

**As Passed by the House**

**125th General Assembly  
Regular Session  
2003-2004**

**Sub. H. B. No. 383**

**Representatives Walcher, D. Evans, Aslanides, Wagner, McGregor,  
Reidelbach, Fessler, Price, Wolpert, Olman, Kearns, Setzer, Webster, Hagan,  
Collier, Schaffer, Widener, Distel, Barrett, Beatty, Carano, Carmichael,  
Chandler, Cirelli, DeGeeter, Domenick, C. Evans, Flowers, Gilb, Harwood,  
Hollister, Hughes, Jerse, Latta, Mason, Miller, Niehaus, Otterman, S. Patton,  
Perry, Reinhard, Schmidt, Schneider, Sferra, Slaby, G. Smith, S. Smith,  
D. Stewart, J. Stewart, Taylor, White, Wilson, Woodard**

---

**A B I L L**

To amend sections 2901.11, 2901.12, and 2923.01 and 1  
to enact section 2913.421 of the Revised Code to 2  
prohibit a person from transmitting multiple 3  
electronic mail advertisements, falsifying the 4  
originating address or other routing information 5  
in multiple electronic mail advertisements, or 6  
falsifying registration information for multiple 7  
electronic mail accounts, and to prohibit 8  
unauthorized access to a public computer to 9  
transmit multiple electronic mail advertisements. 10

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

**Section 1.** That sections 2901.11, 2901.12, and 2923.01 be 11  
amended and section 2913.421 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 2901.11.** (A) A person is subject to criminal prosecution 14

and punishment in this state if any of the following occur: 15  
16

(1) The person commits an offense under the laws of this 17  
state, any element of which takes place in this state. 18

(2) While in this state, the person conspires or attempts to 19  
commit, or is guilty of complicity in the commission of, an 20  
offense in another jurisdiction, which offense is an offense under 21  
both the laws of this state and the other jurisdiction. 22

(3) While out of this state, the person conspires or attempts 23  
to commit, or is guilty of complicity in the commission of, an 24  
offense in this state. 25

(4) While out of this state, the person omits to perform a 26  
legal duty imposed by the laws of this state, which omission 27  
affects a legitimate interest of the state in protecting, 28  
governing, or regulating any person, property, thing, transaction, 29  
or activity in this state. 30

(5) While out of this state, the person unlawfully takes or 31  
retains property and subsequently brings any of the unlawfully 32  
taken or retained property into this state. 33

(6) While out of this state, the person unlawfully takes or 34  
entices another and subsequently brings the other person into this 35  
state. 36

(7) The person, by means of a computer, computer system, 37  
computer network, protected computer, telecommunication, 38  
telecommunications device, telecommunications service, or 39  
information service, causes or knowingly permits any writing, 40  
data, image, or other telecommunication to be disseminated or 41  
transmitted into this state in violation of the law of this state. 42

(B) In homicide, the element referred to in division (A)(1) 43  
of this section is either the act that causes death, or the 44

physical contact that causes death, or the death itself. If any 45  
part of the body of a homicide victim is found in this state, the 46  
death is presumed to have occurred within this state. 47

(C)(1) This state includes the land and water within its 48  
boundaries and the air space above that land and water, with 49  
respect to which this state has either exclusive or concurrent 50  
legislative jurisdiction. Where the boundary between this state 51  
and another state or foreign country is disputed, the disputed 52  
territory is conclusively presumed to be within this state for 53  
purposes of this section. 54

(2) The courts of common pleas of Adams, Athens, Belmont, 55  
Brown, Clermont, Columbiana, Gallia, Hamilton, Jefferson, 56  
Lawrence, Meigs, Monroe, Scioto, and Washington counties have 57  
jurisdiction beyond the north or northwest shore of the Ohio river 58  
extending to the opposite shore line, between the extended 59  
boundary lines of any adjacent counties or adjacent state. Each of 60  
those courts of common pleas has concurrent jurisdiction on the 61  
Ohio river with any adjacent court of common pleas that borders on 62  
that river and with any court of Kentucky or of West Virginia that 63  
borders on the Ohio river and that has jurisdiction on the Ohio 64  
river under the law of Kentucky or the law of West Virginia, 65  
whichever is applicable, or under federal law. 66

(D) When an offense is committed under the laws of this 67  
state, and it appears beyond a reasonable doubt that the offense 68  
or any element of the offense took place either in this state or 69  
in another jurisdiction or jurisdictions, but it cannot reasonably 70  
be determined in which it took place, the offense or element is 71  
conclusively presumed to have taken place in this state for 72  
purposes of this section. 73

(E) As used in this section, "computer," "computer system," 74  
"computer network," "protected computer," "information service," 75  
"telecommunication," "telecommunications device," 76

"telecommunications service," "data," and "writing" have the same 77  
meanings as in ~~section~~ sections 2913.01 and 2913.421 of the 78  
Revised Code. 79

**Sec. 2901.12.** (A) The trial of a criminal case in this state 80  
shall be held in a court having jurisdiction of the subject 81  
matter, and in the territory of which the offense or any element 82  
of the offense was committed. 83

(B) When the offense or any element of the offense was 84  
committed in an aircraft, motor vehicle, train, watercraft, or 85  
other vehicle, in transit, and it cannot reasonably be determined 86  
in which jurisdiction the offense was committed, the offender may 87  
be tried in any jurisdiction through which the aircraft, motor 88  
vehicle, train, watercraft, or other vehicle passed. 89

(C) When the offense involved the unlawful taking or 90  
receiving of property or the unlawful taking or enticing of 91  
another, the offender may be tried in any jurisdiction from which 92  
or into which the property or victim was taken, received, or 93  
enticed. 94

(D) When the offense is conspiracy, attempt, or complicity 95  
cognizable under division (A)(2) of section 2901.11 of the Revised 96  
Code, the offender may be tried in any jurisdiction in which the 97  
conspiracy, attempt, complicity, or any of its elements occurred. 98

(E) When the offense is conspiracy or attempt cognizable 99  
under division (A)(3) of section 2901.11 of the Revised Code, the 100  
offender may be tried in any jurisdiction in which the offense 101  
that was the object of the conspiracy or attempt, or any element 102  
of that offense, was intended to or could have taken place. When 103  
the offense is complicity cognizable under division (A)(3) of 104  
section 2901.11 of the Revised Code, the offender may be tried in 105  
any jurisdiction in which the principal offender may be tried. 106

(F) When an offense is considered to have been committed in this state while the offender was out of this state, and the jurisdiction in this state in which the offense or any material element of the offense was committed is not reasonably ascertainable, the offender may be tried in any jurisdiction in which the offense or element reasonably could have been committed.

(G) When it appears beyond a reasonable doubt that an offense or any element of an offense was committed in any of two or more jurisdictions, but it cannot reasonably be determined in which jurisdiction the offense or element was committed, the offender may be tried in any of those jurisdictions.

(H) When an offender, as part of a course of criminal conduct, commits offenses in different jurisdictions, the offender may be tried for all of those offenses in any jurisdiction in which one of those offenses or any element of one of those offenses occurred. Without limitation on the evidence that may be used to establish the course of criminal conduct, any of the following is prima-facie evidence of a course of criminal conduct:

(1) The offenses involved the same victim, or victims of the same type or from the same group.

(2) The offenses were committed by the offender in the offender's same employment, or capacity, or relationship to another.

(3) The offenses were committed as part of the same transaction or chain of events, or in furtherance of the same purpose or objective.

(4) The offenses were committed in furtherance of the same conspiracy.

(5) The offenses involved the same or a similar modus operandi.

(6) The offenses were committed along the offender's line of travel in this state, regardless of the offender's point of origin or destination.

(I)(1) When the offense involves a computer, computer system, computer network, protected computer, telecommunication, telecommunications device, telecommunications service, or information service, the offender may be tried in any jurisdiction containing any location of the computer, computer system, protected computer, or computer network of the victim of the offense, in any jurisdiction from which or into which, as part of the offense, any writing, data, or image is disseminated or transmitted by means of a computer, computer system, computer network, protected computer, telecommunication, telecommunications device, telecommunications service, or information service, or in any jurisdiction in which the alleged offender commits any activity that is an essential part of the offense.

(2) As used in this section, "computer," "computer system," "protected computer," "computer network," "information service," "telecommunication," "telecommunications device," "telecommunications service," "data," and "writing" have the same meanings as in ~~section~~ sections 2913.01 and 2913.421 of the Revised Code.

(J) When the offense involves the death of a person, and it cannot reasonably be determined in which jurisdiction the offense was committed, the offender may be tried in the jurisdiction in which the dead person's body or any part of the dead person's body was found.

(K) Notwithstanding any other requirement for the place of trial, venue may be changed, upon motion of the prosecution, the defense, or the court, to any court having jurisdiction of the subject matter outside the county in which trial otherwise would

be held, when it appears that a fair and impartial trial cannot be 168  
held in the jurisdiction in which trial otherwise would be held, 169  
or when it appears that trial should be held in another 170  
jurisdiction for the convenience of the parties and in the 171  
interests of justice. 172

Sec. 2913.421. (A) As used in this section: 173

(1) "Advertisement" has the same meaning as in section 174  
4931.55 of the Revised Code. 175

(2) "Computer," "computer network," and "computer system" 176  
have the same meanings as in section 2913.01 of the Revised Code. 177

(3) "Commercial electronic mail message" means any electronic 178  
mail message the primary purpose of which is the commercial 179  
advertisement or promotion of a commercial product, including 180  
content on an internet web site operated for a commercial purpose, 181  
but does not include a transactional or relationship message. The 182  
inclusion of a reference to a commercial entity or a link to the 183  
web site of a commercial entity does not, by itself, cause that 184  
message to be treated as a commercial mail message for the purpose 185  
of this section, if the contents or circumstances of the message 186  
indicate a primary purpose other than commercial advertisement or 187  
of a commercial product or service. 188

(4) "Domain name" means any alphanumeric designation that is 189  
registered with or assigned by any domain name registrar, domain 190  
name registry, or other domain name registration authority, and 191  
that is included in an electronic mail message. 192

(5) "Electronic mail," "electronic mail advertisement," 193  
"originating address," and "recipient" have the same meanings as 194  
in section 2307.64 of the Revised Code. 195

(6) "Electronic mail message" means each electronic mail 196  
addressed to a discrete addressee. 197

(7) "Electronic mail service provider" means any person, 198  
including an internet service provider, that is an intermediary in 199  
sending and receiving electronic mail and that provides to the 200  
public electronic mail accounts or online user accounts from which 201  
electronic mail may be sent. 202

(8) "Financial institution" has the same meaning as in 203  
section 122.39 of the Revised Code. 204

(9) "Header information" means the source, destination, and 205  
routing information attached to an electronic mail message, 206  
including the originating domain name, the originating electronic 207  
mail address, and technical information that authenticates the 208  
sender of an electronic mail message for network security or 209  
network management purposes. 210

(10) "Initiate the transmission," when used with respect to a 211  
commercial electronic mail message, means to originate or transmit 212  
that message or to procure the origination or transmission of that 213  
message, regardless of whether the electronic mail message reaches 214  
its intended recipients. 215

(11) "Internet" has the same meaning as in section 341.42 of 216  
the Revised Code. 217

(12) "Internet protocol address" means the string of numbers 218  
by which locations on the internet are identified by routers or 219  
other computers connected to the internet. 220

(13) "Materially falsify" means to alter or conceal in a 221  
manner that would impair the ability of a recipient of an 222  
advertisement, an electronic mail service provider processing an 223  
electronic mail message on behalf of a recipient, a person 224  
alleging a violation of section 2913.421 of the Revised Code, or a 225  
law enforcement agency to identify, locate, or respond to a person 226  
that initiated an electronic mail message or to investigate an 227  
alleged violation of section 2913.421 of the Revised Code. 228



(14) "Multiple" means more than ten electronic mail messages during a twenty-four-hour period, more than one hundred electronic mail messages during a thirty-day period, or more than one thousand messages during a one-year period. 229  
230  
231  
232

(15) "Protected computer" means any of the following: 233

(a) A computer exclusively for the use of state government or a financial institution; 234  
235

(b) A computer used by or for state government or a financial institution when the conduct constituting the violation of division (B) of this section affects that use by or for the state government or financial institution; 236  
237  
238  
239

(c) A computer that is used in intrastate or interstate communication. 240  
241

(16) "Routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automated technical process, of an electronic mail message for which another person has identified the recipients or provided the recipient addresses. 242  
243  
244  
245

(B) No person, with regard to electronic mail advertisements sent from or to a protected computer in this state, shall do any of the following: 246  
247  
248

(1) Knowingly use a protected computer to relay or retransmit multiple electronic mail advertisements, with the intent to deceive or mislead recipients or any electronic mail service provider, as to the origin of those advertisements; 249  
250  
251  
252

(2) Knowingly and materially falsify header information in multiple electronic mail advertisements and purposely initiate the transmission of those advertisements; 253  
254  
255

(3) Knowingly register, using information that materially falsifies the identity of the actual registrant, for five or more electronic mail accounts or online user accounts or two or more 256  
257  
258

domain names and purposely initiate the transmission of multiple 259  
electronic mail advertisements from one, or any combination, of 260  
those accounts or domain names; 261

(4) Knowingly falsely represent the right to use five or more 262  
internet protocol addresses, and purposely initiate the 263  
transmission of multiple electronic mail advertisements from those 264  
addresses. 265

(5) Knowingly access a protected computer without 266  
authorization and purposely initiate the transmission of multiple 267  
electronic mail advertisements from or through the protected 268  
computer. 269

(C)(1) Whoever violates division (B)(1), (2), (3), or (4) of 270  
this section is guilty of illegally transmitting multiple 271  
electronic mail advertisements. Except as otherwise provided in 272  
division (C)(2) or (4) of this section, illegally transmitting 273  
multiple electronic mail advertisements is a felony of the fifth 274  
degree. 275

(2) Illegally transmitting multiple electronic mail 276  
advertisements is a felony of the fourth degree if any of the 277  
following apply: 278

(a) Regarding a violation of division (B)(3) of this section, 279  
the offender, using information that materially falsifies the 280  
identity of the actual registrant, knowingly registers for twenty 281  
or more electronic mail accounts or online user accounts or ten or 282  
more domain names, and purposely initiates, or conspires to 283  
initiate, the transmission of multiple electronic mail 284  
advertisements from the accounts or domain names. 285

(b) Regarding any violation of division (B)(1), (2), (3), or 286  
(4) of this section, the volume of electronic mail advertisements 287  
the offender transmitted in committing the violation exceeds two 288  
hundred and fifty during any twenty-four-hour period, two thousand 289

five hundred during any thirty-day period, or twenty-five thousand 290  
during any one-year period. 291

(c) Regarding any violation of division (B)(1), (2), (3), or 292  
(4) of this section, during any one-year period the aggregate loss 293  
to the victim or victims of the violation is five hundred dollars 294  
or more or during any one-year period the aggregate value of the 295  
property or services obtained by any offender as a result of the 296  
violation is five hundred dollars or more. 297

(d) Regarding any violation of division (B)(1), (2), (3), or 298  
(4) of this section, the offender committed the violation with 299  
three or more other persons with respect to whom the offender was 300  
the organizer or leader of the activity that resulted in the 301  
violation. 302

(e) Regarding any violation of division (B) of this section, 303  
the offender knowingly assisted in a violation of this section 304  
through the provision or selection of addresses to which the 305  
message was transmitted, if that person knew that the electronic 306  
mail address of the recipients was obtained using an automated 307  
means from an internet web site or proprietary online service 308  
operated by another person, and that web site or online service 309  
included, at the time the address was obtained, a notice stating 310  
that the operator of that web site or online service will not 311  
transfer addresses maintained by that web site or online service 312  
to any other party for the purposes of initiating, or enabling 313  
others to initiate, electronic mail messages. 314

(f) Regarding any violation of division (B) of this section, 315  
the offender knowingly assisted in a violation of this section 316  
through the provision or selection of electronic mail addresses of 317  
the recipients obtained using an automated means that generates 318  
possible electronic mail addresses by combining names, letters, or 319  
numbers into numerous permutations. 320

(3) Except as otherwise provided in division (C)(4) of this section, whoever violates division (B)(5) of this section is guilty of unauthorized access of a protected computer, a felony of the fourth degree. 321  
322  
323  
324

(4) Illegally transmitting multiple electronic mail advertisements and unauthorized access of a protected computer in violation of this section are felonies of the third degree if the offender previously has been convicted of a violation of this section or a violation of a law of another state or the United States regarding the transmission of multiple electronic mail advertisements or unauthorized access to a computer system, or if the offender committed the violation of this section in the furtherance of a felony. 325  
326  
327  
328  
329  
330  
331  
332  
333

(D)(1) When the attorney general, or any person engaged in the business of an electronic mail service provider that is injured by handling or receiving electronic mail sent in violation of this section or by the use of electronic mail addresses obtained from that electronic mail service provider in a manner described in division (C)(2)(e) and (f) of this section, is seeking relief from any person whose conduct violated this section or the CAN-SPAM Act of 2003, Pub. L. No. 108-187, the attorney general, or any person engaged in the business of an electronic mail service provider that is injured by a violation of this section, may bring a civil action in an appropriate common pleas court in this state or the appropriate district court of the United States that has jurisdiction for a violation of section 2913.421 of the Revised Code or a violation of Pub. L. No. 108-187, but not in both courts. The civil action brought pursuant to a violation of section 2913.421 of the Revised Code may be commenced at any time within one year of the date after the act that is the basis of the civil action. 334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351

(2) In a civil action brought by the attorney general 352

pursuant to division (D)(1) of this section for a violation of 353  
this section, the court may award temporary, preliminary, or 354  
permanent injunctive relief. The court may also impose a civil 355  
penalty against the offender in an amount not to exceed 356  
twenty-five thousand dollars for each day a violation occurs, or 357  
not less than two dollars but not more than eight dollars for each 358  
electronic mail advertisement that is initiated in violation of 359  
this section, as the court considers just. 360

(3) In any civil action brought by a person engaged in the 361  
business of an electronic mail service provider pursuant to 362  
division (D)(1) of this section for a violation of this section, 363  
the court may award temporary, preliminary, or permanent 364  
injunctive relief, and also may award damages in an amount equal 365  
to the greater of the following: 366

(a) The sum of the actual damages incurred by the person 367  
engaged in the business of an electronic mail service provider as 368  
a result of the violation of this section, plus any receipts of 369  
the offender that are attributable to the violation of this 370  
section and that were not taken into account in computing actual 371  
damages; 372

(b) Statutory damages in an amount not exceeding twenty-five 373  
thousand dollars for each day a violation occurs, or not less than 374  
two dollars but not more than eight dollars for each electronic 375  
mail advertisement initiated in violation of this section; 376

(4) In assessing damages awarded under division (D)(3) of 377  
this section, the court may consider whether the offender has 378  
established and implemented, with due care, commercially 379  
reasonable practices and procedures designed to effectively 380  
prevent the violations or the violation occurred despite 381  
commercially reasonable efforts to maintain the practices and 382  
procedures established. 383

(E) Any equipment, software, or other technology of a person 384  
who violates this section that is used or intended to be used in 385  
the commission of a violation of this section, and any real or 386  
personal property that constitutes or is traceable to the gross 387  
proceeds obtained from the commission of a violation of this 388  
section, is contraband and is subject to seizure and forfeiture 389  
pursuant to sections 2933.42 and 2933.43 of the Revised Code. 390

(F) The attorney general may bring a civil action, pursuant 391  
to the CAN-SPAM Act of 2003, Pub. L. No. 108-187, on behalf of the 392  
residents of the state in a district court of the United States 393  
that has jurisdiction for a violation of this section or a 394  
violation of Pub. L. No. 108-187. 395

(G) Nothing in this section shall be construed: 396

(1) To require an electronic mail service provider to block, 397  
transmit, route, relay, handle, or store certain types of 398  
electronic mail messages; 399

(2) To prevent or limit, in any way, an electronic mail 400  
service provider from adopting a policy regarding commercial or 401  
other electronic mail, including a policy of declining to transmit 402  
certain types of electronic mail messages, or from enforcing such 403  
policy through technical means, through contract, or pursuant to 404  
any remedy available under any other provision of federal, state, 405  
or local criminal or civil law. 406

(3) To render lawful any policy that is unlawful under any 407  
other provision of law. 408

**Sec. 2923.01.** (A) No person, with purpose to commit or to 409  
promote or facilitate the commission of aggravated murder, murder, 410  
kidnapping, compelling prostitution, promoting prostitution, 411  
aggravated arson, arson, aggravated robbery, robbery, aggravated 412  
burglary, burglary, engaging in a pattern of corrupt activity, 413

corrupting another with drugs, a felony drug trafficking, 414  
manufacturing, processing, or possession offense, theft of drugs, 415  
or illegal processing of drug documents, the commission of a 416  
felony offense of unauthorized use of a vehicle, illegally 417  
transmitting multiple electronic mail advertisements in violation 418  
of section 2923.421 of the Revised Code, or the commission of a 419  
violation of any provision of Chapter 3734. of the Revised Code, 420  
other than section 3734.18 of the Revised Code, that relates to 421  
hazardous wastes, shall do either of the following: 422

(1) With another person or persons, plan or aid in planning 423  
the commission of any of the specified offenses; 424

(2) Agree with another person or persons that one or more of 425  
them will engage in conduct that facilitates the commission of any 426  
of the specified offenses. 427

(B) No person shall be convicted of conspiracy unless a 428  
substantial overt act in furtherance of the conspiracy is alleged 429  
and proved to have been done by the accused or a person with whom 430  
the accused conspired, subsequent to the accused's entrance into 431  
the conspiracy. For purposes of this section, an overt act is 432  
substantial when it is of a character that manifests a purpose on 433  
the part of the actor that the object of the conspiracy should be 434  
completed. 435

(C) When the offender knows or has reasonable cause to 436  
believe that a person with whom the offender conspires also has 437  
conspired or is conspiring with another to commit the same 438  
offense, the offender is guilty of conspiring with that other 439  
person, even though the other person's identity may be unknown to 440  
the offender. 441

(D) It is no defense to a charge under this section that, in 442  
retrospect, commission of the offense that was the object of the 443  
conspiracy was impossible under the circumstances. 444

(E) A conspiracy terminates when the offense or offenses that  
are its objects are committed or when it is abandoned by all  
conspirators. In the absence of abandonment, it is no defense to a  
charge under this section that no offense that was the object of  
the conspiracy was committed.

(F) A person who conspires to commit more than one offense is  
guilty of only one conspiracy, when the offenses are the object of  
the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to  
commit a specific offense or of complicity in the commission of or  
attempt to commit the specific offense, the person shall not be  
convicted of conspiracy involving the same offense.

(H)(1) No person shall be convicted of conspiracy upon the  
testimony of a person with whom the defendant conspired,  
unsupported by other evidence.

(2) If a person with whom the defendant allegedly has  
conspired testifies against the defendant in a case in which the  
defendant is charged with conspiracy and if the testimony is  
supported by other evidence, the court, when it charges the jury,  
shall state substantially the following:

"The testimony of an accomplice that is supported by other  
evidence does not become inadmissible because of the accomplice's  
complicity, moral turpitude, or self-interest, but the admitted or  
claimed complicity of a witness may affect the witness'  
credibility and make the witness' testimony subject to grave  
suspicion, and require that it be weighed with great caution.

It is for you, as jurors, in the light of all the facts  
presented to you from the witness stand, to evaluate such  
testimony and to determine its quality and worth or its lack of  
quality and worth."



(3) "Conspiracy," as used in division (H)(1) of this section, 475  
does not include any conspiracy that results in an attempt to 476  
commit an offense or in the commission of an offense. 477

(I) The following are affirmative defenses to a charge of 478  
conspiracy: 479

(1) After conspiring to commit an offense, the actor thwarted 480  
the success of the conspiracy under circumstances manifesting a 481  
complete and voluntary renunciation of the actor's criminal 482  
purpose. 483

(2) After conspiring to commit an offense, the actor 484  
abandoned the conspiracy prior to the commission of or attempt to 485  
commit any offense that was the object of the conspiracy, either 486  
by advising all other conspirators of the actor's abandonment, or 487  
by informing any law enforcement authority of the existence of the 488  
conspiracy and of the actor's participation in the conspiracy. 489

(J) Whoever violates this section is guilty of conspiracy, 490  
which is one of the following: 491

(1) A felony of the first degree, when one of the objects of 492  
the conspiracy is aggravated murder, murder, or an offense for 493  
which the maximum penalty is imprisonment for life; 494

(2) A felony of the next lesser degree than the most serious 495  
offense that is the object of the conspiracy, when the most 496  
serious offense that is the object of the conspiracy is a felony 497  
of the first, second, third, or fourth degree; 498

(3) A felony punishable by a fine of not more than 499  
twenty-five thousand dollars or imprisonment for not more than 500  
eighteen months, or both, when the offense that is the object of 501  
the conspiracy is a violation of any provision of Chapter 3734. of 502  
the Revised Code, other than section 3734.18 of the Revised Code, 503  
that relates to hazardous wastes; 504

(4) A misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree. 505  
506  
507

(K) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of the Revised Code, other than this section. In such a case, however: 508  
509  
510  
511

(1) With respect to the offense specified as the object of the conspiracy in the other section or sections, division (A) of this section defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy; 512  
513  
514  
515

(2) Divisions (B) to (I) of this section are incorporated by reference in the conspiracy offense defined by the other section or sections of the Revised Code. 516  
517  
518

(L)(1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2), (3), (4), and (5) of section 2923.32 of the Revised Code. 519  
520  
521  
522

(2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing, processing, or possession offense, in addition to the penalties or sanctions that may be imposed for the conspiracy under division (J)(2) or (4) of this section and Chapter 2929. of the Revised Code, both of the following apply: 523  
524  
525  
526  
527  
528  
529

(a) The provisions of divisions (D), (F), and (G) of section 2925.03, division (D) of section 2925.04, division (D) of section 2925.05, division (D) of section 2925.06, and division (E) of section 2925.11 of the Revised Code that pertain to mandatory and additional fines, driver's or commercial driver's license or permit suspensions, and professionally licensed persons and that 530  
531  
532  
533  
534  
535

would apply under the appropriate provisions of those divisions to 536  
a person who is convicted of or pleads guilty to the felony drug 537  
trafficking, manufacturing, processing, or possession offense that 538  
is the most serious offense that is the basis of the conspiracy 539  
shall apply to the person who is convicted of or pleads guilty to 540  
the conspiracy as if the person had been convicted of or pleaded 541  
guilty to the felony drug trafficking, manufacturing, processing, 542  
or possession offense that is the most serious offense that is the 543  
basis of the conspiracy. 544

(b) The court that imposes sentence upon the person who is 545  
convicted of or pleads guilty to the conspiracy shall comply with 546  
the provisions identified as being applicable under division 547  
(L)(2) of this section, in addition to any other penalty or 548  
sanction that it imposes for the conspiracy under division (J)(2) 549  
or (4) of this section and Chapter 2929. of the Revised Code. 550

(M) As used in this section: 551

(1) "Felony drug trafficking, manufacturing, processing, or 552  
possession offense" means any of the following that is a felony: 553

(a) A violation of section 2925.03, 2925.04, 2925.05, or 554  
2925.06 of the Revised Code; 555

(b) A violation of section 2925.11 of the Revised Code that 556  
is not a minor drug possession offense. 557

(2) "Minor drug possession offense" has the same meaning as 558  
in section 2925.01 of the Revised Code. 559

**Section 2.** That existing sections 2901.11, 2901.12, and 560  
2923.01 of the Revised Code are hereby repealed. 561