

As Passed by the Senate

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

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**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