

As Passed by the Senate

125th General Assembly
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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

A B I L L

To amend section 901.99 and to enact section 901.511 1
of the Revised Code to prohibit damaging or 2
destroying crops, timber, livestock, 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 field crop, field crop 7
product, timber, timber product, or livestock. "Agricultural 8
product" also includes any wild animal, as "wild animal" is 9
defined in section 1531.01 of the Revised Code, that is raised or 10
maintained for either of the purposes described in division (B)(1) 11
or (2) of this section. 12

(2) "Equipment" means any equipment that is used in the 13
production of any agricultural product or any laboratory, 14
research, or fixed equipment that is used to test or analyze the 15
process of producing any agricultural product. 16

(B) No person, without privilege to do so, shall knowingly 17

damage or destroy any agricultural product that is produced for
either of the following:

(1) Personal or commercial purposes;

(2) Testing or research purposes in the context of a product
development program in conjunction or coordination with a private
research facility, a university, or any federal, state, or local
government agency.

Division (B) of this section does not apply to the practice
of veterinary medicine by a person who has been issued a license,
temporary permit, or registration certificate to do so under
Chapter 4741. of the Revised Code. As used in division (B) of this
section, "practice of veterinary medicine" has the same meaning as
in section 4741.01 of the Revised Code.

(C) No person, without privilege to do so, shall knowingly
damage or destroy any equipment.

(D)(1) In addition to the penalty provided in section 901.99
of the Revised Code for a violation of this section, the court
shall require any person who violates this section to pay to the
victim of the offense an amount equal to twice the value of the
agricultural product or equipment that has been damaged or
destroyed.

(2) In ordering restitution under this section, the court
shall consider as part of the value of the agricultural product or
equipment the market value of the agricultural product or
equipment prior to damage or destruction and the production,
research, testing, replacement, and development costs directly
related to the agricultural product or equipment that has been
damaged or destroyed.

(3) Restitution available under this section shall be limited
to twice the market value of the agricultural product or equipment

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prior to damage or destruction plus twice the actual damages 48
involving production, research, testing, replacement, and 49
development costs directly related to the agricultural product or 50
equipment that has been damaged or destroyed. 51

(E) The enactment of this section is not intended to require 52
the prosecution exclusively under this section of an act, series 53
of acts, or course of behavior that could be prosecuted either 54
under this section or under another section of the Revised Code. 55
One or more acts, series of acts, or courses of behavior that may 56
be prosecuted either under this section or under another section 57
of the Revised Code may be prosecuted under this section, the 58
other section, or both sections. 59

Sec. 901.99. (A) Whoever violates section 901.51 of the 60
Revised Code is guilty of a misdemeanor of the fourth degree. 61

(B) Whoever violates section 901.75 or division (C) of 62
section 901.73 of the Revised Code is guilty of a misdemeanor of 63
the first degree. 64

(C) Whoever violates division (A) of section 901.76 of the 65
Revised Code is guilty of a felony of the fifth degree on a first 66
offense and of a felony of the fourth degree on each subsequent 67
offense. 68

(D) Whoever violates division (B) of section 901.76 of the 69
Revised Code is guilty of a felony of the fourth degree. 70

(E) Whoever violates section 901.511 of the Revised Code is 71
guilty of damaging agricultural products. Except as otherwise 72
provided in this division, damaging agricultural products is a 73
felony of the fifth degree that is punishable by a fine of up to 74
two thousand five hundred dollars in addition to the penalties 75
specified for a felony of the fifth degree in sections 2929.11 to 76
2929.18 of the Revised Code. If the value of the property or the 77

amount of physical harm involved is five thousand dollars or more, 78
but less than one hundred thousand dollars, damaging agricultural 79
products is a felony of the fourth degree. If the value of the 80
property or the amount of physical harm involved is one hundred 81
thousand dollars or more, damaging agricultural products is a 82
felony of the third degree. 83

Section 2. That existing section 901.99 of the Revised Code 84
is hereby repealed. 85