

As Passed by the House

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

Sub. S. B. No. 67

**Senators Mumper, Wachtmann, Randy Gardner, DiDonato, Coughlin, Stivers,
Austria, Goodman, Carnes, Carey, Schuring, Armbruster, Harris, Jacobson,
Spada, White, Amstutz
Representatives Faber, Aslanides, Gibbs, Carmichael, Distel, Domenick,
C. Evans, Niehaus, Reinhard, Schlichter, Seaver, Setzer, Wagner, Walcher,
Widener, Buehrer, Callender, Carano, Cates, Cirelli, Collier, Core, Daniels,
D. Evans, Flowers, Gilb, Grendell, Hagan, Hartnett, Hollister, Hoops, Hughes,
Latta, Reidelbach, Willamowski, Wolpert**

A B I L L

To amend section 901.99 and to enact section 901.511 1
of the Revised Code to prohibit terrorism 2
involving agricultural products or equipment. 3

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

Section 1. That section 901.99 be amended and section 901.511 4
of the Revised Code be enacted to read as follows: 5

Sec. 901.511. (A) As used in this section: 6

(1) "Agricultural product" means any of the following items 7
that is produced for testing or research in the context of a 8
product development program in conjunction or coordination with a 9
private research facility, a university, or any federal, state, or 10
local governmental agency or that is produced for personal, 11
commercial, pharmaceutical, or educational purposes: field crop or 12
field crop product; timber or timber product; forestry product; 13

livestock or livestock product; meat or meat product; milk or
dairy product; poultry or poultry product; equine animal; wool;
fruit or vegetable crop; aquacultural product; horticultural crop,
including plant materials grown in a greenhouse, nursery stock
grown inside or outside of a container, ornamental grass, turf
grass, ornamental trees, ornamental shrubs, or flowers; sod;
mushrooms; viticultural product; apicultural product; tobacco;
pasture; wild animal or domestic deer, as "wild animal" and
"domestic deer" are defined in section 1531.01 of the Revised
Code; or any combination of those items.

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(2) "Equipment" means any implement, machinery, real or
personal property, building, or structure that is used in the
production, growing, harvesting, or housing of any agricultural
product. "Equipment" also includes any laboratory, research,
product, samples, supplies, or fixed equipment that is used to
test, develop, or analyze the process of producing, growing, or
maintaining any agricultural product.

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

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

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(5) "Specified offense" means either of the following:

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(a) A violation of section 2909.02, 2909.03, 2909.05,
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, or 2913.42
of the Revised Code;

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(b) An attempt to commit, complicity in committing, or a conspiracy to commit an offense listed in division (A)(5)(a) of this section. 45
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(B) No person shall commit a specified offense involving any agricultural product or equipment with the intent to do any of the following: 48
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(1) Intimidate or coerce a civilian population; 51

(2) Influence the policy of any government by intimidation or coercion; 52
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(3) Affect the conduct of any government; 54

(4) Interrupt or interfere with agricultural production, agricultural research, or equipment for purposes of disrupting or influencing, through intimidation or other means, consumer confidence or agricultural production methods. 55
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Division (B) of this section does not apply to the practice of veterinary medicine by a person who has been issued a valid license, temporary permit, or registration certificate to practice veterinary medicine under Chapter 4741. of the Revised Code. As used in this division, "practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code. 59
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(C) No person shall raise, solicit, collect, donate, or provide any material support or resources with the purpose that the material support or resources will be used in whole or in part to plan, prepare, carry out, or aid in either a violation of division (B) of this section or in the concealment of, or an escape from, a violation of that division. 65
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(D)(1) In addition to the penalties established in section 901.99 of the Revised Code for a violation of this section, the court may require any person who violates this section to pay the victim of the offense an amount up to triple the value of the 71
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agricultural product or equipment that was the subject of the 75
violation. 76

(2) In ordering restitution under division (D)(1) of this 77
section, the court shall consider as part of the value of the 78
agricultural product or equipment the market value of the 79
agricultural product or equipment prior to the violation and the 80
production, research, testing, replacement, and development costs 81
directly related to the agricultural product or equipment that was 82
the subject of the violation. 83

(E) The enactment of this section is not intended to require 84
the prosecution exclusively under this section of an act, series 85
of acts, or course of behavior that could be prosecuted either 86
under this section or under another section of the Revised Code. 87
One or more acts, series of acts, or courses of behavior that may 88
be prosecuted either under this section or under another section 89
of the Revised Code may be prosecuted under this section, the 90
other section, or both sections. 91

Sec. 901.99. (A) Whoever violates section 901.51 of the 92
Revised Code is guilty of a misdemeanor of the fourth degree. 93

(B) Whoever violates section 901.75 or division (C) of 94
section 901.73 of the Revised Code is guilty of a misdemeanor of 95
the first degree. 96

(C) Whoever violates division (A) of section 901.76 of the 97
Revised Code is guilty of a felony of the fifth degree on a first 98
offense and of a felony of the fourth degree on each subsequent 99
offense. 100

(D) Whoever violates division (B) of section 901.76 of the 101
Revised Code is guilty of a felony of the fourth degree. 102

(E) Whoever violates division (B) of section 901.511 of the 103
Revised Code is guilty on a first offense of a misdemeanor or a 104

felony that is one degree higher than the penalty for the most serious underlying specified offense that is involved in the violation. However, if on such an initial violation the penalty for the most serious underlying specified offense is a felony of the first degree, the violator is guilty of a felony of the first degree.

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On each subsequent violation of division (B) of that section, the violator is guilty of a misdemeanor or a felony that is two degrees higher than the penalty for the most serious underlying specified offense that is involved in the subsequent violation. However, if on such a subsequent violation the penalty for the most serious underlying specified offense is a felony of the first or second degree, the violator is guilty of a felony of the first degree.

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As used in this division, "specified offense" has the same meaning as in section 901.511 of the Revised Code, and "most serious underlying specified offense" refers to the underlying specified offense that carries the highest maximum penalty.

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(F) Whoever violates division (C) of section 901.511 of the Revised Code is guilty of a felony of the third degree.

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Section 2. That existing section 901.99 of the Revised Code is hereby repealed.

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