of the Rules of the 1435
Federal Communications Commission, as those provisions existed on 1436
July 1, 1996, unless, in the case of a communication transmitted 1437
on a frequency allocated under part 74 that is not exclusively 1438
allocated to broadcast auxiliary services, the communication is a 1439
two-way voice communication by radio. 1440

(S) "Electronic storage" means a temporary, intermediate 1441
storage of a wire or electronic communication that is incidental 1442
to the electronic transmission of the communication, and a storage 1443
of a wire or electronic communication by an electronic 1444
communication service for the purpose of backup protection of the 1445
communication. 1446

(T) "Aural transfer" means a transfer containing the human voice at a point between and including the point of origin and the point of reception.

(U) "Pen register" means a device that records or decodes electronic impulses that identify the numbers dialed, pulsed, or otherwise transmitted on telephone lines to which the device is attached.

(V) "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire communication or electronic communication was transmitted but that does not intercept the contents of the wire communication or electronic communication.

(W) "Judge of a court of common pleas" means a judge of that court who is elected or appointed as a judge of general jurisdiction or as a judge who exercises both general jurisdiction and probate, domestic relations, or juvenile jurisdiction. "Judge of a court of common pleas" does not mean a judge of that court who is elected or appointed specifically as a probate, domestic relations, or juvenile judge.

Sec. 2941.14. (A) In an indictment for aggravated murder, murder, or voluntary or involuntary manslaughter, the manner in which, or the means by which the death was caused need not be set forth.

(B) Imposition of the death penalty for aggravated murder is precluded unless the indictment or count in the indictment charging the offense specifies one or more of the aggravating circumstances listed in division (A) of section 2929.04 of the Revised Code. If more than one aggravating circumstance is specified to an indictment or count, each shall be in a separately numbered specification, and if an aggravating circumstance is

specified to a count in an indictment containing more than one 1478
count, such specification shall be identified as to the count to 1479
which it applies. 1480

(C) A specification to an indictment or count in an 1481
indictment charging aggravated murder shall be stated at the end 1482
of the body of the indictment or count, and may be in 1483
substantially the following form: 1484

"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE 1485
FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand 1486
Jurors further find and specify that (set forth the applicable 1487
aggravating circumstance listed in divisions (A)(1) to ~~(9)~~(10) of 1488
section 2929.04 of the Revised Code. The aggravating circumstance 1489
may be stated in the words of the subdivision in which it appears, 1490
or in words sufficient to give the accused notice of the same)." 1491

Sec. 3313.536. The board of education of each city, exempted 1492
village, and local school district shall adopt a comprehensive 1493
school safety plan for each school building under the board's 1494
control. The board shall examine the environmental conditions and 1495
operations of each building to determine potential hazards to 1496
student and staff safety and shall propose operating changes to 1497
promote the prevention of potentially dangerous problems and 1498
circumstances. In developing the plan for each building, the board 1499
shall involve community law enforcement and safety officials, 1500
parents of students who are assigned to the building, and teachers 1501
and nonteaching employees who are assigned to the building. The 1502
board shall consider incorporating remediation strategies into the 1503
plan for any building where documented safety problems have 1504
occurred. The board shall file a copy of the safety plan with each 1505
law enforcement agency that has jurisdiction over the school 1506
building. 1507

The board shall incorporate into the plan both of the 1508

following: 1509

(A) A protocol for addressing serious threats to the safety 1510
of school property, students, employees, or administrators; 1511

(B) A protocol for responding to any emergency events that do 1512
occur and that compromise the safety of school property, students, 1513
employees, or administrators. 1514

Each protocol shall include procedures deemed appropriate by 1515
the board for responding to threats and emergency events, 1516
respectively, including such things as notification of appropriate 1517
law enforcement personnel, calling upon specified emergency 1518
response personnel for assistance, and informing parents of 1519
affected students. 1520

Sec. 4507.09. (A) Except as provided in division (B) of this 1521
section, every driver's license issued to a resident of this state 1522
expires on the birthday of the applicant in the fourth year after 1523
the date it is issued and every driver's license issued to a 1524
temporary resident expires in accordance with rules adopted by the 1525
registrar of motor vehicles. In no event shall any license be 1526
issued for a period longer than four years and ninety days. 1527

Subject to the requirements of section 4507.12 of the Revised 1528
Code, every driver's license issued to a resident is renewable at 1529
any time prior to its expiration and any license of a temporary 1530
resident is nonrenewable. A nonrenewable license may be replaced 1531
with a new license within ninety days prior to its expiration ~~upon~~ 1532
~~the applicant's compliance with all applicable requirements in~~ 1533
accordance with division (E) of this section. No refund shall be 1534
made or credit given for the unexpired portion of the driver's 1535
license that is renewed. The registrar of motor vehicles shall 1536
notify each person whose driver's license has expired within 1537
forty-five days after the date of expiration. Notification shall 1538
be made by regular mail sent to the person's last known address as 1539

shown in the records of the bureau of motor vehicles. Failure to 1540
provide such notification shall not be construed as a renewal or 1541
extension of any license. For the purposes of this section, the 1542
date of birth of any applicant born on the twenty-ninth day of 1543
February shall be deemed to be the first day of March in any year 1544
in which there is no twenty-ninth day of February. 1545

(B) Every driver's license or renewal of a driver's license 1546
issued to an applicant who is sixteen years of age or older, but 1547
less than twenty-one years of age, expires on the twenty-first 1548
birthday of the applicant, except that an applicant who applies no 1549
more than thirty days before the applicant's twenty-first birthday 1550
shall be issued a license in accordance with division (A) of this 1551
section. 1552

(C) Each person licensed as a driver under this chapter shall 1553
notify the registrar of any change in the person's address within 1554
ten days following that change. The notification shall be in 1555
writing on a form provided by the registrar and shall include the 1556
full name, date of birth, license number, county of residence, 1557
social security number, and new address of the person. 1558

(D) No driver's license shall be renewed when renewal is 1559
prohibited by division (A) of section 4507.091 of the Revised 1560
Code. 1561

(E) A nonrenewable license may be replaced with a new license 1562
within ninety days prior to its expiration upon the applicant's 1563
presentation of documentation verifying the applicant's legal 1564
presence in the United States. A nonrenewable license expires on 1565
the same date listed on the legal presence documentation, or on 1566
the same date in the fourth year after the date the nonrenewable 1567
license is issued, whichever comes first. A nonrenewable license 1568
is not transferable, and the applicant may not rely on it to 1569
obtain a driver's license in another state. 1570

In accordance with Chapter 119. of the Revised Code, the 1571

registrar of motor vehicles shall adopt rules governing 1572
nonrenewable licenses for temporary residents. At a minimum, the 1573
rules shall include provisions specifying all of the following: 1574

(1) That no nonrenewable license may extend beyond the 1575
duration of the applicant's temporary residence in this state; 1576

(2) That no nonrenewable license may be replaced by a new 1577
license unless the applicant provides acceptable documentation of 1578
the person's identity and of the applicant's continued temporary 1579
residence in this state; 1580

(3) That no nonrenewable license is valid to apply for a 1581
driver's license in any other state; 1582

(4) That every nonrenewable license may contain any security 1583
features that the registrar prescribes. 1584

Sec. 5502.26. (A) The board of county commissioners of a 1585
county and the chief executive of all or a majority of the other 1586
political subdivisions within the county may enter into a written 1587
agreement establishing a countywide emergency management agency. 1588

A representative from each political subdivision entering 1589
into the agreement, selected by the political subdivision's chief 1590
executive, shall constitute a countywide advisory group for the 1591
purpose of appointing an executive committee under this section 1592
through which the countywide agency shall implement emergency 1593
management in the county in accordance with this section and for 1594
the purpose of advising the executive committee on matters 1595
pertaining to countywide emergency management. The executive 1596
committee shall consist of at least the following seven members: 1597
one county commissioner representing the board of county 1598
commissioners entering into the agreement; five chief executives 1599
representing the municipal corporations and townships entering 1600
into the agreement; and one nonelected representative. The 1601

countywide agreement shall specify how many additional members, if
any, shall serve on the executive committee and their manner of
selection.

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The agency shall be supported financially by the political
subdivisions entering into the countywide agreement. The executive
committee shall appoint a director/coordinator of emergency
management who shall pursue a professional development training
program in accordance with rules adopted under section 5502.25 of
the Revised Code. The director/coordinator of emergency management
may be an official or employee of any political subdivision
entering into the countywide agreement, except that the
director/coordinator shall not be the chief executive of any such
political subdivision.

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A countywide emergency management agency organized under this
section shall establish a program for emergency management that:

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(1) Is in accordance with sections 5502.21 to 5502.51 of the
Revised Code, rules adopted under those sections, ~~the "Act of
January 12, 1951," 64 Stat. 1245, 50 App. U.S.C.A. 2251~~ local
ordinances pertaining to emergency management, the "Robert T.
Stafford Disaster Relief and Emergency Assistance Act," 88 Stat.
143, 42 U.S.C. 5121, et. seq., as amended, and all applicable
rules and regulations adopted under it that act;

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(2) Includes, without limitation, development of an
all-hazards emergency operations plan that has been coordinated
with all agencies, boards, and divisions having emergency
management functions within the county;

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(3) Includes the preparation and conduct of an annual
exercise of the county's all-hazards emergency operations plan;

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(4) Is applicable to all political subdivisions entering into
the countywide agreement.

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The director/coordinator of emergency management for a

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countywide agency organized under this section shall be 1633
responsible for coordinating, organizing, administering, and 1634
operating emergency management in accordance with the agency's 1635
program established under this section, subject to the direction 1636
and control of the executive committee. All agencies, boards, and 1637
divisions having emergency management functions within each 1638
political subdivision within the county shall cooperate in the 1639
development of the all-hazards emergency operations plan and shall 1640
cooperate in the preparation and conduct of the annual exercise. 1641

(B) Nothing in this section requires any political 1642
subdivision that is located within a county that has entered into 1643
a written agreement under this section establishing a countywide 1644
emergency management agency to enter into that agreement, provided 1645
that the political subdivision has established a program for 1646
emergency management in accordance with section 5502.271 of the 1647
Revised Code. 1648

(C) A countywide emergency management agency shall be 1649
considered a county board and shall receive the services of the 1650
auditor, treasurer, and prosecuting attorney of the county in the 1651
same manner as other county agencies, boards, or divisions. 1652

Sec. 5502.27. (A) In lieu of establishing a countywide 1653
emergency management agency under section 5502.26 of the Revised 1654
Code, the boards of county commissioners of two or more counties, 1655
with the consent of the chief executives of a majority of the 1656
participating political subdivisions of each county involved, may 1657
enter into a written agreement establishing a regional authority 1658
for emergency management. 1659

A representative from each political subdivision entering 1660
into the agreement, selected by the political subdivision's chief 1661
executive, shall constitute a regional advisory group for the 1662
purpose of appointing an executive committee under this section 1663

through which the regional authority shall implement emergency management in the counties in accordance with this section and for the purpose of advising the executive committee on matters pertaining to regional emergency management. The executive committee shall consist of at least the following nine members: two county commissioners representing the boards of county commissioners entering into the agreement; six chief executives representing the municipal corporations and townships entering into the agreement; and one nonelected representative. The regional agreement shall specify how many additional members, if any, shall serve on the executive committee and their manner of selection.

The authority shall be supported financially by the political subdivisions entering into the regional agreement. The executive committee shall appoint a director/coordinator of emergency management who shall pursue a professional development training program in accordance with rules adopted under section 5502.25 of the Revised Code. The director/coordinator of emergency management may be an official or employee of any political subdivision entering into the regional agreement, except that the director/coordinator shall not be the chief executive of any such political subdivision.

A regional authority for emergency management organized under this section shall establish a program for emergency management that:

(1) Is in accordance with sections 5502.21 to 5502.51 of the Revised Code, rules adopted under those sections, ~~the "Act of January 12, 1951," 64 Stat. 1245, 50 App. U.S.C.A. 2251~~ local ordinances pertaining to emergency management, the "Robert T. Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 143, 42 U.S.C. 5121, et. seq., as amended, and all applicable rules and regulations adopted under ~~it~~ that act;

(2) Includes, without limitation, development of an 1696
all-hazards emergency operations plan that has been coordinated 1697
with all agencies, boards, and divisions having emergency 1698
management functions within the regional authority; 1699

(3) Includes the preparation and conduct of an annual 1700
exercise of the regional authority's all-hazards emergency 1701
operations plan; 1702

(4) Is applicable to all political subdivisions entering into 1703
the regional agreement. 1704

The director/coordinator of emergency management for a 1705
regional authority organized under this section shall be 1706
responsible for coordinating, organizing, administering, and 1707
operating emergency management in accordance with the authority's 1708
program established under this section, subject to the direction 1709
and control of the executive committee. All agencies, boards, and 1710
divisions having emergency management functions within each 1711
political subdivision within the regional authority shall 1712
cooperate in the development of the all-hazards emergency 1713
operations plan and shall cooperate in the preparation and conduct 1714
of the annual exercise. 1715

(B) Nothing in this section requires any political 1716
subdivision that is located within a county that has entered into 1717
a written agreement under this section establishing a regional 1718
authority for emergency management to enter into that agreement, 1719
provided that the political subdivision has established a program 1720
for emergency management in accordance with section 5502.271 of 1721
the Revised Code. 1722

(C) A regional authority for emergency management may 1723
designate the county auditor and county treasurer of one of the 1724
counties in the region as fiscal officers for the regional 1725
authority and may designate the prosecuting attorney of one of the 1726

counties in the region as legal advisor for the regional 1727
authority. 1728

Sec. 5502.271. The chief executive of any political 1729
subdivision that has not entered into a written agreement 1730
establishing either a countywide emergency management agency under 1731
section 5502.26 of the Revised Code or a regional authority for 1732
emergency management under section 5502.27 of the Revised Code 1733
shall establish a program for emergency management within that 1734
political subdivision that meets all of the following criteria: 1735

(A) Is in accordance with sections 5502.21 to 5502.51 of the 1736
Revised Code, rules adopted under those sections, ~~the "Act of~~ 1737
~~January 12, 1951," 64 Stat. 1245, 50 App. U.S.C.A. 2251~~ local 1738
ordinances pertaining to emergency management, the "Robert T. 1739
Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 1740
143, 42 U.S.C. 5121, et. seq., as amended, and all applicable 1741
rules and regulations adopted under it that act; 1742

(B) Includes, without limitation, development of an 1743
all-hazards emergency operations plan that has been coordinated 1744
with all agencies, boards, and divisions having emergency 1745
management functions within the political subdivision; 1746

(C) Includes the preparation and conduct of an annual 1747
exercise of the political subdivision's all-hazards emergency 1748
operations plan; 1749

(D) Is not inconsistent with the program for emergency 1750
management established for the county in which the political 1751
subdivision is located by a countywide emergency management agency 1752
under section 5502.26 of the Revised Code or a regional authority 1753
for emergency management under section 5502.27 of the Revised 1754
Code. 1755

All agencies, boards, and divisions having emergency 1756

management functions within the political subdivision shall 1757
cooperate in the development of the all-hazards emergency 1758
operations plan and shall cooperate in the preparation and conduct 1759
of the annual exercise. 1760

The chief executive shall appoint a director/coordinator of 1761
emergency management who shall pursue a professional development 1762
training program in accordance with rules adopted under section 1763
5502.25 of the Revised Code. The director/coordinator of emergency 1764
management may be an official or employee of the political 1765
subdivision, but shall not be the chief executive of the political 1766
subdivision. 1767

The director/coordinator shall be responsible for 1768
coordinating, organizing, administering, and operating emergency 1769
management in accordance with the political subdivision's program 1770
established under this section, subject to the direction and 1771
control of the chief executive. 1772

Section 2. That existing sections 121.22, 2901.01, 2903.01, 1773
2921.32, 2923.31, 2927.24, 2929.04, 2933.51, 2941.14, 3313.536, 1774
4507.09, 5502.26, 5502.27, and 5502.271 of the Revised Code are 1775
hereby repealed. 1776

Section 3. Section 4507.09 of the Revised Code is presented 1777
in this act as a composite of the section as amended by both Am. 1778
H.B. 141 and Am. Sub. S.B. 60 of the 122nd General Assembly. The 1779
General Assembly, applying the principle stated in division (B) of 1780
section 1.52 of the Revised Code that amendments are to be 1781
harmonized if reasonably capable of simultaneous operation, finds 1782
that the composite is the resulting version of the section in 1783
effect prior to the effective date of the section as presented in 1784
this act. 1785

Section 4. This act is hereby declared to be an emergency 1786
measure necessary for the immediate preservation of the public 1787
peace, health, and safety. The reason for such necessity is that 1788
the recent terrorist attacks of September 11, 2001, underscore the 1789
compelling need for legislation that is specifically designed to 1790
combat the evils of terrorism, that comprehensive state laws are 1791
urgently needed to complement federal laws in the fight against 1792
terrorism and to better protect all citizens against terrorist 1793
acts, and that state laws must be strengthened to ensure that 1794
terrorists, as well as those who solicit or provide financial and 1795
other support to terrorists, are prosecuted and punished in state 1796
courts with appropriate severity. Therefore, this act shall go 1797
into immediate effect. 1798