

As Reported by the Senate Judiciary--Criminal Justice Committee

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Sub. S. B. No. 20

**Senators Goodman, Amstutz, Coughlin, Clancy, Schuler, Jacobson, Cates,
Mumper, Austria, Schuring, Grendell, Wachtmann, Gardner, Carey, Padgett,
Jordan, Spada, Hottinger, Zurz**

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A B I L L

To amend sections 2901.11 and 2901.12 of the Revised 1
Code to clarify the application of the state's 2
criminal jurisdiction statute to offenses 3
committed in a jurisdiction other than Ohio that 4
result from a conspiracy, an attempt, or 5
complicity to commit the offense that occurs in 6
Ohio; to clarify the application of that statute 7
in homicide cases; to clarify that Ohio criminal 8
specifications are applicable to persons who 9
commit an offense in a jurisdiction other than 10
Ohio but are subject to Ohio criminal 11
jurisdiction; and to make other related changes to 12
the state's criminal jurisdiction and venue 13
statutes. 14

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

Section 1. That sections 2901.11 and 2901.12 of the Revised 15
Code be amended to read as follows: 16

Sec. 2901.11. (A) A person is subject to criminal prosecution 17
and punishment in this state if any of the following occur: 18

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(1) The person commits an offense under the laws of this
state, any element of which takes place in this state.

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(2) While in this state, the person ~~conspires or~~ attempts to
commit, or is guilty of complicity in the commission of, an
offense in another jurisdiction, which offense is an offense under
both the laws of this state and the other jurisdiction, or, while
in this state, the person conspires to commit an offense in
another jurisdiction, which offense is an offense under both the
laws of this state and the other jurisdiction, and a substantial
overt act in furtherance of the conspiracy is undertaken in this
state by the person or another person involved in the conspiracy,
subsequent to the person's entrance into the conspiracy. In any
case in which a person attempts to commit, is guilty of complicity
in the commission of, or conspires to commit an offense in another
jurisdiction as described in this division, the person is subject
to criminal prosecution and punishment in this state for the
attempt, complicity, or conspiracy, and for any resulting offense
that is committed or completed in the other jurisdiction.

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(3) While out of this state, the person conspires or attempts
to commit, or is guilty of complicity in the commission of, an
offense in this state.

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(4) While out of this state, the person omits to perform a
legal duty imposed by the laws of this state, which omission
affects a legitimate interest of the state in protecting,
governing, or regulating any person, property, thing, transaction,
or activity in this state.

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(5) While out of this state, the person unlawfully takes or
retains property and subsequently brings any of the unlawfully
taken or retained property into this state.

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(6) While out of this state, the person unlawfully takes or

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entices another and subsequently brings the other person into this
state.

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(7) The person, by means of a computer, computer system,
computer network, telecommunication, telecommunications device,
telecommunications service, or information service, causes or
knowingly permits any writing, data, image, or other
telecommunication to be disseminated or transmitted into this
state in violation of the law of this state.

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(B) In homicide, the element referred to in division (A)(1)
of this section ~~is either~~ includes the act that causes death, ~~or~~
the physical contact that causes death, ~~or~~ the death itself, or
any other element that is set forth in the offense in question. If
any part of the body of a homicide victim is found in this state,
the death is presumed to have occurred within this state.

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(C)(1) This state includes the land and water within its
boundaries and the air space above that land and water, with
respect to which this state has either exclusive or concurrent
legislative jurisdiction. Where the boundary between this state
and another state or foreign country is disputed, the disputed
territory is conclusively presumed to be within this state for
purposes of this section.

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(2) The courts of common pleas of Adams, Athens, Belmont,
Brown, Clermont, Columbiana, Gallia, Hamilton, Jefferson,
Lawrence, Meigs, Monroe, Scioto, and Washington counties have
jurisdiction beyond the north or northwest shore of the Ohio river
extending to the opposite shore line, between the extended
boundary lines of any adjacent counties or adjacent state. Each of
those courts of common pleas has concurrent jurisdiction on the
Ohio river with any adjacent court of common pleas that borders on
that river and with any court of Kentucky or of West Virginia that
borders on the Ohio river and that has jurisdiction on the Ohio

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river under the law of Kentucky or the law of West Virginia, 81
whichever is applicable, or under federal law. 82

(D) When an offense is committed under the laws of this 83
state, and it appears beyond a reasonable doubt that the offense 84
or any element of the offense took place either in this state or 85
in another jurisdiction or jurisdictions, but it cannot reasonably 86
be determined in which it took place, the offense or element is 87
conclusively presumed to have taken place in this state for 88
purposes of this section. 89

(E) When a person is subject to criminal prosecution and 90
punishment in this state for an offense committed or completed 91
outside of this state, the person is subject to all specifications 92
for that offense that would be applicable if the offense had been 93
committed within this state. 94

(F) Any act, conduct, or element that is a basis of a person 95
being subject under this section to criminal prosecution and 96
punishment in this state need not be committed personally by the 97
person as long as it is committed by another person who is in 98
complicity or conspiracy with the person. 99

(G) This section shall be liberally construed, consistent 100
with constitutional limitations, to allow this state the broadest 101
possible jurisdiction over offenses and persons committing 102
offenses in, or affecting, this state. 103

(H) For purposes of division (A)(2) of this section, an overt 104
act is substantial when it is of a character that manifests a 105
purpose on the part of the actor that the object of the conspiracy 106
should be completed. 107

(I) As used in this section, "computer," "computer system," 108
"computer network," "information service," "telecommunication," 109
"telecommunications device," "telecommunications service," "data," 110
and "writing" have the same meanings as in section 2913.01 of the 111

Revised Code. 112

Sec. 2901.12. (A) The trial of a criminal case in this state 113
shall be held in a court having jurisdiction of the subject 114
matter, and in the territory of which the offense or any element 115
of the offense was committed. 116

(B) When the offense or any element of the offense was 117
committed in an aircraft, motor vehicle, train, watercraft, or 118
other vehicle, in transit, and it cannot reasonably be determined 119
in which jurisdiction the offense was committed, the offender may 120
be tried in any jurisdiction through which the aircraft, motor 121
vehicle, train, watercraft, or other vehicle passed. 122

(C) When the offense involved the unlawful taking or 123
receiving of property or the unlawful taking or enticing of 124
another, the offender may be tried in any jurisdiction from which 125
or into which the property or victim was taken, received, or 126
enticed. 127

(D) When the offense is conspiracy, attempt, or complicity 128
cognizable under division (A)(2) of section 2901.11 of the Revised 129
Code, the offender may be tried in any jurisdiction in which the 130
conspiracy, attempt, complicity, or any of its elements occurred. 131
If an offense resulted outside this state from the conspiracy, 132
attempt, or complicity, that resulting offense also may be tried 133
in any jurisdiction in which the conspiracy, attempt, complicity, 134
or any of the elements of the conspiracy, attempt, or complicity 135
occurred. 136

(E) When the offense is conspiracy or attempt cognizable 137
under division (A)(3) of section 2901.11 of the Revised Code, the 138
offender may be tried in any jurisdiction in which the offense 139
that was the object of the conspiracy or attempt, or any element 140
of that offense, was intended to or could have taken place. When 141
the offense is complicity cognizable under division (A)(3) of 142

section 2901.11 of the Revised Code, the offender may be tried in 143
any jurisdiction in which the principal offender may be tried. 144

(F) When an offense is considered to have been committed in 145
this state while the offender was out of this state, and the 146
jurisdiction in this state in which the offense or any material 147
element of the offense was committed is not reasonably 148
ascertainable, the offender may be tried in any jurisdiction in 149
which the offense or element reasonably could have been committed. 150

(G) When it appears beyond a reasonable doubt that an offense 151
or any element of an offense was committed in any of two or more 152
jurisdictions, but it cannot reasonably be determined in which 153
jurisdiction the offense or element was committed, the offender 154
may be tried in any of those jurisdictions. 155

(H) When an offender, as part of a course of criminal 156
conduct, commits offenses in different jurisdictions, the offender 157
may be tried for all of those offenses in any jurisdiction in 158
which one of those offenses or any element of one of those 159
offenses occurred. Without limitation on the evidence that may be 160
used to establish the course of criminal conduct, any of the 161
following is prima-facie evidence of a course of criminal conduct: 162

(1) The offenses involved the same victim, or victims of the 163
same type or from the same group. 164

(2) The offenses were committed by the offender in the 165
offender's same employment, or capacity, or relationship to 166
another. 167

(3) The offenses were committed as part of the same 168
transaction or chain of events, or in furtherance of the same 169
purpose or objective. 170

(4) The offenses were committed in furtherance of the same 171
conspiracy. 172

(5) The offenses involved the same or a similar modus operandi. 173
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(6) The offenses were committed along the offender's line of travel in this state, regardless of the offender's point of origin or destination. 175
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(I)(1) When the offense involves a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, the offender may be tried in any jurisdiction containing any location of the computer, computer system, or computer network of the victim of the offense, in any jurisdiction from which or into which, as part of the offense, any writing, data, or image is disseminated or transmitted by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, or in any jurisdiction in which the alleged offender commits any activity that is an essential part of the offense. 178
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(2) As used in this section, "computer," "computer system," "computer network," "information service," "telecommunication," "telecommunications device," "telecommunications service," "data," and "writing" have the same meanings as in section 2913.01 of the Revised Code. 190
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(J) When the offense involves the death of a person, and it cannot reasonably be determined in which jurisdiction the offense was committed, the offender may be tried in the jurisdiction in which the dead person's body or any part of the dead person's body was found. 195
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(K) Notwithstanding any other requirement for the place of trial, venue may be changed, upon motion of the prosecution, the defense, or the court, to any court having jurisdiction of the subject matter outside the county in which trial otherwise would 200
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be held, when it appears that a fair and impartial trial cannot be 204
held in the jurisdiction in which trial otherwise would be held, 205
or when it appears that trial should be held in another 206
jurisdiction for the convenience of the parties and in the 207
interests of justice. 208

Section 2. That existing sections 2901.11 and 2901.12 of the 209
Revised Code are hereby repealed. 210

Section 3. The General Assembly hereby declares that it 211
intends by the amendments made by Sections 1 and 2 of this act to 212
prospectively overrule the decision of the Ohio Supreme Court in 213
State v. Yarbrough (2004), 104 Ohio St. 3d 1. 214