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Senators Austria, Harris, Randy Gardner, Schuring, Goodman,
Robert Gardner, Jacobson, Stivers, Amstutz, Brady, Spada
Representatives Collier, Willamowski, D. Evans, Faber, Barrett, Chandler,
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Latta, McGregor, Miller, Oلمان, T. Patton, Perry, Reidelbach, Schaffer, Slaby,
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A B I L L

To amend sections 2901.04, 2909.01, 2909.04, 2909.07, 1
2913.01, and 2913.04 of the Revised Code and to 2
present the prevailing versions of sections 3
2915.01 and 2915.092 of the Revised Code to expand 4
"disrupting public services" to specifically 5
prohibit the use of a computer, another specified 6
type of device or the Internet so as to disrupt, 7
interrupt, or impair any police, fire, 8
educational, commercial, or governmental function; 9
to expand "criminal mischief" to specifically 10
include certain conduct related to computer 11
hacking or the introduction of a computer 12
contaminant; to increase the penalty for 13
"unauthorized use of computer, cable, or 14
telecommunication property" when committed under 15
certain specified circumstances and when the value 16
of the involved property, services, or victim's 17
loss is at least \$10,000; to specifically include 18
"computer hacking" within the scope of "criminal 19

mischief" and "unauthorized use of computer, 20
cable, or telecommunication property;" and to 21
provide a rule for interpreting statutory 22
references that define or specify a criminal 23
offense. 24

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

Section 1. That sections 2901.04, 2909.01, 2909.04, 2909.07, 25
2913.01, and 2913.04 of the Revised Code be amended and sections 26
2915.01 and 2915.092 of the Revised Code be presented to read as 27
follows: 28

Sec. 2901.04. (A) Except as otherwise provided in division 29
(C) or (D) of this section, sections of the Revised Code defining 30
offenses or penalties shall be strictly construed against the 31
state, and liberally construed in favor of the accused. 32

(B) Rules of criminal procedure and sections of the Revised 33
Code providing for criminal procedure shall be construed so as to 34
effect the fair, impartial, speedy, and sure administration of 35
justice. 36

(C) Any provision of a section of the Revised Code that 37
refers to a previous conviction of or plea of guilty to a 38
violation of a section of the Revised Code or of a division of a 39
section of the Revised Code shall be construed to also refer to a 40
previous conviction of or plea of guilty to a substantially 41
equivalent offense under an existing or former law of this state, 42
another state, or the United States or under an existing or former 43
municipal ordinance. 44

(D) Any provision of the Revised Code that refers to a 45
section, or to a division of a section, of the Revised Code that 46
defines or specifies a criminal offense shall be construed to also 47

refer to an existing or former law of this state, another state, 48
or the United States, to an existing or former municipal 49
ordinance, or to an existing or former division of any such 50
existing or former law or ordinance that defines or specifies, or 51
that defined or specified, a substantially equivalent offense. 52

Sec. 2909.01. As used in sections 2909.01 to 2909.07 of the 53
Revised Code: 54

(A) To "create a substantial risk of serious physical harm to 55
any person" includes the creation of a substantial risk of serious 56
physical harm to any emergency personnel. 57

(B) "Emergency personnel" means any of the following persons: 58

(1) A peace officer, as defined in section 2935.01 of the 59
Revised Code; 60

(2) A member of a fire department or other firefighting 61
agency of a municipal corporation, township, township fire 62
district, joint fire district, other political subdivision, or 63
combination of political subdivisions; 64

(3) A member of a private fire company, as defined in section 65
9.60 of the Revised Code, or a volunteer firefighter; 66

(4) A member of a joint ambulance district or joint emergency 67
medical services district; 68

(5) An emergency medical technician-basic, emergency medical 69
technician-intermediate, emergency medical technician-paramedic, 70
ambulance operator, or other member of an emergency medical 71
service that is owned or operated by a political subdivision or a 72
private entity; 73

(6) The state fire marshal, the chief deputy state fire 74
marshal, or an assistant state fire marshal; 75

(7) A fire prevention officer of a political subdivision or 76

an arson, fire, or similar investigator of a political 77
subdivision. 78

(C) "Occupied structure" means any house, building, 79
outbuilding, watercraft, aircraft, railroad car, truck, trailer, 80
tent, or other structure, vehicle, or shelter, or any portion 81
thereof, to which any of the following applies: 82

(1) It is maintained as a permanent or temporary dwelling, 83
even though it is temporarily unoccupied and whether or not any 84
person is actually present. 85

(2) At the time, it is occupied as the permanent or temporary 86
habitation of any person, whether or not any person is actually 87
present. 88

(3) At the time, it is specially adapted for the overnight 89
accommodation of any person, whether or not any person is actually 90
present. 91

(4) At the time, any person is present or likely to be 92
present in it. 93

(D) "Political subdivision" and "state" have the same 94
meanings as in section 2744.01 of the Revised Code. 95

(E) "Computer," "computer hacking," "computer network," 96
"computer program," "computer software," "computer system," 97
"data," and "telecommunications device" have the same meanings as 98
in section 2913.01 of the Revised Code. 99

(F) "Computer contaminant" means a computer program that is 100
designed to modify, damage, destroy, disable, deny or degrade 101
access to, allow unauthorized access to, functionally impair, 102
record, or transmit information within a computer, computer 103
system, or computer network without the express or implied consent 104
of the owner or other person authorized to give consent and that 105
is of a type or kind described in divisions (F)(1) to (4) of this 106

section or of a type or kind similar to a type or kind described 107
in divisions (F)(1) to (4) of this section: 108

(1) A group of computer programs commonly known as "viruses" 109
and "worms" that are self-replicating or self-propagating and that 110
are designed to contaminate other computer programs, compromise 111
computer security, consume computer resources, modify, destroy, 112
record, or transmit data, or disrupt the normal operation of the 113
computer, computer system, or computer network; 114

(2) A group of computer programs commonly known as "Trojans" 115
or "Trojan horses" that are not self-replicating or 116
self-propagating and that are designed to compromise computer 117
security, consume computer resources, modify, destroy, record, or 118
transmit data, or disrupt the normal operation of the computer, 119
computer system, or computer network; 120

(3) A group of computer programs commonly known as "zombies" 121
that are designed to use a computer without the knowledge and 122
consent of the owner, or other person authorized to give consent, 123
and that are designed to send large quantities of data to a 124
targeted computer network for the purpose of degrading the 125
targeted computer's or network's performance, or denying access 126
through the network to the targeted computer or network, resulting 127
in what is commonly known as "Denial of Service" or "Distributed 128
Denial of Service" attacks; 129

(4) A group of computer programs commonly know as "trap 130
doors," "back doors," or "root kits" that are designed to bypass 131
standard authentication software and that are designed to allow 132
access to or use of a computer without the knowledge or consent of 133
the owner, or other person authorized to give consent. 134

(G) "Internet" has the same meaning as in section 341.42 of 135
the Revised Code. 136

Sec. 2909.04. (A) No person, purposely by any means or 137
knowingly by damaging or tampering with any property, shall do any 138
of the following: 139

(1) Interrupt or impair television, radio, telephone, 140
telegraph, or other mass communications service; police, fire, or 141
other public service communications; radar, loran, radio, or other 142
electronic aids to air or marine navigation or communications; or 143
amateur or citizens band radio communications being used for 144
public service or emergency communications; 145

(2) Interrupt or impair public transportation, including 146
without limitation school bus transportation, or water supply, 147
gas, power, or other utility service to the public; 148

(3) Substantially impair the ability of law enforcement 149
officers, firefighters, rescue personnel, emergency medical 150
services personnel, or emergency facility personnel to respond to 151
an emergency or to protect and preserve any person or property 152
from serious physical harm. 153

(B) No person shall knowingly use any computer, computer 154
system, computer network, telecommunications device, or other 155
electronic device or system or the internet so as to disrupt, 156
interrupt, or impair the functions of any police, fire, 157
educational, commercial, or governmental operations. 158

(C) Whoever violates this section is guilty of disrupting 159
public services, a felony of the fourth degree. 160

~~(C)~~(D) As used in this section: 161

(1) "Emergency medical services personnel" has the same 162
meaning as in section 2133.21 of the Revised Code. 163

(2) "Emergency facility personnel" means any of the 164
following: 165

(a) Any of the following individuals who perform services in the ordinary course of their professions in an emergency facility:	166 167
(i) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	168 169 170
(ii) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	171 172
(iii) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	173 174
(iv) Health care workers;	175
(v) Clerical staffs.	176
(b) Any individual who is a security officer performing security services in an emergency facility;	177 178
(c) Any individual who is present in an emergency facility, who was summoned to the facility by an individual identified in division (C) <u>(D)</u> (2)(a) or (b) of this section.	179 180 181
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	182 183 184
(4) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	185 186
(5) "Health care worker" means an individual, other than an individual specified in division (C) <u>(D)</u> (2)(a), (b), or (c) of this section, who provides medical or other health-related care or treatment in an emergency facility, including medical technicians, medical assistants, orderlies, aides, or individuals acting in similar capacities.	187 188 189 190 191 192
Sec. 2909.07. (A) No person shall:	193

(1) Without privilege to do so, knowingly move, deface, 194
damage, destroy, or otherwise improperly tamper with the property 195
of another; 196

(2) With purpose to interfere with the use or enjoyment of 197
property of another, employ a tear gas device, stink bomb, smoke 198
generator, or other device releasing a substance that is harmful 199
or offensive to persons exposed or that tends to cause public 200
alarm; 201

(3) Without privilege to do so, knowingly move, deface, 202
damage, destroy, or otherwise improperly tamper with a bench mark, 203
triangulation station, boundary marker, or other survey station, 204
monument, or marker; 205

(4) Without privilege to do so, knowingly move, deface, 206
damage, destroy, or otherwise improperly tamper with any safety 207
device, the property of another, or the property of the offender 208
when required or placed for the safety of others, so as to destroy 209
or diminish its effectiveness or availability for its intended 210
purpose; 211

(5) With purpose to interfere with the use or enjoyment of 212
the property of another, set a fire on the land of another or 213
place personal property that has been set on fire on the land of 214
another, which fire or personal property is outside and apart from 215
any building, other structure, or personal property that is on 216
that land; 217

(6) Without privilege to do so, and with intent to impair the 218
functioning of any computer, computer system, computer network, 219
computer software, or computer program, knowingly do any of the 220
following: 221

(a) In any manner or by any means, including, but not limited 222
to, computer hacking, alter, damage, destroy, or modify a 223
computer, computer system, computer network, computer software, or 224

computer program or data contained in a computer, computer system, 225
computer network, computer software, or computer program; 226

(b) Introduce a computer contaminant into a computer, 227
computer system, computer network, computer software, or computer 228
program. 229

(B) As used in this section, "safety device" means any fire 230
extinguisher, fire hose, or fire axe, or any fire escape, 231
emergency exit, or emergency escape equipment, or any life line, 232
life-saving ring, life preserver, or life boat or raft, or any 233
alarm, light, flare, signal, sign, or notice intended to warn of 234
danger or emergency, or intended for other safety purposes, or any 235
guard railing or safety barricade, or any traffic sign or signal, 236
or any railroad grade crossing sign, signal, or gate, or any first 237
aid or survival equipment, or any other device, apparatus, or 238
equipment intended for protecting or preserving the safety of 239
persons or property. 240

(C)(1) Whoever violates this section is guilty of criminal 241
mischief, and shall be punished as provided in division (C)(2) or 242
(3) of this section. 243

(2) Except as otherwise provided in this division, criminal 244
mischief committed in violation of division (A)(1), (2), (3), (4), 245
or (5) of this section is a misdemeanor of the third degree. If 246
Except as otherwise provided in this division, if the violation of 247
division (A)(1), (2), (3), (4), or (5) of this section creates a 248
risk of physical harm to any person, criminal mischief committed 249
in violation of division (A)(1), (2), (3), (4), or (5) of this 250
section is a misdemeanor of the first degree. If the property 251
involved in the violation of division (A)(1), (2), (3), (4), or 252
(5) of this section is an aircraft, an aircraft engine, propeller, 253
appliance, spare part, fuel, lubricant, hydraulic fluid, any other 254
equipment, implement, or material used or intended to be used in 255

the operation of an aircraft, or any cargo carried or intended to 256
be carried in an aircraft ~~and if, criminal mischief committed in~~ 257
~~violation of division (A)(1), (2), (3), (4), or (5) of this~~ 258
~~section is one of the following:~~ 259

(a) If the violation creates a risk of physical harm to any 260
person, ~~criminal mischief~~ except as otherwise provided in division 261
(C)(2)(b) of this section, criminal mischief committed in 262
violation of division (A)(1), (2), (3), (4), or (5) of this 263
section is a felony of the fifth degree. ~~If the property involved~~ 264
~~in violation of this section is an aircraft, an aircraft engine,~~ 265
~~propeller, appliance, spare part, fuel, lubricant, hydraulic~~ 266
~~fluid, any other equipment, implement, or material used or~~ 267
~~intended to be used in the operation of an aircraft, or any cargo~~ 268
~~carried or intended to be carried in an aircraft and if~~ 269

(b) If the violation creates a substantial risk of physical 270
harm to any person or if the property involved in a violation of 271
this section is an occupied aircraft, criminal mischief committed 272
in violation of division (A)(1), (2), (3), (4), or (5) of this 273
section is a felony of the fourth degree. 274

(3) Except as otherwise provided in this division, criminal 275
mischief committed in violation of division (A)(6) of this section 276
is a misdemeanor of the first degree. Except as otherwise provided 277
in this division, if the value of the computer, computer system, 278
computer network, computer software, computer program, or data 279
involved in the violation of division (A)(6) of this section or 280
the loss to the victim resulting from the violation is one 281
thousand dollars or more and less than ten thousand dollars, or if 282
the computer, computer system, computer network, computer 283
software, computer program, or data involved in the violation of 284
division (A)(6) of this section is used or intended to be used in 285
the operation of an aircraft and the violation creates a risk of 286
physical harm to any person, criminal mischief committed in 287

violation of division (A)(6) of this section is a felony of the 288
fifth degree. If the value of the computer, computer system, 289
computer network, computer software, computer program, or data 290
involved in the violation of division (A)(6) of this section or 291
the loss to the victim resulting from the violation is ten 292
thousand dollars or more, or if the computer, computer system, 293
computer network, computer software, computer program, or data 294
involved in the violation of division (A)(6) of this section is 295
used or intended to be used in the operation of an aircraft and 296
the violation creates a substantial risk of physical harm to any 297
person or the aircraft in question is an occupied aircraft, 298
criminal mischief committed in violation of division (A)(6) of 299
this section is a felony of the fourth degree. 300

Sec. 2913.01. As used in this chapter, unless the context 301
requires that a term be given a different meaning: 302

(A) "Deception" means knowingly deceiving another or causing 303
another to be deceived by any false or misleading representation, 304
by withholding information, by preventing another from acquiring 305
information, or by any other conduct, act, or omission that 306
creates, confirms, or perpetuates a false impression in another, 307
including a false impression as to law, value, state of mind, or 308
other objective or subjective fact. 309

(B) "Defraud" means to knowingly obtain, by deception, some 310
benefit for oneself or another, or to knowingly cause, by 311
deception, some detriment to another. 312

(C) "Deprive" means to do any of the following: 313

(1) Withhold property of another permanently, or for a period 314
that appropriates a substantial portion of its value or use, or 315
with purpose to restore it only upon payment of a reward or other 316
consideration; 317

(2) Dispose of property so as to make it unlikely that the owner will recover it;

(3) Accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.

(D) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.

(E) "Services" include labor, personal services, professional services, public utility services, common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of section 2913.04 of the Revised Code, include cable services as defined in that section.

(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(H) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.

(I) "Coin machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;	348
(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.	349 350 351
(J) "Slug" means an object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.	352 353 354 355
(K) "Theft offense" means any of the following:	356
(1) A violation of section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, former section 2913.47 or 2913.48, or section 2913.51, 2915.05, or 2921.41 of the Revised Code;	357 358 359 360 361 362
(2) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to any section listed in division (K)(1) of this section or a violation of section 2913.41, 2913.81, or 2915.06 of the Revised Code as it existed prior to July 1, 1996;	363 364 365 366 367
(3) An offense under an existing or former municipal ordinance or law of this or any other state, or of the United States, involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;	368 369 370 371 372
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (K)(1), (2), or (3) of this section.	373 374 375
(L) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data	376 377

that is prepared for computer use, or data that is contained 378
within a computer system or computer network. 379

(M) "Computer" means an electronic device that performs 380
logical, arithmetic, and memory functions by the manipulation of 381
electronic or magnetic impulses. "Computer" includes, but is not 382
limited to, all input, output, processing, storage, computer 383
program, or communication facilities that are connected, or 384
related, in a computer system or network to an electronic device 385
of that nature. 386

(N) "Computer system" means a computer and related devices, 387
whether connected or unconnected, including, but not limited to, 388
data input, output, and storage devices, data communications 389
links, and computer programs and data that make the system capable 390
of performing specified special purpose data processing tasks. 391

(O) "Computer network" means a set of related and remotely 392
connected computers and communication facilities that includes 393
more than one computer system that has the capability to transmit 394
among the connected computers and communication facilities through 395
the use of computer facilities. 396

(P) "Computer program" means an ordered set of data 397
representing coded instructions or statements that, when executed 398
by a computer, cause the computer to process data. 399

(Q) "Computer software" means computer programs, procedures, 400
and other documentation associated with the operation of a 401
computer system. 402

(R) "Data" means a representation of information, knowledge, 403
facts, concepts, or instructions that are being or have been 404
prepared in a formalized manner and that are intended for use in a 405
computer, computer system, or computer network. For purposes of 406
section 2913.47 of the Revised Code, "data" has the additional 407
meaning set forth in division (A) of that section. 408

(S) "Cable television service" means any services provided by 409
or through the facilities of any cable television system or other 410
similar closed circuit coaxial cable communications system, or any 411
microwave or similar transmission service used in connection with 412
any cable television system or other similar closed circuit 413
coaxial cable communications system. 414

(T) "Gain access" means to approach, instruct, communicate 415
with, store data in, retrieve data from, or otherwise make use of 416
any resources of a computer, computer system, or computer network, 417
or any cable service or cable system both as defined in section 418
2913.04 of the Revised Code. 419

(U) "Credit card" includes, but is not limited to, a card, 420
code, device, or other means of access to a customer's account for 421
the purpose of obtaining money, property, labor, or services on 422
credit, or for initiating an electronic fund transfer at a 423
point-of-sale terminal, an automated teller machine, or a cash 424
dispensing machine. It also includes a county procurement card 425
issued under section 301.29 of the Revised Code. 426

(V) "Electronic fund transfer" has the same meaning as in 92 427
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 428

(W) "Rented property" means personal property in which the 429
right of possession and use of the property is for a short and 430
possibly indeterminate term in return for consideration; the 431
rentee generally controls the duration of possession of the 432
property, within any applicable minimum or maximum term; and the 433
amount of consideration generally is determined by the duration of 434
possession of the property. 435

(X) "Telecommunication" means the origination, emission, 436
dissemination, transmission, or reception of data, images, 437
signals, sounds, or other intelligence or equivalence of 438
intelligence of any nature over any communications system by any 439

method, including, but not limited to, a fiber optic, electronic, 440
magnetic, optical, digital, or analog method. 441

(Y) "Telecommunications device" means any instrument, 442
equipment, machine, or other device that facilitates 443
telecommunication, including, but not limited to, a computer, 444
computer network, computer chip, computer circuit, scanner, 445
telephone, cellular telephone, pager, personal communications 446
device, transponder, receiver, radio, modem, or device that 447
enables the use of a modem. 448

(Z) "Telecommunications service" means the providing, 449
allowing, facilitating, or generating of any form of 450
telecommunication through the use of a telecommunications device 451
over a telecommunications system. 452

(AA) "Counterfeit telecommunications device" means a 453
telecommunications device that, alone or with another 454
telecommunications device, has been altered, constructed, 455
manufactured, or programmed to acquire, intercept, receive, or 456
otherwise facilitate the use of a telecommunications service or 457
information service without the authority or consent of the 458
provider of the telecommunications service or information service. 459
"Counterfeit telecommunications device" includes, but is not 460
limited to, a clone telephone, clone microchip, tumbler telephone, 461
or tumbler microchip; a wireless scanning device capable of 462
acquiring, intercepting, receiving, or otherwise facilitating the 463
use of telecommunications service or information service without 464
immediate detection; or a device, equipment, hardware, or software 465
designed for, or capable of, altering or changing the electronic 466
serial number in a wireless telephone. 467

(BB)(1) "Information service" means, subject to division 468
(BB)(2) of this section, the offering of a capability for 469
generating, acquiring, storing, transforming, processing, 470
retrieving, utilizing, or making available information via 471

telecommunications, including, but not limited to, electronic publishing. 472
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(2) "Information service" does not include any use of a capability of a type described in division (BB)(1) of this section for the management, control, or operation of a telecommunications system or the management of a telecommunications service. 474
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(CC) "Elderly person" means a person who is sixty-five years of age or older. 478
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(DD) "Disabled adult" means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unfit to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons. 480
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(EE) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 490
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(FF) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 492
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(GG) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code. 494
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(HH) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 496
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(II)(1) "Computer hacking" means any of the following: 498

(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or 499
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with intent to commit a crime;

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(b) Misusing computer or network services including, but not limited to, mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes, but is not limited to, the unauthorized use of any of the following:

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(i) Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;

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(ii) File transfer program proxy services or proxy servers to access other computers, computer systems, or computer networks;

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(iii) Web servers to redirect users to other web pages or web servers.

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(c)(i) Subject to division (II)(1)(c)(ii) of this section, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including, but not limited to, operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any

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other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access. 533
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(ii) The group of computer programs referred to in division (II)(1)(c)(i) of this section does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including, but not limited to, domain name services, mail transfer services, and other operating system services, computer programs commonly called "ping," "tcpdump," and "traceroute" and other network monitoring and management computer software, and computer programs commonly known as "nslookup" and "whois" and other systems administration computer software. 536
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(d) The intentional use of a computer, computer system, or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system, or computer network or other person authorized to give consent. 546
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(2) "Computer hacking" does not include the introduction of a computer contaminant, as defined in section 2909.02 of the Revised Code, into a computer, computer system, computer program, or computer network. 550
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Sec. 2913.04. (A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent. 554
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(B) No person, in any manner and by any means, including, but not limited to, computer hacking, shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of 557
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the express or implied consent of, the owner of the computer, 563
computer system, computer network, cable service, cable system, 564
telecommunications device, telecommunications service, or 565
information service or other person authorized to give consent ~~by~~ 566
~~the owner.~~ 567

(C) No person shall knowingly gain access to, attempt to gain 568
access to, cause access to be granted to, or disseminate 569
information gained from access to the law enforcement automated 570
database system created pursuant to section 5503.10 of the Revised 571
Code without the consent of, or beyond the scope of the express or 572
implied consent of, the chair of the law enforcement automated 573
data system steering committee. 574

(D) The affirmative defenses contained in division (C) of 575
section 2913.03 of the Revised Code are affirmative defenses to a 576
charge under this section. 577

(E)(1) Whoever violates division (A) of this section is 578
guilty of unauthorized use of property. 579

(2) Except as otherwise provided in division (E)(3) or (4) of 580
this section, unauthorized use of property is a misdemeanor of the 581
fourth degree. 582

(3) Except as otherwise provided in division (E)(4) of this 583
section, if unauthorized use of property is committed for the 584
purpose of devising or executing a scheme to defraud or to obtain 585
property or services, unauthorized use of property is whichever of 586
the following is applicable: 587

(a) Except as otherwise provided in division (E)(3)(b), (c), 588
or (d) of this section, a misdemeanor of the first degree. 589

(b) If the value of the property or services or the loss to 590
the victim is five hundred dollars or more and is less than five 591
thousand dollars, a felony of the fifth degree. 592

(c) If the value of the property or services or the loss to the victim is five thousand dollars or more and is less than one hundred thousand dollars, a felony of the fourth degree.

(d) If the value of the property or services or the loss to the victim is one hundred thousand dollars or more, a felony of the third degree.

(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division (E)(4)(b), (c), or (d), ~~or (e)~~ of this section, a felony of the fifth degree;

(b) If the value of the property or services or loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fourth degree;

(c) If the value of the property or services or loss to the victim is five thousand dollars or more and is less than twenty-five thousand dollars, a felony of the third degree;

(d) If the value of the property or services or loss to the victim is twenty-five thousand dollars or more, a felony of the second degree.

(F)(1) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, and shall be punished as provided in division (F)(2), (3), or (4) of this section.

(2) Except as otherwise provided in division (F)(3) or (4) of this section, unauthorized use of computer, cable, or telecommunication property is a felony of the fifth degree.

(3) Except as otherwise provided in division (F)(4) of this section, if unauthorized use of computer, cable, or telecommunication property is committed for the purpose of

devising or executing a scheme to defraud or to obtain property or 623
services, for obtaining money, property, or services by false or 624
fraudulent pretenses, or for committing any other criminal 625
offense, unauthorized use of computer, cable, or telecommunication 626
property is whichever of the following is applicable: 627

(a) Except as otherwise provided in division (F)(3)(b) of 628
this section, if the value of the property or services involved or 629
the loss to the victim is five thousand dollars or more and less 630
than one hundred thousand dollars, a felony of the fourth degree; 631

(b) If the value of the property or services involved or the 632
loss to the victim is one hundred thousand dollars or more, a 633
felony of the third degree. 634

(4) If the victim of the offense is an elderly person or 635
disabled adult, unauthorized use of computer, cable, or 636
telecommunication property is whichever of the following is 637
applicable: 638

(a) Except as otherwise provided in division (F)(4)(b), (c), 639
or (d) of this section, a felony of the fifth degree; 640

(b) If the value of the property or services or loss to the 641
victim is five hundred dollars or more and is less than five 642
thousand dollars, a felony of the fourth degree; 643

(c) If the value of the property or services or loss to the 644
victim is five thousand dollars or more and is less than 645
twenty-five thousand dollars, a felony of the third degree; 646

(d) If the value of the property or services or loss to the 647
victim is twenty-five thousand dollars or more, a felony of the 648
second degree. 649

(G) Whoever violates division (C) of this section is guilty 650
of unauthorized use of the law enforcement automated database 651
system, a felony of the fifth degree. 652

(H) As used in this section:	653
(1) "Cable operator" means any person or group of persons that does either of the following:	654 655
(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;	656 657 658
(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.	659 660
(2) "Cable service" means any of the following:	661
(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;	662 663 664
(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division (H)(2)(a) of this section;	665 666 667 668
(c) Any cable television service.	669
(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:	670 671 672 673 674 675
(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;	676 677
(b) Any facility that serves subscribers without using any public right-of-way;	678 679
(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7)(c), is excluded from the term "cable system" as defined in	680 681

47 U.S.C.A. 522(7);	682
(d) Any open video system that complies with 47 U.S.C.A. 573;	683
(e) Any facility of any electric utility used solely for operating its electric utility system.	684 685
Sec. 2915.01. As used in this chapter:	686
(A) "Bookmaking" means the business of receiving or paying off bets.	687 688
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	689 690 691
(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.	692 693 694 695 696
(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.	697 698 699 700
(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.	701 702 703
(F) "Gambling device" means any of the following:	704
(1) A book, totalizer, or other equipment for recording bets;	705
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	706 707
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	708 709 710

(4) Any equipment, device, apparatus, or paraphernalia	711
specially designed for gambling purposes;	712
(5) Bingo supplies sold or otherwise provided, or used, in	713
violation of this chapter.	714
(G) "Gambling offense" means any of the following:	715
(1) A violation of section 2915.02, 2915.03, 2915.04,	716
2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091,	717
2915.092, 2915.10, or 2915.11 of the Revised Code;	718
(2) A violation of an existing or former municipal ordinance	719
or law of this or any other state or the United States	720
substantially equivalent to any section listed in division (G)(1)	721
of this section or a violation of section 2915.06 of the Revised	722
Code as it existed prior to July 1, 1996;	723
(3) An offense under an existing or former municipal	724
ordinance or law of this or any other state or the United States,	725
of which gambling is an element;	726
(4) A conspiracy or attempt to commit, or complicity in	727
committing, any offense under division (G)(1), (2), or (3) of this	728
section.	729
(H) Except as otherwise provided in this chapter, "charitable	730
organization" means any tax exempt religious, educational,	731
veteran's, fraternal, sporting, service, nonprofit medical,	732
volunteer rescue service, volunteer firefighter's, senior	733
citizen's, historic railroad educational, youth athletic, amateur	734
athletic, or youth athletic park organization. An organization is	735
tax exempt if the organization is, and has received from the	736
internal revenue service a determination letter that currently is	737
in effect stating that the organization is, exempt from federal	738
income taxation under subsection 501(a) and described in	739
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or	740

501(c)(19) of the Internal Revenue Code, or if the organization is 741
a sporting organization that is exempt from federal income 742
taxation under subsection 501(a) and is described in subsection 743
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 744
organization, an organization, except a volunteer rescue service 745
or volunteer fire fighter's organization, shall have been in 746
continuous existence as such in this state for a period of two 747
years immediately preceding either the making of an application 748
for a bingo license under section 2915.08 of the Revised Code or 749
the conducting of any game of chance as provided in division (D) 750
of section 2915.02 of the Revised Code. A charitable organization 751
that is exempt from federal income taxation under subsection 752
501(a) and described in subsection 501(c)(3) of the Internal 753
Revenue Code and that is created by a veteran's organization, a 754
fraternal organization, or a sporting organization does not have 755
to have been in continuous existence as such in this state for a 756
period of two years immediately preceding either the making of an 757
application for a bingo license under section 2915.08 of the 758
Revised Code or the conducting of any game of chance as provided 759
in division (D) of section 2915.02 of the Revised Code. 760

(I) "Religious organization" means any church, body of 761
communicants, or group that is not organized or operated for 762
profit and that gathers in common membership for regular worship 763
and religious observances. 764

(J) "Educational organization" means any organization within 765
this state that is not organized for profit, the primary purpose 766
of which is to educate and develop the capabilities of individuals 767
through instruction by means of operating or contributing to the 768
support of a school, academy, college, or university. 769

(K) "Veteran's organization" means any individual post or 770
state headquarters of a national veteran's association or an 771
auxiliary unit of any individual post of a national veteran's 772

association, which post, state headquarters, or auxiliary unit has 773
been in continuous existence in this state for at least two years 774
and incorporated as a nonprofit corporation and either has 775
received a letter from the state headquarters of the national 776
veteran's association indicating that the individual post or 777
auxiliary unit is in good standing with the national veteran's 778
association or has received a letter from the national veteran's 779
association indicating that the state headquarters is in good 780
standing with the national veteran's association. As used in this 781
division, "national veteran's association" means any veteran's 782
association that has been in continuous existence as such for a 783
period of at least five years and either is incorporated by an act 784
of the United States congress or has a national dues-paying 785
membership of at least five thousand persons. 786

(L) "Volunteer firefighter's organization" means any 787
organization of volunteer firefighters, as defined in section 788
146.01 of the Revised Code, that is organized and operated 789
exclusively to provide financial support for a volunteer fire 790
department or a volunteer fire company and that is recognized or 791
ratified by a county, municipal corporation, or township. 792

(M) "Fraternal organization" means any society, order, state 793
headquarters, or association within this state, except a college 794
or high school fraternity, that is not organized for profit, that 795
is a branch, lodge, or chapter of a national or state 796
organization, that exists exclusively for the common business or 797
sodality of its members, and that has been in continuous existence 798
in this state for a period of five years. 799

(N) "Volunteer rescue service organization" means any 800
organization of volunteers organized to function as an emergency 801
medical service organization, as defined in section 4765.01 of the 802
Revised Code. 803

(O) "Service organization" means either of the following: 804

(1) Any organization, not organized for profit, that is 805
organized and operated exclusively to provide, or to contribute to 806
the support of organizations or institutions organized and 807
operated exclusively to provide, medical and therapeutic services 808
for persons who are crippled, born with birth defects, or have any 809
other mental or physical defect or those organized and operated 810
exclusively to protect, or to contribute to the support of 811
organizations or institutions organized and operated exclusively 812
to protect, animals from inhumane treatment or provide immediate 813
shelter to victims of domestic violence; 814

(2) Any organization that is described in subsection 815
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 816
and is either a governmental unit or an organization that is tax 817
exempt under subsection 501(a) and described in subsection 818
501(c)(3) of the Internal Revenue Code and that is an 819
organization, not organized for profit, that is organized and 820
operated primarily to provide, or to contribute to the support of 821
organizations or institutions organized and operated primarily to 822
provide, medical and therapeutic services for persons who are 823
crippled, born with birth defects, or have any other mental or 824
physical defect. 825

(P) "Nonprofit medical organization" means either of the 826
following: 827

(1) Any organization that has been incorporated as a 828
nonprofit corporation for at least five years and that has 829
continuously operated and will be operated exclusively to provide, 830
or to contribute to the support of organizations or institutions 831
organized and operated exclusively to provide, hospital, medical, 832
research, or therapeutic services for the public; 833

(2) Any organization that is described and qualified under 834
subsection 501(c)(3) of the Internal Revenue Code, that has been 835

incorporated as a nonprofit corporation for at least five years, 836
and that has continuously operated and will be operated primarily 837
to provide, or to contribute to the support of organizations or 838
institutions organized and operated primarily to provide, 839
hospital, medical, research, or therapeutic services for the 840
public. 841

(Q) "Senior citizen's organization" means any private 842
organization, not organized for profit, that is organized and 843
operated exclusively to provide recreational or social services 844
for persons who are fifty-five years of age or older and that is 845
described and qualified under subsection 501(c)(3) of the Internal 846
Revenue Code. 847

(R) "Charitable bingo game" means any bingo game described in 848
division (S)(1) or (2) of this section that is conducted by a 849
charitable organization that has obtained a license pursuant to 850
section 2915.08 of the Revised Code and the proceeds of which are 851
used for a charitable purpose. 852

(S) "Bingo" means either of the following: 853

(1) A game with all of the following characteristics: 854

(a) The participants use bingo cards or sheets, including 855
paper formats and electronic representation or image formats, that 856
are divided into twenty-five spaces arranged in five horizontal 857
and five vertical rows of spaces, with each space, except the 858
central space, being designated by a combination of a letter and a 859
number and with the central space being designated as a free 860
space. 861

(b) The participants cover the spaces on the bingo cards or 862
sheets that correspond to combinations of letters and numbers that 863
are announced by a bingo game operator. 864

(c) A bingo game operator announces combinations of letters 865

and numbers that appear on objects that a bingo game operator 866
selects by chance, either manually or mechanically, from a 867
receptacle that contains seventy-five objects at the beginning of 868
each game, each object marked by a different combination of a 869
letter and a number that corresponds to one of the seventy-five 870
possible combinations of a letter and a number that can appear on 871
the bingo cards or sheets. 872

(d) The winner of the bingo game includes any participant who 873
properly announces during the interval between the announcements 874
of letters and numbers as described in division (S)(1)(c) of this 875
section, that a predetermined and preannounced pattern of spaces 876
has been covered on a bingo card or sheet being used by the 877
participant. 878

(2) Instant bingo, punch boards, and raffles. 879

(T) "Conduct" means to back, promote, organize, manage, carry 880
on, sponsor, or prepare for the operation of bingo or a game of 881
chance. 882

(U) "Bingo game operator" means any person, except security 883
personnel, who performs work or labor at the site of bingo, 884
including, but not limited to, collecting money from participants, 885
handing out bingo cards or sheets or objects to cover spaces on 886
bingo cards or sheets, selecting from a receptacle the objects 887
that contain the combination of letters and numbers that appear on 888
bingo cards or sheets, calling out the combinations of letters and 889
numbers, distributing prizes, selling or redeeming instant bingo 890
tickets or cards, supervising the operation of a punch board, 891
selling raffle tickets, selecting raffle tickets from a receptacle 892
and announcing the winning numbers in a raffle, and preparing, 893
selling, and serving food or beverages. 894

(V) "Participant" means any person who plays bingo. 895

(W) "Bingo session" means a period that includes both of the 896

following: 897

(1) Not to exceed five continuous hours for the conduct of 898
one or more games described in division (S)(1) of this section, 899
instant bingo, and seal cards; 900

(2) A period for the conduct of instant bingo and seal cards 901
for not more than two hours before and not more than two hours 902
after the period described in division (W)(1) of this section. 903

(X) "Gross receipts" means all money or assets, including 904
admission fees, that a person receives from bingo without the 905
deduction of any amounts for prizes paid out or for the expenses 906
of conducting bingo. "Gross receipts" does not include any money 907
directly taken in from the sale of food or beverages by a 908
charitable organization conducting bingo, or by a bona fide 909
auxiliary unit or society of a charitable organization conducting 910
bingo, provided all of the following apply: 911

(1) The auxiliary unit or society has been in existence as a 912
bona fide auxiliary unit or society of the charitable organization 913
for at least two years prior to conducting bingo. 914

(2) The person who purchases the food or beverage receives 915
nothing of value except the food or beverage and items customarily 916
received with the purchase of that food or beverage. 917

(3) The food and beverages are sold at customary and 918
reasonable prices. 919

(Y) "Security personnel" includes any person who either is a 920
sheriff, deputy sheriff, marshal, deputy marshal, township 921
constable, or member of an organized police department of a 922
municipal corporation or has successfully completed a peace 923
officer's training course pursuant to sections 109.71 to 109.79 of 924
the Revised Code and who is hired to provide security for the 925
premises on which bingo is conducted. 926

(Z) "Charitable purpose" means that the net profit of bingo, 927
other than instant bingo, is used by, or is given, donated, or 928
otherwise transferred to, any of the following: 929

(1) Any organization that is described in subsection 930
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 931
and is either a governmental unit or an organization that is tax 932
exempt under subsection 501(a) and described in subsection 933
501(c)(3) of the Internal Revenue Code; 934

(2) A veteran's organization that is a post, chapter, or 935
organization of veterans, or an auxiliary unit or society of, or a 936
trust or foundation for, any such post, chapter, or organization 937
organized in the United States or any of its possessions, at least 938
seventy-five per cent of the members of which are veterans and 939
substantially all of the other members of which are individuals 940
who are spouses, widows, or widowers of veterans, or such 941
individuals, provided that no part of the net earnings of such 942
post, chapter, or organization inures to the benefit of any 943
private shareholder or individual, and further provided that the 944
net profit is used by the post, chapter, or organization for the 945
charitable purposes set forth in division (B)(12) of section 946
5739.02 of the Revised Code, is used for awarding scholarships to 947
or for attendance at an institution mentioned in division (B)(12) 948
of section 5739.02 of the Revised Code, is donated to a 949
governmental agency, or is used for nonprofit youth activities, 950
the purchase of United States or Ohio flags that are donated to 951
schools, youth groups, or other bona fide nonprofit organizations, 952
promotion of patriotism, or disaster relief; 953

(3) A fraternal organization that has been in continuous 954
existence in this state for fifteen years and that uses the net 955
profit exclusively for religious, charitable, scientific, 956
literary, or educational purposes, or for the prevention of 957
cruelty to children or animals, if contributions for such use 958

would qualify as a deductible charitable contribution under 959
subsection 170 of the Internal Revenue Code; 960

(4) A volunteer firefighter's organization that uses the net 961
profit for the purposes set forth in division (L) of this section. 962

(AA) "Internal Revenue Code" means the "Internal Revenue Code 963
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 964
amended. 965

(BB) "Youth athletic organization" means any organization, 966
not organized for profit, that is organized and operated 967
exclusively to provide financial support to, or to operate, 968
athletic activities for persons who are twenty-one years of age or 969
younger by means of sponsoring, organizing, operating, or 970
contributing to the support of an athletic team, club, league, or 971
association. 972

(CC) "Youth athletic park organization" means any 973
organization, not organized for profit, that satisfies both of the 974
following: 975

(1) It owns, operates, and maintains playing fields that 976
satisfy both of the following: 977

(a) The playing fields are used at least one hundred days per 978
year for athletic activities by one or more organizations, not 979
organized for profit, each of which is organized and operated 980
exclusively to provide financial support to, or to operate, 981
athletic activities for persons who are eighteen years of age or 982
younger by means of sponsoring, organizing, operating, or 983
contributing to the support of an athletic team, club, league, or 984
association. 985

(b) The playing fields are not used for any profit-making 986
activity at any time during the year. 987

(2) It uses the proceeds of bingo it conducts exclusively for 988

the operation, maintenance, and improvement of its playing fields 989
of the type described in division (CC)(1) of this section. 990

(DD) "Amateur athletic organization" means any organization, 991
not organized for profit, that is organized and operated 992
exclusively to provide financial support to, or to operate, 993
athletic activities for persons who are training for amateur 994
athletic competition that is sanctioned by a national governing 995
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 996
3045, 36 U.S.C.A. 373. 997

(EE) "Bingo supplies" means bingo cards or sheets; instant 998
bingo tickets or cards; electronic bingo aids; raffle tickets; 999
punch boards; seal cards; instant bingo ticket dispensers; and 1000
devices for selecting or displaying the combination of bingo 1001
letters and numbers or raffle tickets. Items that are "bingo 1002
supplies" are not gambling devices if sold or otherwise provided, 1003
and used, in accordance with this chapter. For purposes of this 1004
chapter, "bingo supplies" are not to be considered equipment used 1005
to conduct a bingo game. 1006

(FF) "Instant bingo" means a form of bingo that uses folded 1007
or banded tickets or paper cards with perforated break-open tabs, 1008
a face of which is covered or otherwise hidden from view to 1009
conceal a number, letter, or symbol, or set of numbers, letters, 1010
or symbols, some of which have been designated in advance as prize 1011
winners. "Instant bingo" includes seal cards. "Instant bingo" does 1012
not include any device that is activated by the insertion of a 1013
coin, currency, token, or an equivalent, and that contains as one 1014
of its components a video display monitor that is capable of 1015
displaying numbers, letters, symbols, or characters in winning or 1016
losing combinations. 1017

(GG) "Seal card" means a form of instant bingo that uses 1018
instant bingo tickets in conjunction with a board or placard that 1019
contains one or more seals that, when removed or opened, reveal 1020

predesignated winning numbers, letters, or symbols.	1021
(HH) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle.	1022 1023 1024 1025 1026 1027
(II) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.	1028 1029 1030 1031 1032 1033 1034 1035 1036
(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.	1037 1038
(KK) "Net profit" means gross profit minus expenses.	1039
(LL) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	1040 1041
(1) The purchase or lease of bingo supplies;	1042
(2) The annual license fee required under section 2915.08 of the Revised Code;	1043 1044
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	1045 1046
(4) Audits and accounting services;	1047
(5) Safes;	1048
(6) Cash registers;	1049

(7) Hiring security personnel;	1050
(8) Advertising bingo;	1051
(9) Renting premises in which to conduct a bingo session;	1052
(10) Tables and chairs;	1053
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	1054 1055 1056 1057
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	1058 1059 1060 1061
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	1062 1063 1064
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	1065 1066 1067 1068
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	1069 1070 1071 1072
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	1073 1074
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	1075 1076 1077
(2) Modifies, converts, adds to, or removes parts from the	1078

bingo supplies to further their promotion or sale for use in this state. 1079
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(QQ) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale. 1081
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(RR) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (S)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (S)(2) of this section. 1085
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(SS) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics: 1089
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(1) It is activated upon the insertion of United States currency. 1093
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(2) It performs no gaming functions. 1095

(3) It does not contain a video display monitor or generate noise. 1096
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(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations. 1098
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(5) It does not simulate or display rolling or spinning reels. 1100
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(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator. 1102
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(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses. 1106
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(8) It is not part of an electronic network and is not 1108
interactive. 1109

(TT)(1) "Electronic bingo aid" means an electronic device 1110
used by a participant to monitor bingo cards or sheets purchased 1111
at the time and place of a bingo session and that does all of the 1112
following: 1113

(a) It provides a means for a participant to input numbers 1114
and letters announced by a bingo caller. 1115

(b) It compares the numbers and letters entered by the 1116
participant to the bingo faces previously stored in the memory of 1117
the device. 1118

(c) It identifies a winning bingo pattern. 1119

(2) "Electronic bingo aid" does not include any device into 1120
which a coin, currency, token, or an equivalent is inserted to 1121
activate play. 1122

(UU) "Deal of instant bingo tickets" means a single game of 1123
instant bingo tickets all with the same serial number. 1124

(VV)(1) "Slot" machine means either of the following: 1125

(a) Any mechanical, electronic, video, or digital device that 1126
is capable of accepting anything of value, directly or indirectly, 1127
from or on behalf of a player who gives the thing of value in the 1128
hope of gain, the outcome of which is determined largely or wholly 1129
by chance; 1130

(b) Any mechanical, electronic, video, or digital device that 1131
is capable of accepting anything of value, directly or indirectly, 1132
from or on behalf of a player to conduct or dispense bingo or a 1133
scheme or game of chance. 1134

(2) "Slot machine" does not include a skill-based amusement 1135
machine. 1136

(WW) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(YY) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

(1) The name of the game;

(2) The manufacturer's name or distinctive logo;

(3) The form number;

(4) The ticket count;

(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

(6) The cost per play;

(7) The serial number of the game.

(ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the right of way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that received as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for profit common carrier in this state at any time prior to January 1, 1950.

(AAA)(1) "Skill-based amusement machine" means a skill-based amusement device, such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply:

(a) The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.

(b) The outcome of an individual's play and participation is not determined largely or wholly by chance.

(c) The outcome of play during a game is not controlled by a person not actively participating in the game.

(2) All of the following apply to any machine that is 1198
operated as described in division (AAA)(1) of this section: 1199

(a) As used in this section, "task," "game," and "play" mean 1200
one event from the initial activation of the machine until the 1201
results of play are determined without payment of additional 1202
consideration. An individual utilizing a machine that involves a 1203
single task, game, play, contest, competition, or tournament may 1204
be awarded prizes based on the results of play. 1205

(b) Advance play for a single task, game, play, contest, 1206
competition, or tournament participation may be purchased. The 1207
cost of the contest, competition, or tournament participation may 1208
be greater than a single non-contest, competition, or tournament 1209
play. 1210

(c) To the extent that the machine is used in a contest, 1211
competition, or tournament, that contest, competition, or 1212
tournament has a defined starting and ending date and is open to 1213
participants in competition for scoring and ranking results toward 1214
the awarding of prizes that are stated prior to the start of the 1215
contest, competition, or tournament. 1216

(BBB) "Pool not conducted for profit" means a scheme in which 1217
a participant gives a valuable consideration for a chance to win a 1218
prize and the total amount of consideration wagered is distributed 1219
to a participant or participants. 1220

(CCC) "Sporting organization" means a hunting, fishing, or 1221
trapping organization, other than a college or high school 1222
fraternity or sorority, that is not organized for profit, that is 1223
affiliated with a state or national sporting organization, 1224
including but not limited to, the Ohio League of sportsmen, and 1225
that has been in continuous existence in this state for a period 1226
of three years. 1227

(DDD) "Community action agency" has the same meaning as in 1228

section 122.66 of the Revised Code. 1229

Sec. 2915.092. (A)(1) Subject to division (A)(2) of this 1230
section, a charitable organization, a public school, a chartered 1231
nonpublic school, a community school, or a veteran's organization, 1232
fraternal organization, or sporting organization that is exempt 1233
from federal income taxation under subsection 501(a) and is 1234
described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 1235
501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code 1236
may conduct a raffle to raise money for the organization or school 1237
and does not need a license to conduct bingo in order to conduct a 1238
raffle drawing that is not for profit. 1239

(2) If a charitable organization that is described in 1240
division (A)(1) of this section, but that is not also described in 1241
subsection 501(c)(3) of the Internal Revenue Code, conducts a 1242
raffle, the charitable organization shall distribute at least 1243
fifty per cent of the net profit from the raffle to a charitable 1244
purpose described in division (Z) of section 2915.01 of the 1245
Revised Code or to a department or agency of the federal 1246
government, the state, or any political subdivision. 1247

(B) Except as provided in division (A) or (B) of this 1248
section, no person shall conduct a raffle drawing that is for 1249
profit or a raffle drawing that is not for profit. 1250

(C) Whoever violates division (B) of this section is guilty 1251
of illegal conduct of a raffle. Except as otherwise provided in 1252
this division, illegal conduct of a raffle is a misdemeanor of the 1253
first degree. If the offender previously has been convicted of a 1254
violation of division (B) of this section, illegal conduct of a 1255
raffle is a felony of the fifth degree. 1256

Section 2. That existing sections 2901.04, 2909.01, 2909.04, 1257
2909.07, 2913.01, and 2913.04 of the Revised Code are hereby 1258

repealed. 1259

Section 3. The versions of sections 2915.01 and 2915.092 of 1260
the Revised Code presented in this act prevail over the versions 1261
of those sections presented in Sub. H.B. 325 of the 125th General 1262
Assembly. 1263