

As Reported by the House Commerce and Labor Committee

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**

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

(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 107
this state while the offender was out of this state, and the 108
jurisdiction in this state in which the offense or any material 109

element of the offense was committed is not reasonably 110
ascertainable, the offender may be tried in any jurisdiction in 111
which the offense or element reasonably could have been committed. 112

(G) When it appears beyond a reasonable doubt that an offense 113
or any element of an offense was committed in any of two or more 114
jurisdictions, but it cannot reasonably be determined in which 115
jurisdiction the offense or element was committed, the offender 116
may be tried in any of those jurisdictions. 117

(H) When an offender, as part of a course of criminal 118
conduct, commits offenses in different jurisdictions, the offender 119
may be tried for all of those offenses in any jurisdiction in 120
which one of those offenses or any element of one of those 121
offenses occurred. Without limitation on the evidence that may be 122
used to establish the course of criminal conduct, any of the 123
following is prima-facie evidence of a course of criminal conduct: 124

(1) The offenses involved the same victim, or victims of the 125
same type or from the same group. 126

(2) The offenses were committed by the offender in the 127
offender's same employment, or capacity, or relationship to 128
another. 129

(3) The offenses were committed as part of the same 130
transaction or chain of events, or in furtherance of the same 131
purpose or objective. 132

(4) The offenses were committed in furtherance of the same 133
conspiracy. 134

(5) The offenses involved the same or a similar modus 135
operandi. 136

(6) The offenses were committed along the offender's line of 137
travel in this state, regardless of the offender's point of origin 138
or destination. 139

(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 held in the jurisdiction in which trial otherwise would be held, or when it appears that trial should be held in another jurisdiction for the convenience of the parties and in the

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

<u>electronic mail may be sent.</u>	202
<u>(8) "Financial institution" has the same meaning as in</u>	203
<u>section 122.39 of the Revised Code.</u>	204
<u>(9) "Header information" means the source, destination, and</u>	205
<u>routing information attached to an electronic mail message,</u>	206
<u>including the originating domain name, the originating electronic</u>	207
<u>mail address, and technical information that authenticates the</u>	208
<u>sender of an electronic mail message for network security or</u>	209
<u>network management purposes.</u>	210
<u>(10) "Initiate the transmission," when used with respect to a</u>	211
<u>commercial electronic mail message, means to originate or transmit</u>	212
<u>that message or to procure the origination or transmission of that</u>	213
<u>message, regardless of whether the electronic mail message reaches</u>	214
<u>its intended recipients.</u>	215
<u>(11) "Internet" has the same meaning as in section 341.42 of</u>	216
<u>the Revised Code.</u>	217
<u>(12) "Internet protocol address" means the string of numbers</u>	218
<u>by which locations on the internet are identified by routers or</u>	219
<u>other computers connected to the internet.</u>	220
<u>(13) "Materially falsify" means to alter or conceal in a</u>	221
<u>manner that would impair the ability of a recipient of an</u>	222
<u>advertisement, an electronic mail service provider processing an</u>	223
<u>electronic mail message on behalf of a recipient, a person</u>	224
<u>alleging a violation of section 2913.421 of the Revised Code, or a</u>	225
<u>law enforcement agency to identify, locate, or respond to a person</u>	226
<u>that initiated an electronic mail message or to investigate an</u>	227
<u>alleged violation of section 2913.421 of the Revised Code.</u>	228
<u>(14) "Multiple" means more than ten electronic mail messages</u>	229
<u>during a twenty-four-hour period, more than one hundred electronic</u>	230
<u>mail messages during a thirty-day period, or more than one</u>	231

<u>thousand messages during a one-year period.</u>	232
<u>(15) "Protected computer" means any of the following:</u>	233
<u>(a) A computer exclusively for the use of state government or</u>	234
<u>a financial institution;</u>	235
<u>(b) A computer used by or for state government or a financial</u>	236
<u>institution when the conduct constituting the violation of</u>	237
<u>division (B) of this section affects that use by or for the state</u>	238
<u>government or financial institution;</u>	239
<u>(c) A computer that is used in intrastate or interstate</u>	240
<u>communication.</u>	241
<u>(16) "Routine conveyance" means the transmission, routing,</u>	242
<u>relaying, handling, or storing, through an automated technical</u>	243
<u>process, of an electronic mail message for which another person</u>	244
<u>has identified the recipients or provided the recipient addresses.</u>	245
<u>(B) No person, with regard to electronic mail advertisements</u>	246
<u>sent from or to a protected computer in this state, shall do any</u>	247
<u>of the following:</u>	248
<u>(1) Knowingly use a protected computer to relay or retransmit</u>	249
<u>multiple electronic mail advertisements, with the intent to</u>	250
<u>deceive or mislead recipients or any electronic mail service</u>	251
<u>provider, as to the origin of those advertisements;</u>	252
<u>(2) Knowingly and materially falsify header information in</u>	253
<u>multiple electronic mail advertisements and purposely initiate the</u>	254
<u>transmission of those advertisements;</u>	255
<u>(3) Knowingly register, using information that materially</u>	256
<u>falsifies the identity of the actual registrant, for five or more</u>	257
<u>electronic mail accounts or online user accounts or two or more</u>	258
<u>domain names and purposely initiate the transmission of multiple</u>	259
<u>electronic mail advertisements from one, or any combination, of</u>	260
<u>those accounts or domain names;</u>	261

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

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

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

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

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

(b) Regarding any violation of division (B)(1), (2), (3), or (4) of this section, the volume of electronic mail advertisements the offender transmitted in committing the violation exceeds two hundred and fifty during any twenty-four-hour period, two thousand five hundred during any thirty-day period, or twenty-five thousand during any one-year period. 286
287
288
289
290
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 to the victim or victims of the violation is five hundred dollars or more or during any one-year period the aggregate value of the property or services obtained by any offender as a result of the violation is five hundred dollars or more. 293
294
295
296
297

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

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

(f) Regarding any violation of division (B) of this section, the offender knowingly assisted in a violation of this section through the provision or selection of electronic mail addresses of the recipients obtained using an automated means that generates possible electronic mail addresses by combining names, letters, or numbers into numerous permutations. 315
316
317
318
319
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 321
322
323

the fourth degree.

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 pursuant to division (D)(1) of this section for a violation of this section, the court may award temporary, preliminary, or permanent injunctive relief. The court may also impose a civil

352

353

354

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 445
are its objects are committed or when it is abandoned by all 446

conspirators. In the absence of abandonment, it is no defense to a 447
charge under this section that no offense that was the object of 448
the conspiracy was committed. 449

(F) A person who conspires to commit more than one offense is 450
guilty of only one conspiracy, when the offenses are the object of 451
the same agreement or continuous conspiratorial relationship. 452

(G) When a person is convicted of committing or attempting to 453
commit a specific offense or of complicity in the commission of or 454
attempt to commit the specific offense, the person shall not be 455
convicted of conspiracy involving the same offense. 456

(H)(1) No person shall be convicted of conspiracy upon the 457
testimony of a person with whom the defendant conspired, 458
unsupported by other evidence. 459

(2) If a person with whom the defendant allegedly has 460
conspired testifies against the defendant in a case in which the 461
defendant is charged with conspiracy and if the testimony is 462
supported by other evidence, the court, when it charges the jury, 463
shall state substantially the following: 464

"The testimony of an accomplice that is supported by other 465
evidence does not become inadmissible because of the accomplice's 466
complicity, moral turpitude, or self-interest, but the admitted or 467
claimed complicity of a witness may affect the witness' 468
credibility and make the witness' testimony subject to grave 469
suspicion, and require that it be weighed with great caution. 470

It is for you, as jurors, in the light of all the facts 471
presented to you from the witness stand, to evaluate such 472
testimony and to determine its quality and worth or its lack of 473
quality and worth." 474

(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 conspiracy: 478
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 505
offense that is the object of the conspiracy is a felony of the 506
fifth degree. 507

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

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

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

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

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

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