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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, and 2941.14 and	2
to enact sections 149.433, 2152.201, 2909.21,	3
2909.22, 2909.23, 2909.24, and 2909.25 of the	4
Revised Code to create the offenses of terrorism,	5
soliciting or providing support for an act of	6
terrorism, and making a terroristic threat; to	7
expand certain offenses and laws relative to those	8
offenses; to increase the penalty for obstructing	9
justice involving terrorism; to expand and rename	10
contaminating a substance for human consumption to	11
include contamination with any hazardous chemical,	12
biological, or radioactive substance; to exempt	13
certain security-related information from the	14
Public Records Law; to revise the Open Meetings Law	15
provision regarding executive sessions to consider	16
security matters; and to declare an emergency.	17

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

Section 1. That sections 121.22, 2901.01, 2903.01, 2921.32,	18
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2923.31, 2927.24, 2929.04, 2933.51, and 2941.14 be amended and 19
sections 149.433, 2152.201, 2909.21, 2909.22, 2909.23, 2909.24, 20
and 2909.25 of the Revised Code be enacted to read as follows: 21

Sec. 121.22. (A) This section shall be liberally construed to 22
require public officials to take official action and to conduct 23
all deliberations upon official business only in open meetings 24
unless the subject matter is specifically excepted by law. 25

(B) As used in this section: 26

(1) "Public body" means any of the following: 27

(a) Any board, commission, committee, council, or similar 28
decision-making body of a state agency, institution, or authority, 29
and any legislative authority or board, commission, committee, 30
council, agency, authority, or similar decision-making body of any 31
county, township, municipal corporation, school district, or other 32
political subdivision or local public institution; 33

(b) Any committee or subcommittee of a body described in 34
division (B)(1)(a) of this section; 35

(c) A court of jurisdiction of a sanitary district organized 36
wholly for the purpose of providing a water supply for domestic, 37
municipal, and public use when meeting for the purpose of the 38
appointment, removal, or reappointment of a member of the board of 39
directors of such a district pursuant to section 6115.10 of the 40
Revised Code, if applicable, or for any other matter related to 41
such a district other than litigation involving the district. As 42
used in division (B)(1)(c) of this section, "court of 43
jurisdiction" has the same meaning as "court" in section 6115.01 44
of the Revised Code. 45

(2) "Meeting" means any prearranged discussion of the public 46
business of the public body by a majority of its members. 47

(3) "Regulated individual" means either of the following: 48

(a) A student in a state or local public educational 49
institution; 50

(b) A person who is, voluntarily or involuntarily, an inmate, 51
patient, or resident of a state or local institution because of 52
criminal behavior, mental illness or retardation, disease, 53
disability, age, or other condition requiring custodial care. 54
55

(4) "Public office" has the same meaning as in section 56
149.011 of the Revised Code. 57

(C) All meetings of any public body are declared to be public 58
meetings open to the public at all times. A member of a public 59
body shall be present in person at a meeting open to the public to 60
be considered present or to vote at the meeting and for purposes 61
of determining whether a quorum is present at the meeting. 62
63

The minutes of a regular or special meeting of any public 64
body shall be promptly prepared, filed, and maintained and shall 65
be open to public inspection. The minutes need only reflect the 66
general subject matter of discussions in executive sessions 67
authorized under division (G) or (J) of this section. 68

(D) This section does not apply to any of the following: 69

(1) A grand jury; 70

(2) An audit conference conducted by the auditor of state or 71
independent certified public accountants with officials of the 72
public office that is the subject of the audit; 73

(3) The adult parole authority when its hearings are 74
conducted at a correctional institution for the sole purpose of 75
interviewing inmates to determine parole or pardon; 76

(4) The organized crime investigations commission established 77

under section 177.01 of the Revised Code;	78
(5) Meetings of a child fatality review board established	79
under section 307.621 of the Revised Code and meetings conducted	80
pursuant to sections 5153.171 to 5153.173 of the Revised Code;	81
(6) The state medical board when determining whether to	82
suspend a certificate without a prior hearing pursuant to division	83
(G) of either section 4730.25 or 4731.22 of the Revised Code;	84
(7) The board of nursing when determining whether to suspend	85
a license or certificate without a prior hearing pursuant to	86
division (B) of section 4723.281 of the Revised Code;	87
(8) The state board of pharmacy when determining whether to	88
suspend a license without a prior hearing pursuant to division (D)	89
of section 4729.16 of the Revised Code;	90
(9) The state chiropractic board when determining whether to	91
suspend a license without a hearing pursuant to section 4734.37 of	92
the Revised Code.	93
(10) The executive committee of the emergency response	94
commission when determining whether to issue an enforcement order	95
or request that a civil action, civil penalty action, or criminal	96
action be brought to enforce Chapter 3750. of the Revised Code.	97
(E) The controlling board, the development financing advisory	98
council, the industrial technology and enterprise advisory	99
council, the tax credit authority, or the minority development	100
financing advisory board, when meeting to consider granting	101
assistance pursuant to Chapter 122. or 166. of the Revised Code,	102
in order to protect the interest of the applicant or the possible	103
investment of public funds, by unanimous vote of all board,	104
council, or authority members present, may close the meeting	105
during consideration of the following information confidentially	106
received by the authority, council, or board from the applicant:	107
	108

(1) Marketing plans;	109
(2) Specific business strategy;	110
(3) Production techniques and trade secrets;	111
(4) Financial projections;	112
(5) Personal financial statements of the applicant or members	113
of the applicant's immediate family, including, but not limited	114
to, tax records or other similar information not open to public	115
inspection.	116
The vote by the authority, council, or board to accept or	117
reject the application, as well as all proceedings of the	118
authority, council, or board not subject to this division, shall	119
be open to the public and governed by this section.	120
(F) Every public body, by rule, shall establish a reasonable	121
method whereby any person may determine the time and place of all	122
regularly scheduled meetings and the time, place, and purpose of	123
all special meetings. A public body shall not hold a special	124
meeting unless it gives at least twenty-four hours' advance notice	125
to the news media that have requested notification, except in the	126
event of an emergency requiring immediate official action. In the	127
event of an emergency, the member or members calling the meeting	128
shall notify the news media that have requested notification	129
immediately of the time, place, and purpose of the meeting.	130
The rule shall provide that any person, upon request and	131
payment of a reasonable fee, may obtain reasonable advance	132
notification of all meetings at which any specific type of public	133
business is to be discussed. Provisions for advance notification	134
may include, but are not limited to, mailing the agenda of	135
meetings to all subscribers on a mailing list or mailing notices	136
in self-addressed, stamped envelopes provided by the person.	137
(G) Except as provided in division (J) of this section, the	138

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:

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

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

to prepare and submit offers. 171

If the minutes of the public body show that all meetings and 172
deliberations of the public body have been conducted in compliance 173
with this section, any instrument executed by the public body 174
purporting to convey, lease, or otherwise dispose of any right, 175
title, or interest in any public property shall be conclusively 176
presumed to have been executed in compliance with this section 177
insofar as title or other interest of any bona fide purchasers, 178
lessees, or transferees of the property is concerned. 179

(3) Conferences with an attorney for the public body 180
concerning disputes involving the public body that are the subject 181
of pending or imminent court action; 182

(4) Preparing for, conducting, or reviewing negotiations or 183
bargaining sessions with public employees concerning their 184
compensation or other terms and conditions of their employment; 185

(5) Matters required to be kept confidential by federal law 186
or regulations or state statutes; 187

(6) ~~Specialized details of~~ Details relative to the security 188
arrangements and emergency response protocols for a public body or 189
a public office, if disclosure of the matters discussed might 190
~~reveal information that could reasonably be used for the purpose~~ 191
~~of committing, or avoiding prosecution for, a violation of the law~~ 192
~~expected to jeopardize the security of the public body or public~~ 193
~~office;~~ 194

(7) In the case of a county hospital operated pursuant to 195
Chapter 339. of the Revised Code, to consider trade secrets, as 196
defined in section 1333.61 of the Revised Code. 197

If a public body holds an executive session to consider any 198
of the matters listed in divisions (G)(2) to (7) of this section, 199
the motion and vote to hold that executive session shall state 200
which one or more of the approved matters listed in those 201

divisions are to be considered at the executive session.

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

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

(I)(1) Any person may bring an action to enforce this section. An action under division (I)(1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

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

(i) That, based on the ordinary application of statutory law 233
and case law as it existed at the time of violation or threatened 234
violation that was the basis of the injunction, a well-informed 235
public body reasonably would believe that the public body was not 236
violating or threatening to violate this section; 237

(ii) That a well-informed public body reasonably would 238
believe that the conduct or threatened conduct that was the basis 239
of the injunction would serve the public policy that underlies the 240
authority that is asserted as permitting that conduct or 241
threatened conduct. 242

(b) If the court of common pleas does not issue an injunction 243
pursuant to division (I)(1) of this section and the court 244
determines at that time that the bringing of the action was 245
frivolous conduct, as defined in division (A) of section 2323.51 246
of the Revised Code, the court shall award to the public body all 247
court costs and reasonable attorney's fees, as determined by the 248
court. 249

(3) Irreparable harm and prejudice to the party that sought 250
the injunction shall be conclusively and irrebuttably presumed 251
upon proof of a violation or threatened violation of this section. 252

(4) A member of a public body who knowingly violates an 253
injunction issued pursuant to division (I)(1) of this section may 254
be removed from office by an action brought in the court of common 255
pleas for that purpose by the prosecuting attorney or the attorney 256
general. 257

(J)(1) Pursuant to division (C) of section 5901.09 of the 258
Revised Code, a veterans service commission shall hold an 259
executive session for one or more of the following purposes unless 260
an applicant requests a public hearing: 261

(a) Interviewing an applicant for financial assistance under 262
sections 5901.01 to 5901.15 of the Revised Code; 263

(b) Discussing applications, statements, and other documents 264
described in division (B) of section 5901.09 of the Revised Code; 265

(c) Reviewing matters relating to an applicant's request for 266
financial assistance under sections 5901.01 to 5901.15 of the 267
Revised Code. 268

(2) A veterans service commission shall not exclude an 269
applicant for, recipient of, or former recipient of financial 270
assistance under sections 5901.01 to 5901.15 of the Revised Code, 271
and shall not exclude representatives selected by the applicant, 272
recipient, or former recipient, from a meeting that the commission 273
conducts as an executive session that pertains to the applicant's, 274
recipient's, or former recipient's application for financial 275
assistance. 276

(3) A veterans service commission shall vote on the grant or 277
denial of financial assistance under sections 5901.01 to 5901.15 278
of the Revised Code only in an open meeting of the commission. The 279
minutes of the meeting shall indicate the name, address, and 280
occupation of the applicant, whether the assistance was granted or 281
denied, the amount of the assistance if assistance is granted, and 282
the votes for and against the granting of assistance. 283

Sec. 149.433. (A) As used in this section: 284

(1) "Security record" means any record that relates to 285
protecting or maintaining the security of a public office. 286

(2) "Infrastructure record" means any record that discloses 287
the configuration of a public office's critical systems or the 288
infrastructure or structural configuration of the building in 289
which a public office is located. "Infrastructure record" does not 290
mean a simple floor plan that discloses only the spatial 291
relationship of components of a public office or the building in 292
which a public office is located. 293

(B) A record kept by a public office that is a security 294
record or an infrastructure record is not a public record under 295
section 149.43 of the Revised Code and is not subject to mandatory 296
release or disclosure under that section. 297

(C) Notwithstanding any other section of the Revised Code, a 298
public office's or a public employee's disclosure of a security 299
record or infrastructure record that is necessary for 300
construction, renovation, or remodeling work on any public 301
building or project does not constitute public disclosure for 302
purposes of waiving division (B) of this section and does not 303
result in that record becoming a public record for purposes of 304
section 149.43 of the Revised Code. 305

Sec. 2152.201. (A) In addition to any other dispositions 306
authorized or required by this chapter, the juvenile court making 307
disposition of a child adjudicated a delinquent child for 308
committing a violation of section 2909.22, 2909.23, or 2909.24 of 309
the Revised Code or a violation of section 2921.32 of the Revised 310
Code when the offense or act committed by the person aided or to 311
be aided as described in that section is an act of terrorism may 312
order the child to pay to the state, municipal, or county law 313
enforcement agencies that handled the investigation and 314
prosecution all of the costs that the state, municipal 315
corporation, or county reasonably incurred in the investigation 316
and prosecution of the violation. The court shall hold a hearing 317
to determine the amount of costs to be imposed under this section. 318
The court may hold the hearing as part of the dispositional 319
hearing for the child. 320

(B) If a child is adjudicated a delinquent child for 321
committing a violation of section 2909.23 or 2909.24 of the 322
Revised Code and if any political subdivision incurred any 323
response costs as a result of, or in making any response to, the 324

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.

(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.

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

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

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

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

(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.

(5) "Serious physical harm to persons" means any of the
following:

(a) Any mental illness or condition of such gravity as would
normally require hospitalization or prolonged psychiatric
treatment;

(b) Any physical harm that carries a substantial risk of death;	355 356
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	357 358 359
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	360 361 362
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	363 364 365
(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	366 367
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	368 369 370
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	371 372 373
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	374 375 376
(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.	377 378 379
(9) "Offense of violence" means any of the following:	380
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, <u>2909.24</u> , 2911.01, 2911.02, 2911.11, 2917.01,	381 382 383 384

2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 385
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 386
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 387
Revised Code or felonious sexual penetration in violation of 388
former section 2907.12 of the Revised Code; 389

(b) A violation of an existing or former municipal ordinance 390
or law of this or any other state or the United States, 391
substantially equivalent to any section, division, or offense 392
listed in division (A)(9)(a) of this section; 393

(c) An offense, other than a traffic offense, under an 394
existing or former municipal ordinance or law of this or any other 395
state or the United States, committed purposely or knowingly, and 396
involving physical harm to persons or a risk of serious physical 397
harm to persons; 398

(d) A conspiracy or attempt to commit, or complicity in 399
committing, any offense under division (A)(9)(a), (b), or (c) of 400
this section. 401

(10)(a) "Property" means any property, real or personal, 402
tangible or intangible, and any interest or license in that 403
property. "Property" includes, but is not limited to, cable 404
television service, other telecommunications service, 405
telecommunications devices, information service, computers, data, 406
computer software, financial instruments associated with 407
computers, other documents associated with computers, or copies of 408
the documents, whether in machine or human readable form, trade 409
secrets, trademarks, copyrights, patents, and property protected 410
by a trademark, copyright, or patent. "Financial instruments 411
associated with computers" include, but are not limited to, 412
checks, drafts, warrants, money orders, notes of indebtedness, 413
certificates of deposit, letters of credit, bills of credit or 414
debit cards, financial transaction authorization mechanisms, 415
marketable securities, or any computer system representations of 416

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; 447

(f) A person appointed by a mayor pursuant to section 737.01 448
of the Revised Code as a special patrolling officer during riot or 449
emergency, for the purposes and during the time when the person is 450
appointed; 451

(g) A member of the organized militia of this state or the 452
armed forces of the United States, lawfully called to duty to aid 453
civil authorities in keeping the peace or protect against domestic 454
violence; 455

(h) A prosecuting attorney, assistant prosecuting attorney, 456
secret service officer, or municipal prosecutor; 457

(i) An Ohio veterans' home police officer appointed under 458
section 5907.02 of the Revised Code; 459

(j) A member of a police force employed by a regional transit 460
authority under division (Y) of section 306.35 of the Revised 461
Code; 462

(k) A special police officer employed by a port authority 463
under section 4582.04 or 4582.28 of the Revised Code; 464

(l) The house sergeant at arms if the house sergeant at arms 465
has arrest authority pursuant to division (E)(1) of section 466
101.311 of the Revised Code and an assistant house sergeant at 467
arms. 468

(12) "Privilege" means an immunity, license, or right 469
conferred by law, bestowed by express or implied grant, arising 470
out of status, position, office, or relationship, or growing out 471
of necessity. 472

(13) "Contraband" means any property described in the 473
following categories: 474

(a) Property that in and of itself is unlawful for a person 475
to acquire or possess; 476

(b) Property that is not in and of itself unlawful for a 477
person to acquire or possess, but that has been determined by a 478
court of this state, in accordance with law, to be contraband 479
because of its use in an unlawful activity or manner, of its 480
nature, or of the circumstances of the person who acquires or 481
possesses it, including, but not limited to, goods and personal 482
property described in division (D) of section 2913.34 of the 483
Revised Code; 484

(c) Property that is specifically stated to be contraband by 485
a section of the Revised Code or by an ordinance, regulation, or 486
resolution; 487

(d) Property that is forfeitable pursuant to a section of the 488
Revised Code, or an ordinance, regulation, or resolution, 489
including, but not limited to, forfeitable firearms, dangerous 490
ordnance, obscene materials, and goods and personal property 491
described in division (D) of section 2913.34 of the Revised Code; 492

(e) Any controlled substance, as defined in section 3719.01 493
of the Revised Code, or any device, paraphernalia, money as 494
defined in section 1301.01 of the Revised Code, or other means of 495
exchange that has been, is being, or is intended to be used in an 496
attempt or conspiracy to violate, or in a violation of, Chapter 497
2925. or 3719. of the Revised Code; 498

(f) Any gambling device, paraphernalia, money as defined in 499
section 1301.01 of the Revised Code, or other means of exchange 500
that has been, is being, or is intended to be used in an attempt 501
or conspiracy to violate, or in the violation of, Chapter 2915. of 502
the Revised Code; 503

(g) Any equipment, machine, device, apparatus, vehicle, 504
vessel, container, liquid, or substance that has been, is being, 505
or is intended to be used in an attempt or conspiracy to violate, 506
or in the violation of, any law of this state relating to alcohol 507

or tobacco;

(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;

(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;

(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;

(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.

(14) A person is "not guilty by reason of insanity" relative 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 539
in any section contained in Title XXIX of the Revised Code that 540
sets forth a criminal offense, "person" includes all of the 541
following: 542

(i) An individual, corporation, business trust, estate, 543
trust, partnership, and association; 544

(ii) An unborn human who is viable. 545

(b) As used in any section contained in Title XXIX of the 546
Revised Code that does not set forth a criminal offense, "person" 547
includes an individual, corporation, business trust, estate, 548
trust, partnership, and association. 549

(c) As used in division (B)(1)(a) of this section: 550

(i) "Unborn human" means an individual organism of the 551
species *Homo sapiens* from fertilization until live birth. 552

(ii) "Viable" means the stage of development of a human fetus 553
at which there is a realistic possibility of maintaining and 554
nourishing of a life outside the womb with or without temporary 555
artificial life-sustaining support. 556

(2) Notwithstanding division (B)(1)(a) of this section, in no 557
case shall the portion of the definition of the term "person" that 558
is set forth in division (B)(1)(a)(ii) of this section be applied 559
or construed in any section contained in Title XXIX of the Revised 560
Code that sets forth a criminal offense in any of the following 561
manners: 562

(a) Except as otherwise provided in division (B)(2)(a) of 563
this section, in a manner so that the offense prohibits or is 564
construed as prohibiting any pregnant woman or her physician from 565
performing an abortion with the consent of the pregnant woman, 566
with the consent of the pregnant woman implied by law in a medical 567
emergency, or with the approval of one otherwise authorized by law 568

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;
- (iv) Her causing her child who is born alive to sustain one
or more injuries while the child is a viable, unborn human;
- (v) Her causing, threatening to cause, or attempting to
cause, in any other manner, an injury, illness, or other
physiological impairment, regardless of its duration or gravity,

or a mental illness or condition, regardless of its duration or
gravity, to a viable, unborn human that she is carrying.

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

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

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

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

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

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

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

(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,
and that is intended to do one or more of the following:

(1) Intimidate or coerce a civilian population;

(2) Influence the policy of any government by intimidation or coercion; 658
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(3) Affect the conduct of any government by the act that constitutes the offense. 660
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(B) "Material support or resources" means currency, payment instruments, other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials. 662
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(C) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money, regardless of whether the item in question is negotiable. 668
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(D) "Response costs" means all costs a political subdivision incurs as a result of, or in making any response to, a threat of a specified offense made as described in section 2909.23 of the Revised Code or a specified offense committed as described in section 2909.24 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the political subdivision and all costs so incurred by the political subdivision that relate to laboratory testing or hazardous material cleanup. 672
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(E) "Specified offense" means any of the following: 682

(1) A felony offense of violence, a violation of section 2909.04 or 2927.24 of the Revised Code, or a felony of the first degree that is not a violation of any provision in Chapter 2925. or 3719. of the Revised Code; 683
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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 687
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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 coercion;

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(c) Affect the conduct of any government by the threat or by the specified offense.

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(2) As a result of the threat, the person causes a reasonable

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expectation or fear of the imminent commission of the specified offense.

(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.

(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.

Sec. 2909.24. (A) No person shall commit a specified offense with purpose to do any of the following:

(1) Intimidate or coerce a civilian population;

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

(3) Affect the conduct of any government by the specified offense.

(B)(1) Whoever violates this section is guilty of terrorism.

(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.

(3) If the most serious underlying specified offense the defendant committed is a felony of the first degree or murder, the person shall be sentenced to life imprisonment without parole.

(4) If the most serious underlying specified offense the defendant committed is aggravated murder, the offender shall be

sentenced to life imprisonment without parole or death pursuant to
sections 2929.02 to 2929.06 of the Revised Code.

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

Sec. 2909.25. (A) In addition to the financial sanctions
authorized under section 2929.18 of the Revised Code, the court
imposing sentence upon an offender who is convicted of or pleads
guilty to a violation of section 2909.22, 2909.23, or 2909.24 of
the Revised Code or to 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 offender 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 sentencing hearing
for the offender.

(B) If a person is convicted of or pleads guilty to 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
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.

Sec. 2921.32. (A) No person, with purpose to hinder the 778
discovery, apprehension, prosecution, conviction, or punishment of 779
another for crime or to assist another to benefit from the 780
commission of a crime, and no person, with purpose to hinder the 781
discovery, apprehension, prosecution, adjudication as a delinquent 782
child, or disposition of a child for an act that if committed by 783
an adult would be a crime or to assist a child to benefit from the 784
commission of an act that if committed by an adult would be a 785
crime, shall do any of the following: 786

(1) Harbor or conceal the other person or child; 787

(2) Provide the other person or child with money, 788
transportation, a weapon, a disguise, or other means of avoiding 789
discovery or apprehension; 790

(3) Warn the other person or child of impending discovery or 791
apprehension; 792

(4) Destroy or conceal physical evidence of the crime or act, 793
or induce any person to withhold testimony or information or to 794
elude legal process summoning the person to testify or supply 795
evidence; 796

(5) Communicate false information to any person; 797

(6) Prevent or obstruct any person, by means of force, 798
intimidation, or deception, from performing any act to aid in the 799
discovery, apprehension, or prosecution of the other person or 800
child. 801

(B) A person may be prosecuted for, and may be convicted of 802
or adjudicated a delinquent child for committing, a violation of 803
division (A) of this section regardless of whether the person or 804
child aided ultimately is apprehended for, is charged with, is 805
convicted of, pleads guilty to, or is adjudicated a delinquent 806
child for committing the crime or act the person or child aided 807

committed. The crime or act the person or child aided committed 808
shall be used under division (C) of this section in determining 809
the penalty for the violation of division (A) of this section, 810
regardless of whether the person or child aided ultimately is 811
apprehended for, is charged with, is convicted of, pleads guilty 812
to, or is adjudicated a delinquent child for committing the crime 813
or act the person or child aided committed. 814

(C)(1) Whoever violates this section is guilty of obstructing 815
justice. 816

(2) If the crime committed by the person aided is a 817
misdemeanor or if the act committed by the child aided would be a 818
misdemeanor if committed by an adult, obstructing justice is a 819
misdemeanor of the same degree as the crime committed by the 820
person aided or a misdemeanor of the same degree that the act 821
committed by the child aided would be if committed by an adult. 822

(3) Except as otherwise provided in ~~division (B)~~ divisions 823
(C)(4) and (5) of this section, if the crime committed by the 824
person aided is a felony or if the act committed by the child 825
aided would be a felony if committed by an adult, obstructing 826
justice is a felony of the fifth degree. 827

(4) If the crime committed by the person aided is aggravated 828
murder, murder, or a felony of the first or second degree or if 829
the act committed by the child aided would be one of those 830
offenses if committed by an adult and if the offender knows or has 831
reason to believe that the crime committed by the person aided is 832
one of those offenses or that the act committed by the child aided 833
would be one of those offenses if committed by an adult, 834
obstructing justice is a felony of the third degree. 835

~~(C)~~(5) If the crime or act committed by the person or child 836
aided is an act of terrorism, obstructing justice is one of the 837
following: 838

(a) Except as provided in division (C)(5)(b) of this section, 839
a felony of the second degree; 840

(b) If the act of terrorism resulted in the death of a person 841
who was not a participant in the act of terrorism, a felony of the 842
first degree. 843

(D) As used in this section: 844

(1) "Adult" and "child" have the same meanings as in section 845
2151.011 of the Revised Code. 846

(2) "Delinquent child" has the same meaning as in section 847
2152.02 of the Revised Code. 848

(3) "Act of terrorism" has the same meaning as in section 849
2909.21 of the Revised Code. 850

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the 851
Revised Code: 852

(A) "Beneficial interest" means any of the following: 853

(1) The interest of a person as a beneficiary under a trust 854
in which the trustee holds title to personal or real property; 855

(2) The interest of a person as a beneficiary under any other 856
trust arrangement under which any other person holds title to 857
personal or real property for the benefit of such person; 858

(3) The interest of a person under any other form of express 859
fiduciary arrangement under which any other person holds title to 860
personal or real property for the benefit of such person. 861

"Beneficial interest" does not include the interest of a 862
stockholder in a corporation or the interest of a partner in 863
either a general or limited partnership. 864

(B) "Costs of investigation and prosecution" and "costs of 865
investigation and litigation" mean all of the costs incurred by 866

the state or a county or municipal corporation under sections
2923.31 to 2923.36 of the Revised Code in the prosecution and
investigation of any criminal action or in the litigation and
investigation of any civil action, and includes, but is not
limited to, the costs of resources and personnel.

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

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

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

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

For the purposes of the criminal penalties that may be 899
imposed pursuant to section 2923.32 of the Revised Code, at least 900
one of the incidents forming the pattern shall constitute a felony 901
under the laws of this state in existence at the time it was 902
committed or, if committed in violation of the laws of the United 903
States or of any other state, shall constitute a felony under the 904
law of the United States or the other state and would be a 905
criminal offense under the law of this state if committed in this 906
state. 907

(F) "Pecuniary value" means money, a negotiable instrument, a 908
commercial interest, or anything of value, as defined in section 909
1.03 of the Revised Code, or any other property or service that 910
has a value in excess of one hundred dollars. 911

(G) "Person" means any person, as defined in section 1.59 of 912
the Revised Code, and any governmental officer, employee, or 913
entity. 914

(H) "Personal property" means any personal property, any 915
interest in personal property, or any right, including, but not 916
limited to, bank accounts, debts, corporate stocks, patents, or 917
copyrights. Personal property and any beneficial interest in 918
personal property are deemed to be located where the trustee of 919
the property, the personal property, or the instrument evidencing 920
the right is located. 921

(I) "Corrupt activity" means engaging in, attempting to 922
engage in, conspiring to engage in, or soliciting, coercing, or 923
intimidating another person to engage in any of the following: 924

(1) Conduct defined as "racketeering activity" under the 925
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 926
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 927

(2) Conduct constituting any of the following: 928

(a) A violation of section 1315.55, 1322.02, 2903.01, 929

2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 930
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 931
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 932
2911.13, 2911.31, 2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 933
2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 934
2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; 935
division (A)(1) or (2) of section 1707.042; division (B), (C)(4), 936
(D), (E), or (F) of section 1707.44; division (A)(1) or (2) of 937
section 2923.20; division (J)(1) of section 4712.02; section 938
4719.02, 4719.05, or 4719.06; division (C), (D), or (E) of section 939
4719.07; section 4719.08; or division (A) of section 4719.09 of 940
the Revised Code. 941

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 942
3769.19 of the Revised Code as it existed prior to July 1, 1996, 943
any violation of section 2915.02 of the Revised Code that occurs 944
on or after July 1, 1996, and that, had it occurred prior to that 945
date, would have been a violation of section 3769.11 of the 946
Revised Code as it existed prior to that date, or any violation of 947
section 2915.05 of the Revised Code that occurs on or after July 948
1, 1996, and that, had it occurred prior to that date, would have 949
been a violation of section 3769.15, 3769.16, or 3769.19 of the 950
Revised Code as it existed prior to that date. 951

(c) Any violation of section 2907.21, 2907.22, 2907.31, 952
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 953
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 954
of the Revised Code, any violation of section 2925.11 of the 955
Revised Code that is a felony of the first, second, third, or 956
fourth degree and that occurs on or after July 1, 1996, any 957
violation of section 2915.02 of the Revised Code that occurred 958
prior to July 1, 1996, any violation of section 2915.02 of the 959
Revised Code that occurs on or after July 1, 1996, and that, had 960
it occurred prior to that date, would not have been a violation of 961

section 3769.11 of the Revised Code as it existed prior to that 962
date, any violation of section 2915.06 of the Revised Code as it 963
existed prior to July 1, 1996, or any violation of division (B) of 964
section 2915.05 of the Revised Code as it exists on and after July 965
1, 1996, when the proceeds of the violation, the payments made in 966
the violation, the amount of a claim for payment or for any other 967
benefit that is false or deceptive and that is involved in the 968
violation, or the value of the contraband or other property 969
illegally possessed, sold, or purchased in the violation exceeds 970
five hundred dollars, or any combination of violations described 971
in division (I)(2)(c) of this section when the total proceeds of 972
the combination of violations, payments made in the combination of 973
violations, amount of the claims for payment or for other benefits 974
that is false or deceptive and that is involved in the combination 975
of violations, or value of the contraband or other property 976
illegally possessed, sold, or purchased in the combination of 977
violations exceeds five hundred dollars; 978

(d) Any violation of section 5743.112 of the Revised Code 979
when the amount of unpaid tax exceeds one hundred dollars; 980

(e) Any violation or combination of violations of section 981
2907.32 of the Revised Code involving any material or performance 982
containing a display of bestiality or of sexual conduct, as 983
defined in section 2907.01 of the Revised Code, that is explicit 984
and depicted with clearly visible penetration of the genitals or 985
clearly visible penetration by the penis of any orifice when the 986
total proceeds of the violation or combination of violations, the 987
payments made in the violation or combination of violations, or 988
the value of the contraband or other property illegally possessed, 989
sold, or purchased in the violation or combination of violations 990
exceeds five hundred dollars; 991

(f) Any combination of violations described in division 992
(I)(2)(c) of this section and violations of section 2907.32 of the 993

Revised Code involving any material or performance containing a
display of bestiality or of sexual conduct, as defined in section
2907.01 of the Revised Code, that is explicit and depicted with
clearly visible penetration of the genitals or clearly visible
penetration by the penis of any orifice when the total proceeds of
the combination of violations, payments made in the combination of
violations, amount of the claims for payment or for other benefits
that is false or deceptive and that is involved in the combination
of violations, or value of the contraband or other property
illegally possessed, sold, or purchased in the combination of
violations exceeds five hundred dollars.

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

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

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

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

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

(3) Any successor trustee.

"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
through biotechnology, or any naturally occurring or bioengineered
component of any microorganism, virus, infectious substance, or
biological product that may be engineered through biotechnology,
capable of causing death, disease, or other biological malfunction

in a human, an animal, a plant, or another living organism,
deterioration of food, water, equipment, supplies, or material of
any kind, or deleterious alteration of the environment.

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

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

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

(2) Knowingly release into the air, knowingly leave in any
public place, or knowingly expose one or more persons to any
hazardous chemical, biological, or radioactive substance with the
intent to cause, or create a risk of, death or serious physical
harm to any person.

(C) No person shall ~~inform~~ do any of the following: 1086

(1) Inform another person that a poison, hazardous chemical, 1087
biological, or radioactive substance, or other harmful substance 1088
has been or will be placed in a food, drink, nonprescription drug, 1089
prescription drug, or other pharmaceutical product, spring, well, 1090
reservoir, or public water supply, if the placement of the poison 1091
or ~~other harmful~~ substance would be a violation of division (B)(1) 1092
of this section, and the person knows both that the information is 1093
false and that the information likely will be disseminated to the 1094
public. 1095

(2) Inform another person that a hazardous chemical, 1096
biological, or radioactive substance has been or will be released 1097
into the air or left in a public place, or that one or more 1098
persons has been or will be exposed to a hazardous chemical, 1099
biological, or radioactive substance, if the release, leaving, or 1100
exposure of the hazardous chemical, biological, or radioactive 1101
substance would be a violation of division (B)(2) of this section, 1102
and the person knows both that the information is false and that 1103
the information likely will be disseminated to the general public. 1104

(D)(1) A person may mingle a drug with a food or drink for 1105
the purpose of causing the drug to be ingested or used in the 1106
quantity described by its labeling or prescription. 1107

(2) A person may place a poison or other harmful substance in 1108
a spring, well, reservoir, or public water supply in such quantity 1109
as is necessary to treat the spring, well, reservoir, or water 1110
supply to make it safe for human consumption and use. 1111

(3) The provisions of division ~~(A)~~(B) of this section shall 1112
not be applied in a manner that conflicts with any other state or 1113
federal law or rule relating to substances permitted to be applied 1114
to or present in any food, raw or processed, any milk or milk 1115
product, any meat or meat product, any type of crop, water, or 1116

alcoholic or nonalcoholic beverage. 1117

(E)(1) Whoever violates division (B)(1) or (2) of this 1118
section is guilty of contaminating a substance for human 1119
consumption or use or contamination with a hazardous chemical, 1120
biological, or radioactive substance. Except as otherwise provided 1121
in this division, contaminating a substance for human consumption 1122
or use or contamination with a hazardous chemical, biological, or 1123
radioactive substance is a felony of the first degree. If the 1124
offense involved an amount of poison, the hazardous chemical, 1125
biological, or radioactive substance, or the other harmful 1126
substance sufficient to cause death if ingested or used by a 1127
person regarding a violation of division (B)(1) of this section or 1128
sufficient to cause death to persons who are exposed to it 1129
regarding a violation of division (B)(2) of this section or if the 1130
offense resulted in serious physical harm to another person, 1131
whoever violates division (B)(1) or (2) of this section shall be 1132
imprisoned for life with parole eligibility after serving fifteen 1133
years of imprisonment. 1134

(2) Whoever violates division (C)(1) or (2) of this section 1135
is guilty of spreading a false report of contamination, a felony 1136
of the fourth degree. 1137

(F) Divisions (C)(1) and (2) of this section do not limit or 1138
affect the application of sections 2917.31 or 2917.32 of the 1139
Revised Code. Any act that is a violation of both division (C)(1) 1140
or (2) of this section and of section 2917.31 or 2917.32 of the 1141
Revised Code may be prosecuted under this section, section 2917.31 1142
or 2917.32 of the Revised Code, or both this section and section 1143
2917.31 or 2917.32 of the Revised Code. 1144

Sec. 2929.04. (A) Imposition of the death penalty for 1145
aggravated murder is precluded unless one or more of the following 1146
is specified in the indictment or count in the indictment pursuant 1147

to section 2941.14 of the Revised Code and proved beyond a 1148
reasonable doubt: 1149

(1) The offense was the assassination of the president of the 1150
United States or a person in line of succession to the presidency, 1151
the governor or lieutenant governor of this state, the 1152
president-elect or vice president-elect of the United States, the 1153
governor-elect or lieutenant governor-elect of this state, or a 1154
candidate for any of the offices described in this division. For 1155
purposes of this division, a person is a candidate if the person 1156
has been nominated for election according to law, if the person 1157
has filed a petition or petitions according to law to have the 1158
person's name placed on the ballot in a primary or general 1159
election, or if the person campaigns as a write-in candidate in a 1160
primary or general election. 1161

(2) The offense was committed for hire. 1162

(3) The offense was committed for the purpose of escaping 1163
detection, apprehension, trial, or punishment for another offense 1164
committed by the offender. 1165

(4) The offense was committed while the offender was under 1166
detention or while the offender was at large after having broken 1167
detention. As used in division (A)(4) of this section, "detention" 1168
has the same meaning as in section 2921.01 of the Revised Code, 1169
except that detention does not include hospitalization, 1170
institutionalization, or confinement in a mental health facility 1171
or mental retardation and developmentally disabled facility unless 1172
at the time of the commission of the offense either of the 1173
following circumstances apply: 1174

(a) The offender was in the facility as a result of being 1175
charged with a violation of a section of the Revised Code. 1176

(b) The offender was under detention as a result of being 1177
convicted of or pleading guilty to a violation of a section of the 1178

Revised Code. 1179

(5) Prior to the offense at bar, the offender was convicted 1180
of an offense an essential element of which was the purposeful 1181
killing of or attempt to kill another, or the offense at bar was 1182
part of a course of conduct involving the purposeful killing of or 1183
attempt to kill two or more persons by the offender. 1184

(6) The victim of the offense was a law enforcement officer, 1185
as defined in section 2911.01 of the Revised Code, whom the 1186
offender had reasonable cause to know or knew to be a law 1187
enforcement officer as so defined, and either the victim, at the 1188
time of the commission of the offense, was engaged in the victim's 1189
duties, or it was the offender's specific purpose to kill a law 1190
enforcement officer as so defined. 1191

(7) The offense was committed while the offender was 1192
committing, attempting to commit, or fleeing immediately after 1193
committing or attempting to commit kidnapping, rape, aggravated 1194
arson, aggravated robbery, or aggravated burglary, and either the 1195
offender was the principal offender in the commission of the 1196
aggravated murder or, if not the principal offender, committed the 1197
aggravated murder with prior calculation and design. 1198

(8) The victim of the aggravated murder was a witness to an 1199
offense who was purposely killed to prevent the victim's testimony 1200
in any criminal proceeding and the aggravated murder was not 1201
committed during the commission, attempted commission, or flight 1202
immediately after the commission or attempted commission of the 1203
offense to which the victim was a witness, or the victim of the 1204
aggravated murder was a witness to an offense and was purposely 1205
killed in retaliation for the victim's testimony in any criminal 1206
proceeding. 1207

(9) The offender, in the commission of the offense, 1208
purposefully caused the death of another who was under thirteen 1209

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.

(10) The offender, in the commission of the offense,
purposely caused the death of another as a result of an act of
terrorism, as defined in section 2909.21 of the Revised Code, or
the offense was committed while the offender was committing,
attempting to commit, or fleeing immediately after committing or
attempting to commit terrorism.

(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:

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

(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;

(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

requirements of the law; 1241

(4) The youth of the offender; 1242

(5) The offender's lack of a significant history of prior 1243
criminal convictions and delinquency adjudications; 1244

(6) If the offender was a participant in the offense but not 1245
the principal offender, the degree of the offender's participation 1246
in the offense and the degree of the offender's participation in 1247
the acts that led to the death of the victim; 1248

(7) Any other factors that are relevant to the issue of 1249
whether the offender should be sentenced to death. 1250

(C) The defendant shall be given great latitude in the 1251
presentation of evidence of the factors listed in division (B) of 1252
this section and of any other factors in mitigation of the 1253
imposition of the sentence of death. 1254

The existence of any of the mitigating factors listed in 1255
division (B) of this section does not preclude the imposition of a 1256
sentence of death on the offender but shall be weighed pursuant to 1257
divisions (D)(2) and (3) of section 2929.03 of the Revised Code by 1258
the trial court, trial jury, or the panel of three judges against 1259
the aggravating circumstances the offender was found guilty of 1260
committing. 1261

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of the 1262
Revised Code: 1263

(A) "Wire communication" means an aural transfer that is made 1264
in whole or in part through the use of facilities for the 1265
transmission of communications by the aid of wires or similar 1266
methods of connecting the point of origin of the communication and 1267
the point of reception of the communication, including the use of 1268
a method of connecting the point of origin and the point of 1269
reception of the communication in a switching station, if the 1270

facilities are furnished or operated by a person engaged in 1271
providing or operating the facilities for the transmission of 1272
communications. "Wire communication" includes an electronic 1273
storage of a wire communication. 1274

(B) "Oral communication" means an oral communication uttered 1275
by a person exhibiting an expectation that the communication is 1276
not subject to interception under circumstances justifying that 1277
expectation. "Oral communication" does not include an electronic 1278
communication. 1279

(C) "Intercept" means the aural or other acquisition of the 1280
contents of any wire, oral, or electronic communication through 1281
the use of an interception device. 1282

(D) "Interception device" means an electronic, mechanical, or 1283
other device or apparatus that can be used to intercept a wire, 1284
oral, or electronic communication. "Interception device" does not 1285
mean any of the following: 1286

(1) A telephone or telegraph instrument, equipment, or 1287
facility, or any of its components, if the instrument, equipment, 1288
facility, or component is any of the following: 1289

(a) Furnished to the subscriber or user by a provider of wire 1290
or electronic communication service in the ordinary course of its 1291
business and being used by the subscriber or user in the ordinary 1292
course of its business; 1293

(b) Furnished by a subscriber or user for connection to the 1294
facilities of a provider of wire or electronic communication 1295
service and used in the ordinary course of that subscriber's or 1296
user's business; 1297

(c) Being used by a provider of wire or electronic 1298
communication service in the ordinary course of its business or by 1299
an investigative or law enforcement officer in the ordinary course 1300
of the officer's duties that do not involve the interception of 1301

wire, oral, or electronic communications. 1302

(2) A hearing aid or similar device being used to correct 1303
subnormal hearing to not better than normal. 1304

(E) "Investigative officer" means any of the following: 1305

(1) An officer of this state or a political subdivision of 1306
this state, who is empowered by law to conduct investigations or 1307
to make arrests for a designated offense; 1308

(2) A person described in divisions (A)(11)(a) and (b) of 1309
section 2901.01 of the Revised Code; 1310

(3) An attorney authorized by law to prosecute or participate 1311
in the prosecution of a designated offense; 1312

(4) A secret service officer appointed pursuant to section 1313
309.07 of the Revised Code; 1314

(5) An officer of the United States, a state, or a political 1315
subdivision of a state who is authorized to conduct investigations 1316
pursuant to the "Electronic Communications Privacy Act of 1986," 1317
100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 1318

(F) "Interception warrant" means a court order that 1319
authorizes the interception of wire, oral, or electronic 1320
communications and that is issued pursuant to sections 2933.53 to 1321
2933.56 of the Revised Code. 1322

(G) "Contents," when used with respect to a wire, oral, or 1323
electronic communication, includes any information concerning the 1324
substance, purport, or meaning of the communication. 1325

(H) "Communications common carrier" means a person who is 1326
engaged as a common carrier for hire in intrastate, interstate, or 1327
foreign communications by wire, radio, or radio transmission of 1328
energy. "Communications common carrier" does not include, to the 1329
extent that the person is engaged in radio broadcasting, a person 1330
engaged in radio broadcasting. 1331

(I) "Designated offense" means any of the following: 1332

(1) A felony violation of section 1315.53, 1315.55, 2903.01, 1333
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2907.02, 1334
2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 1335
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 1336
2913.42, 2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 1337
2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 1338
2925.04, 2925.05, or 2925.06 or of division (B) of section 2915.05 1339
of the Revised Code; 1340

(2) A violation of section 2919.23 of the Revised Code that, 1341
had it occurred prior to July 1, 1996, would have been a violation 1342
of section 2905.04 of the Revised Code as it existed prior to that 1343
date; 1344

(3) A felony violation of section 2925.11 of the Revised Code 1345
that is not a minor drug possession offense, as defined in section 1346
2925.01 of the Revised Code; 1347

(4) Complicity in the commission of a felony violation of a 1348
section listed in division (I)(1), (2), or (3) of this section; 1349

(5) An attempt to commit, or conspiracy in the commission of, 1350
a felony violation of a section listed in division (I)(1), (2), or 1351
(3) of this section, if the attempt or conspiracy is punishable by 1352
a term of imprisonment of more than one year. 1353

(J) "Aggrieved person" means a person who was a party to an 1354
intercepted wire, oral, or electronic communication or a person 1355
against whom the interception of the communication was directed. 1356

(K) "Person" means a person, as defined in section 1.59 of 1357
the Revised Code, or a governmental officer, employee, or entity. 1358

(L) "Special need" means a showing that a licensed physician, 1359
licensed practicing psychologist, attorney, practicing cleric, 1360
journalist, or either spouse is personally engaging in continuing 1361

criminal activity, was engaged in continuing criminal activity 1362
over a period of time, or is committing, has committed, or is 1363
about to commit, a designated offense, or a showing that specified 1364
public facilities are being regularly used by someone who is 1365
personally engaging in continuing criminal activity, was engaged 1366
in continuing criminal activity over a period of time, or is 1367
committing, has committed, or is about to commit, a designated 1368
offense. 1369

(M) "Journalist" means a person engaged in, connected with, 1370
or employed by, any news media, including a newspaper, magazine, 1371
press association, news agency, or wire service, a radio or 1372
television station, or a similar media, for the purpose of 1373
gathering, processing, transmitting, compiling, editing, or 1374
disseminating news for the general public. 1375

(N) "Electronic communication" means a transfer of a sign, 1376
signal, writing, image, sound, datum, or intelligence of any 1377
nature that is transmitted in whole or in part by a wire, radio, 1378
electromagnetic, photoelectronic, or photo-optical system. 1379

"Electronic communication" does not mean any of the following: 1380

(1) A wire or oral communication; 1381

(2) A communication made through a tone-only paging device; 1382

(3) A communication from an electronic or mechanical tracking 1383
device that permits the tracking of the movement of a person or 1384
object. 1385

(O) "User" means a person or entity that uses an electronic 1386
communication service and is duly authorized by the provider of 1387
the service to engage in the use of the electronic communication 1388
service. 1389

(P) "Electronic communications system" means a wire, radio, 1390
electromagnetic, photoelectronic, or photo-optical facility for 1391
the transmission of electronic communications, and a computer 1392

facility or related electronic equipment for the electronic 1393
storage of electronic communications. 1394

(Q) "Electronic communication service" means a service that 1395
provides to users of the service the ability to send or receive 1396
wire or electronic communications. 1397

(R) "Readily accessible to the general public" means, with 1398
respect to a radio communication, that the communication is none 1399
of the following: 1400

(1) Scrambled or encrypted; 1401

(2) Transmitted using a modulation technique, the essential 1402
parameters of which have been withheld from the public with the 1403
intention of preserving the privacy of the communication; 1404

(3) Carried on a subcarrier or other signal subsidiary to a 1405
radio transmission; 1406

(4) Transmitted over a communications system provided by a 1407
communications common carrier, unless the communication is a 1408
tone-only paging system communication; 1409

(5) Transmitted on a frequency allocated under part 25, 1410
subpart D, E, or F of part 74, or part 94 of the Rules of the 1411
Federal Communications Commission, as those provisions existed on 1412
July 1, 1996, unless, in the case of a communication transmitted 1413
on a frequency allocated under part 74 that is not exclusively 1414
allocated to broadcast auxiliary services, the communication is a 1415
two-way voice communication by radio. 1416

(S) "Electronic storage" means a temporary, intermediate 1417
storage of a wire or electronic communication that is incidental 1418
to the electronic transmission of the communication, and a storage 1419
of a wire or electronic communication by an electronic 1420
communication service for the purpose of backup protection of the 1421
communication. 1422

(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
count, such specification shall be identified as to the count to
which it applies.

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

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

Section 2. That existing sections 121.22, 2901.01, 2903.01,
2921.32, 2923.31, 2927.24, 2929.04, 2933.51, and 2941.14 of the
Revised Code are hereby repealed.

Section 3. This act is hereby declared to be an emergency
measure necessary for the immediate preservation of the public
peace, health, and safety. The reason for such necessity is that
the recent terrorist attacks of September 11, 2001, underscore the
compelling need for legislation that is specifically designed to
combat the evils of terrorism, that comprehensive state laws are
urgently needed to complement federal laws in the fight against
terrorism and to better protect all citizens against terrorist
acts, and that state laws must be strengthened to ensure that
terrorists, as well as those who solicit or provide financial and
other support to terrorists, are prosecuted and punished in state
courts with appropriate severity. Therefore, this act shall go
into immediate effect.