

As Reported by the Senate Judiciary--Criminal Justice Committee

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Sub. H. B. No. 231

**Representatives Mason, McGregor, Otterman, Allen, Brown, Chandler,
Williams, Carano, S. Smith, Boccieri, Fende, Driehaus, Ujvagi, Harwood,
Oelslager, C. Evans, Key, S. Patton, DeBose, Collier, Reidelbach, Yuko,
Beatty, Barrett, Blessing, Book, Buehrer, Cassell, Coley, DeGeeter,
Domenick, Flowers, Garrison, Gibbs, Gilb, Hartnett, Hoops, Hughes, Latta,
Law, Mitchell, Patton, T., Perry, Peterson, Raussen, Sayre, Schaffer,
Schneider, Seaver, Skindell, Smith, G., Stewart, D., Stewart, J., Sykes,
Walcher, Willamowski, Woodard, Yates**

Senators Dann, Kearney

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A B I L L

To amend section 2909.21 and to enact section 1
2909.081 of the Revised Code to prohibit a person 2
from knowingly discharging a laser into the 3
cockpit of an aircraft and to expand definitions 4
related to terrorism. 5

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

Section 1. That section 2909.21 be amended and section 6
2909.081 of the Revised Code be enacted to read as follows: 7

Sec. 2909.081. (A) No person shall knowingly discharge a 8
laser or other device that creates visible light into the cockpit 9
of an aircraft that is in the process of taking off or landing or 10
is in flight. 11

(B) Whoever violates this section is guilty of interfering with the operation of an aircraft with a laser, a felony of the second degree. 12
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(C) As used in this section, "laser" means both of the following: 15
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(1) Any device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible, or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave; 17
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(2) Any device designed or used to amplify electromagnetic radiation by simulated emission that is visible to the human eye. 22
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Sec. 2909.21. As used in sections 2909.21 to 2909.34 of the Revised Code: 24
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(A) "Act of terrorism" means an act that is committed within or outside the territorial jurisdiction of this state or the United States, that constitutes a specified offense if committed in this state or constitutes an offense in any jurisdiction within or outside the territorial jurisdiction of the United States containing all of the essential elements of a specified offense, and that is intended to do one or more of the following: 26
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(1) Intimidate or coerce a civilian population; 33

(2) Influence the policy of any government by intimidation or coercion; 34
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(3) Affect the conduct of any government by the act that constitutes the offense. 36
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(B) "Biological agent," "delivery system," "toxin," and "vector" have the same meanings as in section 2917.33 of the Revised Code. 38
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(C) "Biological weapon" means any biological agent, toxin, vector, or delivery system or combination of any biological agent or agents, any toxin or toxins, any vector or vectors, and any delivery system or systems.

(D) "Chemical weapon" means any one or more of the following:

(1) Any toxic chemical or precursor of a toxic chemical that is listed in Schedule 1, Schedule 2, or Schedule 3 of the international "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)," as entered into force on April 29, 1997;

(2) A device specifically designed to cause death or other harm through the toxic properties of a toxic chemical or precursor identified in division (D)(1) of this section that would be created or released as a result of the employment of that device;

(3) Any equipment specifically designed for use directly in connection with the employment of devices identified in division (D)(2) of this section.

(E) "Radiological or nuclear weapon" means any device that is designed to create or release radiation or radioactivity at a level that is dangerous to human life or in order to cause serious physical harm to persons as a result of the radiation or radioactivity created or released.

(F) "Explosive device" has the same meaning as in section 2923.11 of the Revised Code.

(G) "Key component of a binary or multicomponent chemical system" means the precursor that plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent chemical system.

(H) "Material assistance" means any of the following:

(1) Membership in an organization on the United States	71
department of state terrorist exclusion list;	72
(2) Use of the person's position of prominence within any	73
country to persuade others to support an organization on the	74
United States department of state terrorist exclusion list;	75
(3) Knowingly soliciting funds or other things of value for	76
an organization on the United States department of state terrorist	77
exclusion list;	78
(4) Solicitation of any individual for membership in an	79
organization on the United States department of state terrorist	80
exclusion list;	81
(5) Commission of an act that the person knows, or reasonably	82
should have known, affords material support or resources to an	83
organization on the United States department of state terrorist	84
exclusion list;	85
(6) Hiring or compensating a person known by the person	86
hiring or providing the compensation to be a member of an	87
organization on the United States department of state terrorist	88
exclusion list or a person known by the person hiring or providing	89
the compensation to be engaged in planning, assisting, or carrying	90
out an act of terrorism.	91
(I) "Material support or resources" means currency, payment	92
instruments, other financial securities, funds, transfer of funds,	93
financial services, communications, lodging, training, safe	94
houses, false documentation or identification, communications	95
equipment, facilities, weapons, lethal substances, explosives,	96
personnel, transportation, and other physical assets, except	97
medicine or religious materials.	98
(J) "Payment instrument" means a check, draft, money order,	99
traveler's check, cashier's check, teller's check, or other	100

instrument or order for the transmission or payment of money, 101
regardless of whether the item in question is negotiable. 102

(K) "Peace officer" and "prosecutor" have the same meanings 103
as in section 2935.01 of the Revised Code. 104

(L) "Precursor" means any chemical reactant that takes part 105
at any stage in the production by whatever method of a toxic 106
chemical, including any key component of a binary or 107
multicomponent chemical system. 108

(M) "Response costs" means all costs a political subdivision 109
incurs as a result of, or in making any response to, a threat of a 110
specified offense made as described in section 2909.23 of the 111
Revised Code or a specified offense committed as described in 112
section 2909.24 of the Revised Code, including, but not limited 113
to, all costs so incurred by any law enforcement officers, 114
firefighters, rescue personnel, or emergency medical services 115
personnel of the political subdivision and all costs so incurred 116
by the political subdivision that relate to laboratory testing or 117
hazardous material cleanup. 118

(N) "Specified offense" means any of the following: 119

(1) A felony offense of violence, a violation of section 120
2909.04, 2909.081, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 121
2909.28, 2909.29, or 2927.24 of the Revised Code, a felony of the 122
first degree that is not a violation of any provision in Chapter 123
2925. or 3719. of the Revised Code; 124

(2) An attempt to commit, complicity in committing, or a 125
conspiracy to commit an offense listed in division (N)(1) of this 126
section. 127

(O) "Toxic chemical" means any chemical that through its 128
chemical action on life processes can cause death or serious 129
physical harm to persons or animals, regardless of its origin or 130

of its method of production and regardless of whether it is 131
produced in facilities, in munitions, or elsewhere. 132

(P) "United States department of state terrorist exclusion 133
list" and "terrorist exclusion list" means the list compiled by 134
the United States secretary of state, in consultation with or upon 135
the request of the United States attorney general, that designates 136
terrorist organizations for immigration purposes, ~~as authorized by~~ 137
~~the "Uniting and Strengthening America by Providing Appropriate~~ 138
~~Tools Required to Intercept and Obstruct Terrorism (USA Patriot~~ 139
~~Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended.~~ 140
"United States department of state terrorist exclusion list" and 141
"terrorist exclusion list" also mean the list of terrorist 142
organizations the director of public safety prepares pursuant to 143
rules adopted in accordance with Chapter 119. of the Revised Code, 144
that is comprised of lists of organizations officials of the 145
United States government designate as terrorist, including the 146
"terrorist exclusion list" described in this division, the list of 147
"foreign terrorist organizations" the Unites States secretary of 148
state prepares in consultation with the United States attorney 149
general and the United States secretary of the treasury, and the 150
list of charities that support terrorist activities, known as 151
"designated charities," that the United States department of 152
treasury compiles. 153

(Q) "Hazardous radioactive substance" means any substance or 154
item that releases or is designed to release radiation or 155
radioactivity at a level dangerous to human life. 156

Section 2. That existing section 2909.21 of the Revised Code 157
is hereby repealed. 158