

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**124th General Assembly**

**Regular Session**

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**Sub. S. B. No. 184**

**SENATORS Spada, Armbruster, Jacobson, Austria, Oelslager, Mead,  
Randy Gardner, White, Nein**

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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  
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

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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

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(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

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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

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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
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(1) Marketing plans;	109

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(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	139
a majority of a quorum of the public body determines, by a roll	140

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.

If the minutes of the public body show that all meetings and

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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. 202

A public body specified in division (B)(1)(c) of this section 203

shall not hold an executive session when meeting for the purposes  
specified in that division.

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(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.

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(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.

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(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:

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(i) That, based on the ordinary application of statutory law  
and case law as it existed at the time of violation or threatened  
violation that was the basis of the injunction, a well-informed

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public body reasonably would believe that the public body was not  
violating or threatening to violate this section;

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Infrastructure record" means any record that discloses the configuration of a public office's critical systems 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.

(B) A record kept by a public office that is a security record or an infrastructure record is not a public record under

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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 325  
section 2909.23 of the Revised Code or the actual specified 326

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offense involved in the violation of section 2909.24 of the 327  
Revised Code, in addition to any other dispositions authorized or 328  
required by this chapter, the juvenile court making disposition of 329  
the child for the violation may order the child to reimburse the 330  
involved political subdivision for the response costs it so 331  
incurred. 332

(C) As used in this section, "response costs" and "act of 333  
terrorism" have the same meanings as in section 2909.21 of the 334  
Revised Code. 335

**Sec. 2901.01.** (A) As used in the Revised Code: 336

(1) "Force" means any violence, compulsion, or constraint 337  
physically exerted by any means upon or against a person or thing. 338

(2) "Deadly force" means any force that carries a substantial 339  
risk that it will proximately result in the death of any person. 340  
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(3) "Physical harm to persons" means any injury, illness, or 342  
other physiological impairment, regardless of its gravity or 343  
duration. 344

(4) "Physical harm to property" means any tangible or 345  
intangible damage to property that, in any degree, results in loss 346  
to its value or interferes with its use or enjoyment. "Physical 347  
harm to property" does not include wear and tear occasioned by 348  
normal use. 349

(5) "Serious physical harm to persons" means any of the 350  
following: 351

(a) Any mental illness or condition of such gravity as would 352  
normally require hospitalization or prolonged psychiatric 353  
treatment; 354

(b) Any physical harm that carries a substantial risk of 355

death;	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, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or	381 382 383 384 385

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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. 417

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(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;

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- (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.
- (13) "Contraband" means any property described in the following categories:
- (a) Property that in and of itself is unlawful for a person to acquire or possess;
- (b) Property that is not in and of itself unlawful for a



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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;

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

(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;

(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;

(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  
the Revised Code;

(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;

(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

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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.

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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. 601

(C) As used in Title XXIX of the Revised Code: 602

(1) "School safety zone" consists of a school, school 603  
building, school premises, school activity, and school bus. 604

(2) "School," "school building," and "school premises" have 605  
the same meanings as in section 2925.01 of the Revised Code. 606

(3) "School activity" means any activity held under the 607  
auspices of a board of education of a city, local, exempted 608  
village, joint vocational, or cooperative education school 609  
district, a governing board of an educational service center, or 610  
the governing body of a school for which the state board of 611  
education prescribes minimum standards under section 3301.07 of 612  
the Revised Code. 613

(4) "School bus" has the same meaning as in section 4511.01 614  
of the Revised Code. 615

**Sec. 2903.01.** (A) No person shall purposely, and with prior 616  
calculation and design, cause the death of another or the unlawful 617  
termination of another's pregnancy. 618

(B) No person shall purposely cause the death of another or 619  
the unlawful termination of another's pregnancy while committing 620  
or attempting to commit, or while fleeing immediately after 621  
committing or attempting to commit, kidnapping, rape, aggravated 622  
arson ~~or~~ arson, aggravated robbery ~~or~~ robbery, aggravated 623  
burglary ~~or~~ burglary, terrorism, or escape. 624

(C) No person shall purposely cause the death of another who 625  
is under thirteen years of age at the time of the commission of 626  
the offense. 627

(D) No person who is under detention as a result of having 628  
been found guilty of or having pleaded guilty to a felony or who 629

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breaks that detention shall purposely cause the death of another. 630

(E) No person shall purposely cause the death of a law 631  
enforcement officer whom the offender knows or has reasonable 632  
cause to know is a law enforcement officer when either of the 633  
following applies: 634

(1) The victim, at the time of the commission of the offense, 635  
is engaged in the victim's duties. 636

(2) It is the offender's specific purpose to kill a law 637  
enforcement officer. 638

(F) Whoever violates this section is guilty of aggravated 639  
murder, and shall be punished as provided in section 2929.02 of 640  
the Revised Code. 641

(G) As used in this section: 642

(1) "Detention" has the same meaning as in section 2921.01 of 643  
the Revised Code. 644

(2) "Law enforcement officer" has the same meaning as in 645  
section 2911.01 of the Revised Code. 646

**Sec. 2909.21.** As used in sections 2909.21 to 2909.25 of the 647  
Revised Code: 648

(A) "Act of terrorism" means an act that is committed within 649  
or outside the territorial jurisdiction of this state or the 650  
United States, that constitutes a specified offense if committed 651  
in this state or constitutes an offense in any jurisdiction within 652  
or outside the territorial jurisdiction of the United States 653  
containing all of the essential elements of a specified offense, 654  
and that is intended to do one or more of the following: 655

(1) Intimidate or coerce a civilian population; 657

(2) Influence the policy of any government by intimidation or 658

coercion; 659

(3) Affect the conduct of any government by the act that 660  
constitutes the offense. 661

(B) "Material support or resources" means currency, payment 662  
instruments, other financial securities, financial services, 663  
lodging, training, safehouses, false documentation or 664  
identification, communications equipment, facilities, weapons, 665  
lethal substances, explosives, personnel, transportation, and 666  
other physical assets, except medicine or religious materials. 667

(C) "Payment instrument" means a check, draft, money order, 668  
traveler's check, cashier's check, teller's check, or other 669  
instrument or order for the transmission or payment of money, 670  
regardless of whether the item in question is negotiable. 671

(D) "Response costs" means all costs a political subdivision 672  
incurs as a result of, or in making any response to, a threat of a 673  
specified offense made as described in section 2909.23 of the 674  
Revised Code or a specified offense committed as described in 675  
section 2909.24 of the Revised Code, including, but not limited 676  
to, all costs so incurred by any law enforcement officers, 677  
firefighters, rescue personnel, or emergency medical services 678  
personnel of the political subdivision and all costs so incurred 679  
by the political subdivision that relate to laboratory testing or 680  
hazardous material cleanup. 681

(E) "Specified offense" means any of the following: 682

(1) A felony offense of violence, a violation of section 683  
2909.04 or 2927.24 of the Revised Code, or a felony of the first 684  
degree that is not a violation of any provision in Chapter 2925. 685  
or 3719. of the Revised Code; 686

(2) An attempt to commit, complicity in committing, or a 687  
conspiracy to commit an offense listed in division (E)(1) of this 688  
section. 689

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. 690-695

(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. 696-700

(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. 701-706

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: 707-709

(1) The person makes the threat with purpose to do any of the following: 710-711

(a) Intimidate or coerce a civilian population; 712

(b) Influence the policy of any government by intimidation or coercion; 713-714

(c) Affect the conduct of any government by the threat or by the specified offense. 715-716

(2) As a result of the threat, the person causes a reasonable expectation or fear of the imminent commission of the specified 717-718



offense.

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(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.

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(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.

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

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(1) Intimidate or coerce a civilian population;

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

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

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

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(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.

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(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.

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(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

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sections 2929.02 to 2929.06 of the Revised Code. 748

(5) Section 2909.25 of the Revised Code applies regarding an 749  
offender who is convicted of or pleads guilty to a violation of 750  
this section. 751

**Sec. 2909.25.** (A) In addition to the financial sanctions 752  
authorized under section 2929.18 of the Revised Code, the court 753  
imposing sentence upon an offender who is convicted of or pleads 754  
guilty to a violation of section 2909.22, 2909.23, or 2909.24 of 755  
the Revised Code or to a violation of section 2921.32 of the 756  
Revised Code when the offense or act committed by the person aided 757  
or to be aided as described in that section is an act of terrorism 758  
may order the offender to pay to the state, municipal, or county 759  
law enforcement agencies that handled the investigation and 760  
prosecution all of the costs that the state, municipal 761  
corporation, or county reasonably incurred in the investigation 762  
and prosecution of the violation. The court shall hold a hearing 763  
to determine the amount of costs to be imposed under this section. 764  
The court may hold the hearing as part of the sentencing hearing 765  
for the offender. 766

(B) If a person is convicted of or pleads guilty to a 767  
violation of section 2909.23 or 2909.24 of the Revised Code and if 768  
any political subdivision incurred any response costs as a result 769  
of, or in making any response to, the threat of the specified 770  
offense involved in the violation of section 2909.23 of the 771  
Revised Code or the actual specified offense involved in the 772  
violation of section 2909.24 of the Revised Code, in addition to 773  
the financial sanctions authorized under section 2929.18 of the 774  
Revised Code, the court imposing sentence upon the offender for 775  
the violation may order the offender to reimburse the involved 776  
political subdivision for the response costs it so incurred. 777

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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

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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

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the state or a county or municipal corporation under sections 867  
2923.31 to 2923.36 of the Revised Code in the prosecution and 868  
investigation of any criminal action or in the litigation and 869  
investigation of any civil action, and includes, but is not 870  
limited to, the costs of resources and personnel. 871

(C) "Enterprise" includes any individual, sole 872  
proprietorship, partnership, limited partnership, corporation, 873  
trust, union, government agency, or other legal entity, or any 874  
organization, association, or group of persons associated in fact 875  
although not a legal entity. "Enterprise" includes illicit as well 876  
as licit enterprises. 877

(D) "Innocent person" includes any bona fide purchaser of 878  
property that is allegedly involved in a violation of section 879  
2923.32 of the Revised Code, including any person who establishes 880  
a valid claim to or interest in the property in accordance with 881  
division (E) of section 2923.32 of the Revised Code, and any 882  
victim of an alleged violation of that section or of any 883  
underlying offense involved in an alleged violation of that 884  
section. 885

(E) "Pattern of corrupt activity" means two or more incidents 886  
of corrupt activity, whether or not there has been a prior 887  
conviction, that are related to the affairs of the same 888  
enterprise, are not isolated, and are not so closely related to 889  
each other and connected in time and place that they constitute a 890  
single event. 891

At least one of the incidents forming the pattern shall occur 892  
on or after January 1, 1986. Unless any incident was an aggravated 893  
murder or murder, the last of the incidents forming the pattern 894  
shall occur within six years after the commission of any prior 895  
incident forming the pattern, excluding any period of imprisonment 896  
served by any person engaging in the corrupt activity. 897

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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

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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



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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

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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.

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(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

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in a human, an animal, a plant, or another living organism, 1055  
deterioration of food, water, equipment, supplies, or material of 1056  
any kind, or deleterious alteration of the environment. 1057

(5) "Toxin" means the toxic material of plants, animals, 1058  
microorganisms, viruses, fungi, or infectious substances, or a 1059  
recombinant molecule, whatever its origin or method of 1060  
reproduction, including, but not limited to, any poisonous 1061  
substance or biological product that may be engineered through 1062  
biotechnology or produced by a living organism and any poisonous 1063  
isomer or biological product, homolog, or derivative of any 1064  
substance or product of that nature. 1065

(B) Except as provided in division (D) of this section, no 1066  
person shall knowingly do any of the following: 1067

(1) Knowingly mingle a poison, hazardous chemical, 1068  
biological, or radioactive substance, or other harmful substance 1069  
with a food, drink, nonprescription drug, prescription drug, or 1070  
pharmaceutical product, or knowingly place a poison, hazardous 1071  
chemical, biological, or radioactive substance, or other harmful 1072  
substance in a spring, well, reservoir, or public water supply, if 1073  
the person knows or has reason to know that the food, drink, 1074  
nonprescription drug, prescription drug, pharmaceutical product, 1075  
or water may be ingested or used by another person. For purposes 1076  
of this division, a person does not know or have reason to know 1077  
that water may be ingested or used by another person if it is 1078  
disposed of as waste into a household drain including the drain of 1079  
a toilet, sink, tub, or floor. 1080

(2) Knowingly release into the air, knowingly leave in any 1081  
public place, or knowingly expose one or more persons to any 1082  
hazardous chemical, biological, or radioactive substance with the 1083  
intent to cause, or create a risk of, death or serious physical 1084  
harm to any person. 1085

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- (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

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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

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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



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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 criminal convictions and delinquency adjudications;	1243 1244
(6) If the offender was a participant in the offense but not the principal offender, the degree of the offender's participation in the offense and the degree of the offender's participation in the acts that led to the death of the victim;	1245 1246 1247 1248
(7) Any other factors that are relevant to the issue of whether the offender should be sentenced to death.	1249 1250
(C) The defendant shall be given great latitude in the presentation of evidence of the factors listed in division (B) of this section and of any other factors in mitigation of the imposition of the sentence of death.	1251 1252 1253 1254
The existence of any of the mitigating factors listed in division (B) of this section does not preclude the imposition of a sentence of death on the offender but shall be weighed pursuant to divisions (D)(2) and (3) of section 2929.03 of the Revised Code by the trial court, trial jury, or the panel of three judges against the aggravating circumstances the offender was found guilty of committing.	1255 1256 1257 1258 1259 1260 1261
<b>Sec. 2933.51.</b> As used in sections 2933.51 to 2933.66 of the Revised Code:	1262 1263
(A) "Wire communication" means an aural transfer that is made in whole or in part through the use of facilities for the transmission of communications by the aid of wires or similar methods of connecting the point of origin of the communication and the point of reception of the communication, including the use of a method of connecting the point of origin and the point of reception of the communication in a switching station, if the	1264 1265 1266 1267 1268 1269 1270

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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 subnormal hearing to not better than normal.	1303 1304
(E) "Investigative officer" means any of the following:	1305
(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;	1306 1307 1308
(2) A person described in divisions (A)(11)(a) and (b) of section 2901.01 of the Revised Code;	1309 1310
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	1311 1312
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	1313 1314
(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.	1315 1316 1317 1318
(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.	1319 1320 1321 1322
(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.	1323 1324 1325
(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.	1326 1327 1328 1329 1330 1331

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- (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

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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

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(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



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specified to a count in an indictment containing more than one 1454  
count, such specification shall be identified as to the count to 1455  
which it applies. 1456

(C) A specification to an indictment or count in an 1457  
indictment charging aggravated murder shall be stated at the end 1458  
of the body of the indictment or count, and may be in 1459  
substantially the following form: 1460

"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE 1461  
FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand 1462  
Jurors further find and specify that (set forth the applicable 1463  
aggravating circumstance listed in divisions (A)(1) to ~~(9)~~(10) of 1464  
section 2929.04 of the Revised Code. The aggravating circumstance 1465  
may be stated in the words of the subdivision in which it appears, 1466  
or in words sufficient to give the accused notice of the same)." 1467

**Section 2.** That existing sections 121.22, 2901.01, 2903.01, 1468  
2921.32, 2923.31, 2927.24, 2929.04, 2933.51, and 2941.14 of the 1469  
Revised Code are hereby repealed. 1470

**Section 3.** This act is hereby declared to be an emergency 1471  
measure necessary for the immediate preservation of the public 1472  
peace, health, and safety. The reason for such necessity is that 1473  
the recent terrorist attacks of September 11, 2001, underscore the 1474  
compelling need for legislation that is specifically designed to 1475  
combat the evils of terrorism, that comprehensive state laws are 1476  
urgently needed to complement federal laws in the fight against 1477  
terrorism and to better protect all citizens against terrorist 1478  
acts, and that state laws must be strengthened to ensure that 1479  
terrorists, as well as those who solicit or provide financial and 1480  
other support to terrorists, are prosecuted and punished in state 1481  
courts with appropriate severity. Therefore, this act shall go 1482  
into immediate effect. 1483