

As Introduced

**128th General Assembly
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H. B. No. 103

Representatives Fende, Harwood

**Cosponsors: Representatives Zehringer, Murray, Huffman, Ujvagi, Uecker,
Evans, Letson, Chandler, Okey, Luckie, Williams, S., Yuko, Domenick,
Slesnick**

—

A B I L L

To amend sections 2903.01, 2903.11, 2903.12, 2903.13, 1
2903.21, and 2929.04 and to enact section 2903.23 2
of the Revised Code to increase the penalties for 3
certain offenses when a judge or magistrate is the 4
victim, to prohibit a person from threatening a 5
judge or magistrate, and to make the killing of a 6
judge or magistrate an aggravating circumstance 7
for the imposition of the death penalty for 8
aggravated murder. 9

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

Section 1. That sections 2903.01, 2903.11, 2903.12, 2903.13, 10
2903.21, and 2929.04 be amended and section 2903.23 of the Revised 11
Code be enacted to read as follows: 12

Sec. 2903.01. (A) No person shall purposely, and with prior 13
calculation and design, cause the death of another or the unlawful 14
termination of another's pregnancy. 15

(B) No person shall purposely cause the death of another or 16
the unlawful termination of another's pregnancy while committing 17

or attempting to commit, or while fleeing immediately after 18
committing or attempting to commit, kidnapping, rape, aggravated 19
arson, arson, aggravated robbery, robbery, aggravated burglary, 20
burglary, terrorism, or escape. 21

(C) No person shall purposely cause the death of another who 22
is under thirteen years of age at the time of the commission of 23
the offense. 24

(D) No person who is under detention as a result of having 25
been found guilty of or having pleaded guilty to a felony or who 26
breaks that detention shall purposely cause the death of another. 27

(E) No person shall purposely cause the death of a judge, 28
magistrate, or law enforcement officer whom the offender knows or 29
has reasonable cause to know is a judge, magistrate, or law 30
enforcement officer when either of the following applies: 31

(1) The victim, at the time of the commission of the offense, 32
is engaged in the victim's duties. 33

(2) It is the offender's specific purpose to kill a judge, 34
magistrate, or law enforcement officer. 35

(F) Whoever violates this section is guilty of aggravated 36
murder, and shall be punished as provided in section 2929.02 of 37
the Revised Code. 38

(G) As used in this section: 39

(1) "Detention" has the same meaning as in section 2921.01 of 40
the Revised Code. 41

(2) "Law enforcement officer" has the same meaning as in 42
section 2911.01 of the Revised Code. 43

(3) "Judge" means a judge of a court created under the 44
constitution or statutes of this state or of a United States court 45
located in this state. 46

(4) "Magistrate" means a magistrate of a court created under 47

the constitution or statutes of this state or of a United States 48
court located in this state. 49

Sec. 2903.11. (A) No person shall knowingly do either of the 50
following: 51

(1) Cause serious physical harm to another or to another's 52
unborn; 53

(2) Cause or attempt to cause physical harm to another or to 54
another's unborn by means of a deadly weapon or dangerous 55
ordnance. 56

(B) No person, with knowledge that the person has tested 57
positive as a carrier of a virus that causes acquired 58
immunodeficiency syndrome, shall knowingly do any of the 59
following: 60

(1) Engage in sexual conduct with another person without 61
disclosing that knowledge to the other person prior to engaging in 62
the sexual conduct; 63

(2) Engage in sexual conduct with a person whom the offender 64
knows or has reasonable cause to believe lacks the mental capacity 65
to appreciate the significance of the knowledge that the offender 66
has tested positive as a carrier of a virus that causes acquired 67
immunodeficiency syndrome; 68

(3) Engage in sexual conduct with a person under eighteen 69
years of age who is not the spouse of the offender. 70

(C) The prosecution of a person under this section does not 71
preclude prosecution of that person under section 2907.02 of the 72
Revised Code. 73

(D)(1)(a) Whoever violates this section is guilty of 74
felonious assault. Except as otherwise provided in this division 75
or division (D)(1)(b) of this section, felonious assault is a 76
felony of the second degree. If the victim of a violation of 77

division (A) of this section is a judge, magistrate, peace 78
officer, or ~~an~~ investigator of the bureau of criminal 79
identification and investigation, felonious assault is a felony of 80
the first degree. 81

(b) Regardless of whether the felonious assault is a felony 82
of the first or second degree under division (D)(1)(a) of this 83
section, if the offender also is convicted of or pleads guilty to 84
a specification as described in section 2941.1423 of the Revised 85
Code that was included in the indictment, count in the indictment, 86
or information charging the offense, except as otherwise provided 87
in this division or unless a longer prison term is required under 88
any other provision of law, the court shall sentence the offender 89
to a mandatory prison term as provided in division (D)(8) of 90
section 2929.14 of the Revised Code. If the victim of the offense 91
is a judge, magistrate, peace officer, or ~~an~~ investigator of the 92
bureau of criminal identification and investigation, and if the 93
victim suffered serious physical harm as a result of the 94
commission of the offense, felonious assault is a felony of the 95
first degree, and the court, pursuant to division (F) of section 96
2929.13 of the Revised Code, shall impose as a mandatory prison 97
term one of the prison terms prescribed for a felony of the first 98
degree. 99

(2) In addition to any other sanctions imposed pursuant to 100
division (D)(1) of this section for felonious assault committed in 101
violation of division (A)(2) of this section, if the deadly weapon 102
used in the commission of the violation is a motor vehicle, the 103
court shall impose upon the offender a class two suspension of the 104
offender's driver's license, commercial driver's license, 105
temporary instruction permit, probationary license, or nonresident 106
operating privilege as specified in division (A)(2) of section 107
4510.02 of the Revised Code. 108

(E) As used in this section: 109

(1) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	110 111
(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	112 113
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	114 115
(4) "Sexual conduct" has the same meaning as in section 2907.01 of the Revised Code, except that, as used in this section, it does not include the insertion of an instrument, apparatus, or other object that is not a part of the body into the vaginal or anal opening of another, unless the offender knew at the time of the insertion that the instrument, apparatus, or other object carried the offender's bodily fluid.	116 117 118 119 120 121 122
(5) "Investigator of the bureau of criminal identification and investigation" means an investigator of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under section 109.541 of the Revised Code.	123 124 125 126 127 128 129
(6) "Investigator" has the same meaning as in section 109.541 of the Revised Code.	130 131
<u>(7) "Judge" and "magistrate" have the same meanings as in section 2903.01 of the Revised Code.</u>	132 133
Sec. 2903.12. (A) No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly:	134 135 136 137 138
(1) Cause serious physical harm to another or to another's	139

unborn; 140

(2) Cause or attempt to cause physical harm to another or to 141
another's unborn by means of a deadly weapon or dangerous 142
ordnance, as defined in section 2923.11 of the Revised Code. 143

(B) Whoever violates this section is guilty of aggravated 144
assault. Except as otherwise provided in this division, aggravated 145
assault is a felony of the fourth degree. If the victim of the 146
offense is a judge, magistrate, peace officer, or ~~an~~ investigator 147
of the bureau of criminal identification and investigation, 148
aggravated assault is a felony of the third degree. Regardless of 149
whether the offense is a felony of the third or fourth degree 150
under this division, if the offender also is convicted of or 151
pleads guilty to a specification as described in section 2941.1423 152
of the Revised Code that was included in the indictment, count in 153
the indictment, or information charging the offense, except as 154
otherwise provided in this division, the court shall sentence the 155
offender to a mandatory prison term as provided in division (D)(8) 156
of section 2929.14 of the Revised Code. If the victim of the 157
offense is a judge, magistrate, peace officer, or ~~an~~ investigator 158
of the bureau of criminal identification and investigation, and if 159
the victim suffered serious physical harm as a result of the 160
commission of the offense, aggravated assault is a felony of the 161
third degree, and the court, pursuant to division (F) of section 162
2929.13 of the Revised Code, shall impose as a mandatory prison 163
term one of the prison terms prescribed for a felony of the third 164
degree. 165

(C) As used in this section: 166

(1) "Investigator of the bureau of criminal identification 167
and investigation" has the same meaning as in section 2903.11 of 168
the Revised Code. 169

(2) "Peace officer" has the same meaning as in section 170

2935.01 of the Revised Code.	171
<u>(3) "Judge" and "magistrate" have the same meanings as in</u>	172
<u>section 2903.01 of the Revised Code.</u>	173
Sec. 2903.13. (A) No person shall knowingly cause or attempt	174
to cause physical harm to another or to another's unborn.	175
(B) No person shall recklessly cause serious physical harm to	176
another or to another's unborn.	177
(C) Whoever violates this section is guilty of assault, and	178
the court shall sentence the offender as provided in this division	179
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section.	180
Except as otherwise provided in division (C)(1), (2), (3), (4), or	181
(5) of this section, assault is a misdemeanor of the first degree.	182
(1) Except as otherwise provided in this division, if the	183
offense is committed by a caretaker against a functionally	184
impaired person under the caretaker's care, assault is a felony of	185
the fourth degree. If the offense is committed by a caretaker	186
against a functionally impaired person under the caretaker's care,	187
if the offender previously has been convicted of or pleaded guilty	188
to a violation of this section or section 2903.11 or 2903.16 of	189
the Revised Code, and if in relation to the previous conviction	190
the offender was a caretaker and the victim was a functionally	191
impaired person under the offender's care, assault is a felony of	192
the third degree.	193
(2) If the offense is committed in any of the following	194
circumstances, assault is a felony of the fifth degree:	195
(a) The offense occurs in or on the grounds of a state	196
correctional institution or an institution of the department of	197
youth services, the victim of the offense is an employee of the	198
department of rehabilitation and correction, the department of	199
youth services, or a probation department or is on the premises of	200

the particular institution for business purposes or as a visitor, 201
and the offense is committed by a person incarcerated in the state 202
correctional institution, by a person institutionalized in the 203
department of youth services institution pursuant to a commitment 204
to the department of youth services, by a parolee, by an offender 205
under transitional control, under a community control sanction, or 206
on an escorted visit, by a person under post-release control, or 207
by an offender under any other type of supervision by a government 208
agency. 209

(b) The offense occurs in or on the grounds of a local 210
correctional facility, the victim of the offense is an employee of 211
the local correctional facility or a probation department or is on 212
the premises of the facility for business purposes or as a 213
visitor, and the offense is committed by a person who is under 214
custody in the facility subsequent to the person's arrest for any 215
crime or delinquent act, subsequent to the person's being charged 216
with or convicted of any crime, or subsequent to the person's 217
being alleged to be or adjudicated a delinquent child. 218

(c) The offense occurs off the grounds of a state 219
correctional institution and off the grounds of an institution of 220
the department of youth services, the victim of the offense is an 221
employee of the department of rehabilitation and correction, the 222
department of youth services, or a probation department, the 223
offense occurs during the employee's official work hours and while 224
the employee is engaged in official work responsibilities, and the 225
offense is committed by a person incarcerated in a state 226
correctional institution or institutionalized in the department of 227
youth services who temporarily is outside of the institution for 228
any purpose, by a parolee, by an offender under transitional 229
control, under a community control sanction, or on an escorted 230
visit, by a person under post-release control, or by an offender 231
under any other type of supervision by a government agency. 232

(d) The offense occurs off the grounds of a local 233
correctional facility, the victim of the offense is an employee of 234
the local correctional facility or a probation department, the 235
offense occurs during the employee's official work hours and while 236
the employee is engaged in official work responsibilities, and the 237
offense is committed by a person who is under custody in the 238
facility subsequent to the person's arrest for any crime or 239
delinquent act, subsequent to the person being charged with or 240
convicted of any crime, or subsequent to the person being alleged 241
to be or adjudicated a delinquent child and who temporarily is 242
outside of the facility for any purpose or by a parolee, by an 243
offender under transitional control, under a community control 244
sanction, or on an escorted visit, by a person under post-release 245
control, or by an offender under any other type of supervision by 246
a government agency. 247

(e) The victim of the offense is a school teacher or 248
administrator or a school bus operator, and the offense occurs in 249
a school, on school premises, in a school building, on a school 250
bus, or while the victim is outside of school premises or a school 251
bus and is engaged in duties or official responsibilities 252
associated with the victim's employment or position as a school 253
teacher or administrator or a school bus operator, including, but 254
not limited to, driving, accompanying, or chaperoning students at 255
or on class or field trips, athletic events, or other school 256
extracurricular activities or functions outside of school 257
premises. 258

(3) If the victim of the offense is a judge, magistrate, 259
peace officer, or ~~an~~ investigator of the bureau of criminal 260
identification and investigation, a firefighter, or a person 261
performing emergency medical service, while in the performance of 262
their official duties, assault is a felony of the fourth degree. 263

(4) If the victim of the offense is a judge, magistrate, 264

peace officer, or an investigator of the bureau of criminal 265
identification and investigation and if the victim suffered 266
serious physical harm as a result of the commission of the 267
offense, assault is a felony of the fourth degree, and the court, 268
pursuant to division (F) of section 2929.13 of the Revised Code, 269
shall impose as a mandatory prison term one of the prison terms 270
prescribed for a felony of the fourth degree that is at least 271
twelve months in duration. 272

(5) If the victim of the offense is an officer or employee of 273
a public children services agency or a private child placing 274
agency and the offense relates to the officer's or employee's 275
performance or anticipated performance of official 276
responsibilities or duties, assault is either a felony of the 277
fifth degree or, if the offender previously has been convicted of 278
or pleaded guilty to an offense of violence, the victim of that 279
prior offense was an officer or employee of a public children 280
services agency or private child placing agency, and that prior 281
offense related to the officer's or employee's performance or 282
anticipated performance of official responsibilities or duties, a 283
felony of the fourth degree. 284

(6) If an offender who is convicted of or pleads guilty to 285
assault when it is a misdemeanor also is convicted of or pleads 286
guilty to a specification as described in section 2941.1423 of the 287
Revised Code that was included in the indictment, count in the 288
indictment, or information charging the offense, the court shall 289
sentence the offender to a mandatory jail term as provided in 290
division (G) of section 2929.24 of the Revised Code. 291

If an offender who is convicted of or pleads guilty to 292
assault when it is a felony also is convicted of or pleads guilty 293
to a specification as described in section 2941.1423 of the 294
Revised Code that was included in the indictment, count in the 295
indictment, or information charging the offense, except as 296

otherwise provided in division (C)(4) of this section, the court 297
shall sentence the offender to a mandatory prison term as provided 298
in division (D)(8) of section 2929.14 of the Revised Code. 299
300

(D) As used in this section: 301

(1) "Peace officer" has the same meaning as in section 302
2935.01 of the Revised Code. 303

(2) "Firefighter" has the same meaning as in section 3937.41 304
of the Revised Code. 305

(3) "Emergency medical service" has the same meaning as in 306
section 4765.01 of the Revised Code. 307

(4) "Local correctional facility" means a county, 308
multicounty, municipal, municipal-county, or multicounty-municipal 309
jail or workhouse, a minimum security jail established under 310
section 341.23 or 753.21 of the Revised Code, or another county, 311
multicounty, municipal, municipal-county, or multicounty-municipal 312
facility used for the custody of persons arrested for any crime or 313
delinquent act, persons charged with or convicted of any crime, or 314
persons alleged to be or adjudicated a delinquent child. 315

(5) "Employee of a local correctional facility" means a 316
person who is an employee of the political subdivision or of one 317
or more of the affiliated political subdivisions that operates the 318
local correctional facility and who operates or assists in the 319
operation of the facility. 320

(6) "School teacher or administrator" means either of the 321
following: 322

(a) A person who is employed in the public schools of the 323
state under a contract described in section 3319.08 of the Revised 324
Code in a position in which the person is required to have a 325
certificate issued pursuant to sections 3319.22 to 3319.311 of the 326

Revised Code.	327
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	328 329 330 331
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	332 333
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	334 335
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	336 337
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	338 339 340
<u>(11) "Judge" and "magistrate" have the same meanings as in section 2903.01 of the Revised Code.</u>	341 342
Sec. 2903.21. (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.	343 344 345 346
(B) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this division, aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is <u>a judge or magistrate or an officer or employee of a public children services agency or a private child placing agency and the offense relates to the judge's, magistrate's, officer's, or employee's performance or anticipated performance of official responsibilities or duties</u> , aggravated menacing is a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense	347 348 349 350 351 352 353 354 355 356

of violence, the victim of that prior offense was a judge or 357
magistrate or an officer or employee of a public children services 358
agency or private child placing agency, and that prior offense 359
related to the judge's, magistrate's, officer's, or employee's 360
performance or anticipated performance of official 361
responsibilities or duties, a felony of the fourth degree. 362

(C) As used in this section, "judge" and "magistrate" have 363
the same meanings as in section 2903.01 of the Revised Code. 364

Sec. 2903.23. (A) As used in this section: 365

(1) "Immediate family" includes a person's spouse, brothers 366
and sisters of the whole or half blood, children, including 367
adopted children and stepchildren, parents, and grandparents. 368

(2) "Judge" and "magistrate" have the same meanings as in 369
section 2903.01 of the Revised Code. 370

(B) No person, with intent to influence or interfere with a 371
judge or magistrate in the performance of the judge's or 372
magistrate's official duties or to retaliate against a judge or 373
magistrate for any decision made or action taken in the 374
performance of the judge's or magistrate's official duties, shall 375
knowingly threaten a judge or magistrate with physical harm to the 376
person or property of the judge or magistrate, the judge's or 377
magistrate's unborn, or a member of the judge's or magistrate's 378
immediate family. 379

(C) Whoever violates division (B) of this section is guilty 380
of threatening a judge or magistrate, a felony of the fifth 381
degree. 382

Sec. 2929.04. (A) Imposition of the death penalty for 383
aggravated murder is precluded unless one or more of the following 384
is specified in the indictment or count in the indictment pursuant 385
to section 2941.14 of the Revised Code and proved beyond a 386

reasonable doubt: 387

(1) The offense was the assassination of the president of the 388
United States or a person in line of succession to the presidency, 389
the governor or lieutenant governor of this state, the 390
president-elect or vice president-elect of the United States, the 391
governor-elect or lieutenant governor-elect of this state, or a 392
candidate for any of the offices described in this division. For 393
purposes of this division, a person is a candidate if the person 394
has been nominated for election according to law, if the person 395
has filed a petition or petitions according to law to have the 396
person's name placed on the ballot in a primary or general 397
election, or if the person campaigns as a write-in candidate in a 398
primary or general election. 399

(2) The offense was committed for hire. 400

(3) The offense was committed for the purpose of escaping 401
detection, apprehension, trial, or punishment for another offense 402
committed by the offender. 403

(4) The offense was committed while the offender was under 404
detention or while the offender was at large after having broken 405
detention. As used in division (A)(4) of this section, "detention" 406
has the same meaning as in section 2921.01 of the Revised Code, 407
except that detention does not include hospitalization, 408
institutionalization, or confinement in a mental health facility 409
or mental retardation and developmentally disabled facility unless 410
at the time of the commission of the offense either of the 411
following circumstances apply: 412

(a) The offender was in the facility as a result of being 413
charged with a violation of a section of the Revised Code. 414

(b) The offender was under detention as a result of being 415
convicted of or pleading guilty to a violation of a section of the 416
Revised Code. 417

(5) Prior to the offense at bar, the offender was convicted 418
of an offense an essential element of which was the purposeful 419
killing of or attempt to kill another, or the offense at bar was 420
part of a course of conduct involving the purposeful killing of or 421
attempt to kill two or more persons by the offender. 422

(6) The victim of the offense was a law enforcement officer, 423
as defined in section 2911.01 of the Revised Code, or a judge or 424
magistrate, as defined in section 2903.01 of the Revised Code, 425
whom the offender had reasonable cause to know or knew to be a law 426
enforcement officer or a judge or magistrate as so defined, and 427
either the victim, at the time of the commission of the offense, 428
was engaged in the victim's duties, or it was the offender's 429
specific purpose to kill a law enforcement officer or a judge or 430
magistrate as so defined. 431

(7) The offense was committed while the offender was 432
committing, attempting to commit, or fleeing immediately after 433
committing or attempting to commit kidnapping, rape, aggravated 434
arson, aggravated robbery, or aggravated burglary, and either the 435
offender was the principal offender in the commission of the 436
aggravated murder or, if not the principal offender, committed the 437
aggravated murder with prior calculation and design. 438

(8) The victim of the aggravated murder was a witness to an 439
offense who was purposely killed to prevent the victim's testimony 440
in any criminal proceeding and the aggravated murder was not 441
committed during the commission, attempted commission, or flight 442
immediately after the commission or attempted commission of the 443
offense to which the victim was a witness, or the victim of the 444
aggravated murder was a witness to an offense and was purposely 445
killed in retaliation for the victim's testimony in any criminal 446
proceeding. 447

(9) The offender, in the commission of the offense, 448
purposefully caused the death of another who was under thirteen 449

years of age at the time of the commission of the offense, and 450
either the offender was the principal offender in the commission 451
of the offense or, if not the principal offender, committed the 452
offense with prior calculation and design. 453

(10) The offense was committed while the offender was 454
committing, attempting to commit, or fleeing immediately after 455
committing or attempting to commit terrorism. 456

(B) If one or more of the aggravating circumstances listed in 457
division (A) of this section is specified in the indictment or 458
count in the indictment and proved beyond a reasonable doubt, and 459
if the offender did not raise the matter of age pursuant to 460
section 2929.023 of the Revised Code or if the offender, after 461
raising the matter of age, was found at trial to have been 462
eighteen years of age or older at the time of the commission of 463
the offense, the court, trial jury, or panel of three judges shall 464
consider, and weigh against the aggravating circumstances proved 465
beyond a reasonable doubt, the nature and circumstances of the 466
offense, the history, character, and background of the offender, 467
and all of the following factors: 468

(1) Whether the victim of the offense induced or facilitated 469
it; 470

(2) Whether it is unlikely that the offense would have been 471
committed, but for the fact that the offender was under duress, 472
coercion, or strong provocation; 473

(3) Whether, at the time of committing the offense, the 474
offender, because of a mental disease or defect, lacked 475
substantial capacity to appreciate the criminality of the 476
offender's conduct or to conform the offender's conduct to the 477
requirements of the law; 478

(4) The youth of the offender; 479

(5) The offender's lack of a significant history of prior 480

criminal convictions and delinquency adjudications; 481

(6) If the offender was a participant in the offense but not 482
the principal offender, the degree of the offender's participation 483
in the offense and the degree of the offender's participation in 484
the acts that led to the death of the victim; 485

(7) Any other factors that are relevant to the issue of 486
whether the offender should be sentenced to death. 487

(C) The defendant shall be given great latitude in the 488
presentation of evidence of the factors listed in division (B) of 489
this section and of any other factors in mitigation of the 490
imposition of the sentence of death. 491

The existence of any of the mitigating factors listed in 492
division (B) of this section does not preclude the imposition of a 493
sentence of death on the offender but shall be weighed pursuant to 494
divisions (D)(2) and (3) of section 2929.03 of the Revised Code by 495
the trial court, trial jury, or the panel of three judges against 496
the aggravating circumstances the offender was found guilty of 497
committing. 498

Section 2. That existing sections 2903.01, 2903.11, 2903.12, 499
2903.13, 2903.21, and 2929.04 of the Revised Code are hereby 500
repealed. 501