

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 22

Senator Seitz

—

A BILL

To amend sections 926.99, 1333.99, 1707.99, 1716.99, 1
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 3
2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 4
2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 5
2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 6
2917.31, 2917.32, 2919.21, 2921.01, 2921.13, 7
2921.41, 2923.31, 2929.17, 2967.193, and 2981.07 8
and to enact section 2921.341 of the Revised Code 9
to increase from \$500 to \$750 the threshold amount 10
that is used in determining increased penalties 11
for theft-related offenses; to provide that if the 12
offense of "nonsupport of dependents" is based on 13
an abandonment of or failure to support a child or 14
a person to whom a court order requires support 15
and is a felony the court must sentence the 16
offender to one or more community control 17
sanctions and that any residential sanction so 18
imposed generally must require that the offender 19
complete a community corrections program; to 20
remove Department of Rehabilitation and Correction 21
supervision of a releasee from the definition of 22
"detention" and specify the method of sanctioning 23
a person under Department supervision who fails to 24

comply in a specified manner with that 25
supervision; and to increase from one day to five 26
days the credit a prisoner in a state correctional 27
institution may earn as a monthly deduction from 28
the prisoner's prison term for productive 29
participation in specified prison programs, remove 30
sex offender treatment programs from the type of 31
programs for which a prisoner can earn the credit, 32
and prohibit granting the credit to a person 33
serving a sentence for a sexually oriented 34
offense. 35

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

Section 1. That sections 926.99, 1333.99, 1707.99, 1716.99, 36
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 37
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 38
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 39
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 40
2921.01, 2921.13, 2921.41, 2923.31, 2929.17, 2967.193, and 2981.07 41
be amended and section 2921.341 of the Revised Code be enacted to 42
read as follows: 43

Sec. 926.99. (A)(1) Except as provided in division (A)(2) of 44
this section, whoever violates section 926.04 of the Revised Code 45
is guilty of a misdemeanor of the first degree on a first offense 46
and a felony of the fifth degree on each subsequent offense. 47

(2) A person who violates section 926.04 of the Revised Code 49
and who is insolvent and financially unable to satisfy a claimant 50
as defined in section 926.021 of the Revised Code is guilty of a 51
felony of the fifth degree if the financial obligation owed by the 52
offender to the claimant is ~~five~~ seven hundred fifty dollars or 53

more and is less than five thousand dollars. If the financial 54
obligation is five thousand dollars or more and is less than one 55
hundred thousand dollars, the offender is guilty of a felony of 56
the fourth degree. If the financial obligation is one hundred 57
thousand dollars or more, the offender is guilty of a felony of 58
the third degree. 59

(B) Whoever violates division (E) or (F) of section 926.20 or 60
division (A) of section 926.22 of the Revised Code is guilty of a 61
minor misdemeanor on a first offense and a misdemeanor of the 62
second degree on each subsequent offense. 63

(C) Whoever violates division (G) of section 926.20 or 64
section 926.34 or 926.35 of the Revised Code is guilty of a felony 65
of the fourth degree. 66

(D) Whoever violates division (A) of section 926.28 or 67
division (B) of section 926.29 of the Revised Code is guilty of a 68
felony of the fifth degree. 69

(E) Whoever violates section 926.31 of the Revised Code is 70
guilty of a misdemeanor of the fourth degree. 71

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 72
1333.04 of the Revised Code is guilty of a minor misdemeanor. 73

(B) Whoever violates section 1333.12 or 1333.71 of the 74
Revised Code is guilty of a misdemeanor of the fourth degree. 75

(C) Whoever violates section 1333.36 of the Revised Code is 76
guilty of a misdemeanor of the third degree. 77

(D) A prosecuting attorney may file an action to restrain any 78
person found in violation of section 1333.36 of the Revised Code. 79
Upon the filing of such an action, the common pleas court may 80
receive evidence of such violation and forthwith grant a temporary 81
restraining order as may be prayed for, pending a hearing on the 82
merits of said cause. 83

(E) Whoever violates division (A)(1) of section 1333.52 or 84
section 1333.81 of the Revised Code is guilty of a misdemeanor of 85
the first degree. 86

(F) Whoever violates division (A)(2) or (B) of section 87
1333.52 of the Revised Code is guilty of a misdemeanor of the 88
second degree. 89

(G) Except as otherwise provided in this division, whoever 90
violates section 1333.92 of the Revised Code is guilty of a 91
misdemeanor of the first degree. If the value of the compensation 92
is ~~five~~ seven hundred fifty dollars or more and less than five 93
thousand dollars, whoever violates section 1333.92 of the Revised 94
Code is guilty of a felony of the fifth degree. If the value of 95
the compensation is five thousand dollars or more and less than 96
one hundred thousand dollars, whoever violates section 1333.92 of 97
the Revised Code is guilty of a felony of the fourth degree. If 98
the value of the compensation is one hundred thousand dollars or 99
more, whoever violates section 1333.92 of the Revised Code is 100
guilty of a felony of the third degree. 101

Sec. 1707.99. Whoever commits any act described in division 102
(A) of section 1707.042 or section 1707.44 of the Revised Code is 103
guilty of a violation of sections 1707.01 to 1707.45 of the 104
Revised Code and the following apply to the offender: 105

(A) If the value of the funds or securities involved in the 106
offense or the loss to the victim is less than ~~five~~ seven hundred 107
fifty dollars, the offender is guilty of a felony of the fifth 108
degree, and the court may impose upon the offender an additional 109
fine of not more than two thousand five hundred dollars. 110

(B) If the value of the funds or securities involved in the 111
offense or the loss to the victim is ~~five~~ seven hundred fifty 112
dollars or more but less than five thousand dollars, the offender 113
is guilty of a felony of the fourth degree, and the court may 114

impose upon the offender an additional fine of not more than five 115
thousand dollars. 116

(C) If the value of the funds or securities involved in the 117
offense or the loss to the victim is five thousand dollars or more 118
but less than twenty-five thousand dollars, the offender is guilty 119
of a felony of the third degree, and the court may impose upon the 120
offender an additional fine of not more than ten thousand dollars. 121

(D) If the value of the funds or securities involved in the 122
offense or the loss to the victim is twenty-five thousand dollars 123
or more but less than one hundred thousand dollars, the offender 124
is guilty of a felony of the second degree, and the court may 125
impose upon the offender an additional fine of not more than 126
fifteen thousand dollars. 127

(E) If the value of the funds or securities involved in the 128
offense or the loss to the victim is one hundred thousand dollars 129
or more, the offender is guilty of a felony of the first degree, 130
and the court may impose upon the offender an additional fine of 131
not more than twenty thousand dollars. 132

Sec. 1716.99. (A) Whoever violates any provision of sections 133
1716.02 to 1716.17 of the Revised Code, other than division (A)(1) 134
of section 1716.14 of the Revised Code, is guilty of a misdemeanor 135
of the first degree. 136

Each occurrence of a solicitation of a contribution from any 137
person in violation of any provision of sections 1716.02 to 138
1716.17 of the Revised Code, other than division (A)(1) of section 139
1716.14 of the Revised Code, is considered a separate offense. 140

(B)(1) Whoever violates division (A)(1) of section 1716.14 of 141
the Revised Code is guilty of solicitation fraud and shall be 142
punished as provided in divisions (B)(2) to (4) of this section. 143

(2) Except as otherwise provided in division (B)(4) of this 144

section, division (B)(3) of this section applies to solicitation 145
fraud, and solicitation fraud is one of the following: 146

(a) Except as otherwise provided in divisions (B)(2)(b) to 147
(d) of this section, a misdemeanor of the first degree or, if the 148
offender previously has been convicted of or pleaded guilty to a 149
theft offense or a violation of division (A)(1) of section 1716.14 150
of the Revised Code, a felony of the fifth degree. 151

(b) If the value of the contribution or contributions made in 152
the violation is ~~five~~ seven hundred fifty dollars or more but less 153
than five thousand dollars, a felony of the fifth degree or, if 154
the offender previously has been convicted of or pleaded guilty to 155
a theft offense or a violation of division (A)(1) of section 156
1716.14 of the Revised Code, a felony of the fourth degree. 157

(c) If the value of the contribution or contributions made in 159
the violation is five thousand dollars or more but less than one 160
hundred thousand dollars, a felony of the fourth degree or, if the 161
offender previously has been convicted of or pleaded guilty to a 162
theft offense or a violation of division (A)(1) of section 1716.14 163
of the Revised Code, a felony of the third degree. 164

(d) If the value of the contribution or contributions made in 165
the violation is one hundred thousand dollars or more, a felony of 166
the third degree. 167

(3) When an offender commits a series of offenses in 168
violation of division (A)(1) of section 1716.14 of the Revised 169
Code as part of a common scheme or plan to defraud multiple 170
victims, all of the offenses may be tried as a single offense. If 171
the offenses are tried as a single offense, the value of the 172
contributions for purposes of determining the value as required by 173
division (B)(2) of this section is the aggregate value of all 174
contributions involved in all offenses in the common scheme or 175

plan to defraud multiple victims. In prosecuting a single offense 176
under this division, it is not necessary to separately allege and 177
prove each offense in the series. Rather, it is sufficient to 178
allege and prove that the offender, within a given span of time, 179
committed one or more offenses as part of a common scheme or plan 180
to defraud multiple victims as described in this division. 181

(4) If the victim of the offense is an elderly person or 182
disabled adult, division (B)(4) of this section and section 183
2913.61 of the Revised Code apply to solicitation fraud, and 184
solicitation fraud is one of the following: 185

(a) Except as otherwise provided in divisions (B)(4)(b) to 186
(d) of this section, a felony of the fifth degree; 187

(b) If the value of the contributions made in the violation 188
is ~~five~~ seven hundred fifty dollars or more and is less than five 189
thousand dollars, a felony of the fourth degree; 190

(c) If the value of the contributions made in the violation 191
is five thousand dollars or more and is less than twenty-five 192
thousand dollars, a felony of the third degree; 193

(d) If the value of the contributions made in the violation 194
is twenty-five thousand dollars or more, a felony of the second 195
degree. 196

(C) Any person who is found guilty of any act or omission 197
prohibited under this chapter shall forfeit the bond described in 198
section 1716.05 or 1716.07 of the Revised Code to the state 199
treasury to the credit of the charitable law fund established 200
under section 109.32 of the Revised Code and shall be prohibited 201
from registering with the attorney general or from serving as a 202
fund-raising counsel or professional solicitor in this state for a 203
period of five years after conviction. 204

Sec. 2909.03. (A) No person, by means of fire or explosion, 205

shall knowingly do any of the following:	206
(1) Cause, or create a substantial risk of, physical harm to any property of another without the other person's consent;	207 208
(2) Cause, or create a substantial risk of, physical harm to any property of the offender or another, with purpose to defraud;	209 210
(3) Cause, or create a substantial risk of, physical harm to the statehouse or a courthouse, school building, or other building or structure that is owned or controlled by the state, any political subdivision, or any department, agency, or instrumentality of the state or a political subdivision, and that is used for public purposes;	211 212 213 214 215 216
(4) Cause, or create a substantial risk of, physical harm, through the offer or the acceptance of an agreement for hire or other consideration, to any property of another without the other person's consent or to any property of the offender or another with purpose to defraud;	217 218 219 220 221
(5) Cause, or create a substantial risk of, physical harm to any park, preserve, wildlands, brush-covered land, cut-over land, forest, timberland, greenlands, woods, or similar real property that is owned or controlled by another person, the state, or a political subdivision without the consent of the other person, the state, or the political subdivision;	222 223 224 225 226 227
(6) With purpose to defraud, cause, or create a substantial risk of, physical harm to any park, preserve, wildlands, brush-covered land, cut-over land, forest, timberland, greenlands, woods, or similar real property that is owned or controlled by the offender, another person, the state, or a political subdivision.	228 229 230 231 232
(B)(1) Whoever violates this section is guilty of arson.	233
(2) A violation of division (A)(1) of this section is one of the following:	234 235

(a) Except as otherwise provided in division (B)(2)(b) of this section, a misdemeanor of the first degree;	236 237
(b) If the value of the property or the amount of the physical harm involved is five <u>seven</u> hundred <u>fifty</u> dollars or more, a felony of the fourth degree.	238 239 240
(3) A violation of division (A)(2), (3), (5), or (6) of this section is a felony of the fourth degree.	241 242
(4) A violation of division (A)(4) of this section is a felony of the third degree.	243 244
Sec. 2909.05. (A) No person shall knowingly cause serious physical harm to an occupied structure or any of its contents.	245 246
(B)(1) No person shall knowingly cause physical harm to property that is owned or possessed by another, when either of the following applies:	247 248 249
(a) The property is used by its owner or possessor in the owner's or possessor's profession, business, trade, or occupation, and the value of the property or the amount of physical harm involved is five <u>seven</u> hundred <u>fifty</u> dollars or more;	250 251 252 253
(b) Regardless of the value of the property or the amount of damage done, the property or its equivalent is necessary in order for its owner or possessor to engage in the owner's or possessor's profession, business, trade, or occupation.	254 255 256 257
(2) No person shall knowingly cause serious physical harm to property that is owned, leased, or controlled by a governmental entity. A governmental entity includes, but is not limited to, the state or a political subdivision of the state, a school district, the board of trustees of a public library or public university, or any other body corporate and politic responsible for governmental activities only in geographical areas smaller than that of the state.	258 259 260 261 262 263 264 265

(C) No person, without privilege to do so, shall knowingly 266
cause serious physical harm to any tomb, monument, gravestone, or 267
other similar structure that is used as a memorial for the dead; 268
to any fence, railing, curb, or other property that is used to 269
protect, enclose, or ornament any cemetery; or to a cemetery. 270

(D) No person, without privilege to do so, shall knowingly 271
cause physical harm to a place of burial by breaking and entering 272
into a tomb, crypt, casket, or other structure that is used as a 273
memorial for the dead or as an enclosure for the dead. 274

(E) Whoever violates this section is guilty of vandalism. 275
Except as otherwise provided in this division, vandalism is a 276
felony of the fifth degree that is punishable by a fine of up to 277
two thousand five hundred dollars in addition to the penalties 278
specified for a felony of the fifth degree in sections 2929.11 to 279
2929.18 of the Revised Code. If the value of the property or the 280
amount of physical harm involved is five thousand dollars or more 281
but less than one hundred thousand dollars, vandalism is a felony 282
of the fourth degree. If the value of the property or the amount 283
of physical harm involved is one hundred thousand dollars or more, 284
vandalism is a felony of the third degree. 285

(F) For purposes of this section: 286

(1) "Cemetery" means any place of burial and includes burial 287
sites that contain American Indian burial objects placed with or 288
containing American Indian human remains. 289

(2) "Serious physical harm" means physical harm to property 290
that results in loss to the value of the property of ~~five~~ seven 291
hundred fifty dollars or more. 292

Sec. 2909.11. (A) When a person is charged with a violation 293
of division (A)(1) of section 2909.03 of the Revised Code 294
involving property value or an amount of physical harm of ~~five~~ 295

seven hundred fifty dollars or more or with a violation of section 296
2909.05 of the Revised Code involving property value or an amount 297
of physical harm of ~~five~~ seven hundred fifty dollars or more, the 298
jury or court trying the accused shall determine the value of the 299
property or amount of physical harm and, if a guilty verdict is 300
returned, shall return the finding as part of the verdict. In any 301
such case, it is unnecessary to find or return the exact value or 302
amount of physical harm, section 2945.75 of the Revised Code 303
applies, and it is sufficient if either of the following applies, 304
as appropriate, relative to the finding and return of the value or 305
amount of physical harm: 306

(1) If the finding and return relate to a violation of 307
division (A)(1) of section 2909.03 of the Revised Code and are 308
that the value or amount of the physical harm was ~~five~~ seven 309
hundred fifty dollars or more, the finding and return shall 310
include a statement that the value or amount was ~~five~~ seven 311
hundred fifty dollars or more. 312

(2) If the finding and return relate to a violation of 313
division section 2909.05 of the Revised Code and are that the 314
value or amount of the physical harm was in any of the following 315
categories, the finding and return shall include one of the 316
following statements, as appropriate: 317

(a) If the finding and return are that the value or amount 318
was one hundred thousand dollars or more, a statement that the 319
value or amount was one hundred thousand dollars or more; 320

(b) If the finding and return are that the value or amount 321
was five thousand dollars or more but less than one hundred 322
thousand dollars a statement that the value or amount was five 323
thousand dollars or more but less than one hundred thousand 324
dollars; 325

(c) If the finding and return are that the value or amount 326

was ~~five~~ seven hundred fifty dollars or more but less than five 327
thousand dollars, a statement that the value or amount was ~~five~~ 328
seven hundred fifty dollars or more but less than five thousand 329
dollars. 330

(B) The following criteria shall be used in determining the 331
value of property or amount of physical harm involved in a 332
violation of division (A)(1) of section 2909.03 or section 2909.05 333
of the Revised Code: 334

(1) If the property is an heirloom, memento, collector's 335
item, antique, museum piece, manuscript, document, record, or 336
other thing that is either irreplaceable or is replaceable only on 337
the expenditure of substantial time, effort, or money, the value 338
of the property or the amount of physical harm involved is the 339
amount that would compensate the owner for its loss. 340

(2) If the property is not covered under division (B)(1) of 341
this section and the physical harm is such that the property can 342
be restored substantially to its former condition, the amount of 343
physical harm involved is the reasonable cost of restoring the 344
property. 345

(3) If the property is not covered under division (B)(1) of 346
this section and the physical harm is such that the property 347
cannot be restored substantially to its former condition, the 348
value of the property, in the case of personal property, is the 349
cost of replacing the property with new property of like kind and 350
quality, and, in the case of real property or real property 351
fixtures, is the difference in the fair market value of the 352
property immediately before and immediately after the offense. 353

(C) As used in this section, "fair market value" has the same 354
meaning as in section 2913.61 of the Revised Code. 355

(D) Prima-facie evidence of the value of property, as 356
provided in division (E) of section 2913.61 of the Revised Code, 357

may be used to establish the value of property pursuant to this 358
section. 359

Sec. 2913.02. (A) No person, with purpose to deprive the 360
owner of property or services, shall knowingly obtain or exert 361
control over either the property or services in any of the 362
following ways: 363

(1) Without the consent of the owner or person authorized to 364
give consent; 365

(2) Beyond the scope of the express or implied consent of the 366
owner or person authorized to give consent; 367

(3) By deception; 368

(4) By threat; 369

(5) By intimidation. 370

(B)(1) Whoever violates this section is guilty of theft. 371

(2) Except as otherwise provided in this division or division 372
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 373
this section is petty theft, a misdemeanor of the first degree. If 374
the value of the property or services stolen is ~~five~~ seven hundred 375
fifty dollars or more and is less than five thousand dollars or if 376
the property stolen is any of the property listed in section 377
2913.71 of the Revised Code, a violation of this section is theft, 378
a felony of the fifth degree. If the value of the property or 379
services stolen is five thousand dollars or more and is less than 380
one hundred thousand dollars, a violation of this section is grand 381
theft, a felony of the fourth degree. If the value of the property 382
or services stolen is one hundred thousand dollars or more and is 383
less than five hundred thousand dollars, a violation of this 384
section is aggravated theft, a felony of the third degree. If the 385
value of the property or services is five hundred thousand dollars 386
or more and is less than one million dollars, a violation of this 387

section is aggravated theft, a felony of the second degree. If the 388
value of the property or services stolen is one million dollars or 389
more, a violation of this section is aggravated theft of one 390
million dollars or more, a felony of the first degree. 391

392
(3) Except as otherwise provided in division (B)(4), (5), 393
(6), (7), or (8) of this section, if the victim of the offense is 394
an elderly person or disabled adult, a violation of this section 395
is theft from an elderly person or disabled adult, and division 396
(B)(3) of this section applies. Except as otherwise provided in 397
this division, theft from an elderly person or disabled adult is a 398
felony of the fifth degree. If the value of the property or 399
services stolen is ~~five~~ seven hundred fifty dollars or more and is 400
less than five thousand dollars, theft from an elderly person or 401
disabled adult is a felony of the fourth degree. If the value of 402
the property or services stolen is five thousand dollars or more 403
and is less than twenty-five thousand dollars, theft from an 404
elderly person or disabled adult is a felony of the third degree. 405
If the value of the property or services stolen is twenty-five 406
thousand dollars or more and is less than one hundred thousand 407
dollars, theft from an elderly person or disabled adult is a 408
felony of the second degree. If the value of the property or 409
services stolen is one hundred thousand dollars or more, theft 410
from an elderly person or disabled adult is a felony of the first 411
degree. 412

(4) If the property stolen is a firearm or dangerous 413
ordnance, a violation of this section is grand theft. Except as 414
otherwise provided in this division, grand theft when the property 415
stolen is a firearm or dangerous ordnance is a felony of the third 416
degree, and there is a presumption in favor of the court imposing 417
a prison term for the offense. If the firearm or dangerous 418
ordnance was stolen from a federally licensed firearms dealer, 419

grand theft when the property stolen is a firearm or dangerous
ordnance is a felony of the first degree. The offender shall serve
a prison term imposed for grand theft when the property stolen is
a firearm or dangerous ordnance consecutively to any other prison
term or mandatory prison term previously or subsequently imposed
upon the offender.

(5) If the property stolen is a motor vehicle, a violation of
this section is grand theft of a motor vehicle, a felony of the
fourth degree.

(6) If the property stolen is any dangerous drug, a violation
of this section is theft of drugs, a felony of the fourth degree,
or, if the offender previously has been convicted of a felony drug
abuse offense, a felony of the third degree.

(7) If the property stolen is a police dog or horse or an
assistance dog and the offender knows or should know that the
property stolen is a police dog or horse or an assistance dog, a
violation of this section is theft of a police dog or horse or an
assistance dog, a felony of the third degree.

(8) If the property stolen is anhydrous ammonia, a violation
of this section is theft of anhydrous ammonia, a felony of the
third degree.

(9) In addition to the penalties described in division (B)(2)
of this section, if the offender committed the violation by
causing a motor vehicle to leave the premises of an establishment
at which gasoline is offered for retail sale without the offender
making full payment for gasoline that was dispensed into the fuel
tank of the motor vehicle or into another container, the court may
do one of the following:

(a) Unless division (B)(9)(b) of this section applies,
suspend for not more than six months the offender's driver's
license, probationary driver's license, commercial driver's

license, temporary instruction permit, or nonresident operating 451
privilege; 452

(b) If the offender's driver's license, probationary driver's 453
license, commercial driver's license, temporary instruction 454
permit, or nonresident operating privilege has previously been 455
suspended pursuant to division (B)(9)(a) of this section, impose a 456
class seven suspension of the offender's license, permit, or 457
privilege from the range specified in division (A)(7) of section 458
4510.02 of the Revised Code, provided that the suspension shall be 459
for at least six months. 460

(10) In addition to the penalties described in division 461
(B)(2) of this section, if the offender committed the violation by 462
stealing rented property or rental services, the court may order 463
that the offender make restitution pursuant to section 2929.18 or 464
2929.28 of the Revised Code. Restitution may include, but is not 465
limited to, the cost of repairing or replacing the stolen 466
property, or the cost of repairing the stolen property and any 467
loss of revenue resulting from deprivation of the property due to 468
theft of rental services that is less than or equal to the actual 469
value of the property at the time it was rented. Evidence of 470
intent to commit theft of rented property or rental services shall 471
be determined pursuant to the provisions of section 2913.72 of the 472
Revised Code. 473

(C) The sentencing court that suspends an offender's license, 474
permit, or nonresident operating privilege under division (B)(9) 475
of this section may grant the offender limited driving privileges 476
during the period of the suspension in accordance with Chapter 477
4510. of the Revised Code. 478

Sec. 2913.03. (A) No person shall knowingly use or operate an 479
aircraft, motor vehicle, motorcycle, motorboat, or other 480
motor-propelled vehicle without the consent of the owner or person 481

authorized to give consent. 482

(B) No person shall knowingly use or operate an aircraft, 483
motor vehicle, motorboat, or other motor-propelled vehicle without 484
the consent of the owner or person authorized to give consent, and 485
either remove it from this state or keep possession of it for more 486
than forty-eight hours. 487

(C) The following are affirmative defenses to a charge under 488
this section: 489

(1) At the time of the alleged offense, the actor, though 490
mistaken, reasonably believed that the actor was authorized to use 491
or operate the property. 492

(2) At the time of the alleged offense, the actor reasonably 493
believed that the owner or person empowered to give consent would 494
authorize the actor to use or operate the property. 495

(D)(1) Whoever violates this section is guilty of 496
unauthorized use of a vehicle. 497

(2) Except as otherwise provided in division (D)(4) of this 498
section, a violation of division (A) of this section is a 499
misdemeanor of the first degree. 500

(3) Except as otherwise provided in division (D)(4) of this 501
section, a violation of division (B) of this section is a felony 502
of the fifth degree. 503

(4) If the victim of the offense is an elderly person or 504
disabled adult and if the victim incurs a loss as a result of the 505
violation, a violation of division (A) or (B) of this section is 506
whichever of the following is applicable: 507

(a) Except as otherwise provided in division (D)(4)(b), (c), 508
or (d), ~~or (e)~~ of this section, a felony of the fifth degree; 509

(b) If the loss to the victim is ~~five~~ seven hundred fifty 510
dollars or more and is less than five thousand dollars, a felony 511

of the fourth degree; 512

(c) If the loss to the victim is five thousand dollars or 513
more and is less than twenty-five thousand dollars, a felony of 514
the third degree; 515

(d) If the loss to the victim is twenty-five thousand dollars 516
or more, a felony of the second degree. 517

Sec. 2913.04. (A) No person shall knowingly use or operate 518
the property of another without the consent of the owner or person 519
authorized to give consent. 520

(B) No person, in any manner and by any means, including, but 521
not limited to, computer hacking, shall knowingly gain access to, 522
attempt to gain access to, or cause access to be gained to any 523
computer, computer system, computer network, cable service, cable 524
system, telecommunications device, telecommunications service, or 525
information service without the consent of, or beyond the scope of 526
the express or implied consent of, the owner of the computer, 527
computer system, computer network, cable service, cable system, 528
telecommunications device, telecommunications service, or 529
information service or other person authorized to give consent. 530

(C) No person shall knowingly gain access to, attempt to gain 531
access to, cause access to be granted to, or disseminate 532
information gained from access to the law enforcement automated 533
database system created pursuant to section 5503.10 of the Revised 534
Code without the consent of, or beyond the scope of the express or 535
implied consent of, the chair of the law enforcement automated 536
data system steering committee. 537

(D) The affirmative defenses contained in division (C) of 538
section 2913.03 of the Revised Code are affirmative defenses to a 539
charge under this section. 540

(E)(1) Whoever violates division (A) of this section is 541

guilty of unauthorized use of property. 542

(2) Except as otherwise provided in division (E)(3) or (4) of 543
this section, unauthorized use of property is a misdemeanor of the 544
fourth degree. 545

(3) Except as otherwise provided in division (E)(4) of this 546
section, if unauthorized use of property is committed for the 547
purpose of devising or executing a scheme to defraud or to obtain 548
property or services, unauthorized use of property is whichever of 549
the following is applicable: 550

(a) Except as otherwise provided in division (E)(3)(b), (c), 551
or (d) of this section, a misdemeanor of the first degree. 552

(b) If the value of the property or services or the loss to 553
the victim is ~~five~~ seven hundred fifty dollars or more and is less 554
than five thousand dollars, a felony of the fifth degree. 555

(c) If the value of the property or services or the loss to 556
the victim is five thousand dollars or more and is less than one 557
hundred thousand dollars, a felony of the fourth degree. 558

(d) If the value of the property or services or the loss to 559
the victim is one hundred thousand dollars or more, a felony of 560
the third degree. 561

(4) If the victim of the offense is an elderly person or 562
disabled adult, unauthorized use of property is whichever of the 563
following is applicable: 564

(a) Except as otherwise provided in division (E)(4)(b), (c), 565
or (d) of this section, a felony of the fifth degree; 566

(b) If the value of the property or services or loss to the 567
victim is ~~five~~ seven hundred fifty dollars or more and is less 568
than five thousand dollars, a felony of the fourth degree; 569

(c) If the value of the property or services or loss to the 570
victim is five thousand dollars or more and is less than 571

twenty-five thousand dollars, a felony of the third degree; 572

(d) If the value of the property or services or loss to the 573
victim is twenty-five thousand dollars or more, a felony of the 574
second degree. 575

(F)(1) Whoever violates division (B) of this section is 576
guilty of unauthorized use of computer, cable, or 577
telecommunication property, and shall be punished as provided in 578
division (F)(2), (3), or (4) of this section. 579

(2) Except as otherwise provided in division (F)(3) or (4) of 580
this section, unauthorized use of computer, cable, or 581
telecommunication property is a felony of the fifth degree. 582

(3) Except as otherwise provided in division (F)(4) of this 583
section, if unauthorized use of computer, cable, or 584
telecommunication property is committed for the purpose of 585
devising or executing a scheme to defraud or to obtain property or 586
services, for obtaining money, property, or services by false or 587
fraudulent pretenses, or for committing any other criminal 588
offense, unauthorized use of computer, cable, or telecommunication 589
property is whichever of the following is applicable: 590

(a) Except as otherwise provided in division (F)(3)(b) of 591
this section, if the value of the property or services involved or 592
the loss to the victim is five thousand dollars or more and less 593
than one hundred thousand dollars, a felony of the fourth degree; 594

(b) If the value of the property or services involved or the 595
loss to the victim is one hundred thousand dollars or more, a 596
felony of the third degree. 597

(4) If the victim of the offense is an elderly person or 598
disabled adult, unauthorized use of computer, cable, or 599
telecommunication property is whichever of the following is 600
applicable: 601

(a) Except as otherwise provided in division (F)(4)(b), (c),
or (d) of this section, a felony of the fifth degree;

(b) If the value of the property or services or loss to the
victim is ~~five~~ seven hundred fifty dollars or more and is less
than five thousand dollars, a felony of the fourth degree;

(c) If the value of the property or services or loss to the
victim is five thousand dollars or more and is less than
twenty-five thousand dollars, a felony of the third degree;

(d) If the value of the property or services or loss to the
victim is twenty-five thousand dollars or more, a felony of the
second degree.

(G) Whoever violates division (C) of this section is guilty
of unauthorized use of the law enforcement automated database
system, a felony of the fifth degree.

(H) As used in this section:

(1) "Cable operator" means any person or group of persons
that does either of the following:

(a) Provides cable service over a cable system and directly
or through one or more affiliates owns a significant interest in
that cable system;

(b) Otherwise controls or is responsible for, through any
arrangement, the management and operation of a cable system.

(2) "Cable service" means any of the following:

(a) The one-way transmission to subscribers of video
programming or of information that a cable operator makes
available to all subscribers generally;

(b) Subscriber interaction, if any, that is required for the
selection or use of video programming or of information that a
cable operator makes available to all subscribers generally, both
as described in division (H)(2)(a) of this section;

(c) Any cable television service. 632

(3) "Cable system" means any facility, consisting of a set of 633
closed transmission paths and associated signal generation, 634
reception, and control equipment that is designed to provide cable 635
service that includes video programming and that is provided to 636
multiple subscribers within a community. "Cable system" does not 637
include any of the following: 638

(a) Any facility that serves only to retransmit the 639
television signals of one or more television broadcast stations; 640

(b) Any facility that serves subscribers without using any 641
public right-of-way; 642

(c) Any facility of a common carrier that, under 47 U.S.C.A. 643
522(7)(c), is excluded from the term "cable system" as defined in 644
47 U.S.C.A. 522(7); 645

(d) Any open video system that complies with 47 U.S.C.A. 573; 646

(e) Any facility of any electric utility used solely for 647
operating its electric utility system. 648

Sec. 2913.11. (A) As used in this section: 649

(1) "Check" includes any form of debit from a demand deposit 650
account, including, but not limited to any of the following: 651

(a) A check, bill of exchange, draft, order of withdrawal, or 652
similar negotiable or non-negotiable instrument; 653

(b) An electronic check, electronic transaction, debit card 654
transaction, check card transaction, substitute check, web check, 655
or any form of automated clearing house transaction. 656

(2) "Issue a check" means causing any form of debit from a 657
demand deposit account. 658

(B) No person, with purpose to defraud, shall issue or 659
transfer or cause to be issued or transferred a check or other 660

negotiable instrument, knowing that it will be dishonored or 661
knowing that a person has ordered or will order stop payment on 662
the check or other negotiable instrument. 663

(C) For purposes of this section, a person who issues or 664
transfers a check or other negotiable instrument is presumed to 665
know that it will be dishonored if either of the following occurs: 666

(1) The drawer had no account with the drawee at the time of 667
issue or the stated date, whichever is later; 668

(2) The check or other negotiable instrument was properly 669
refused payment for insufficient funds upon presentment within 670
thirty days after issue or the stated date, whichever is later, 671
and the liability of the drawer, indorser, or any party who may be 672
liable thereon is not discharged by payment or satisfaction within 673
ten days after receiving notice of dishonor. 674

(D) For purposes of this section, a person who issues or 675
transfers a check, bill of exchange, or other draft is presumed to 676
have the purpose to defraud if the drawer fails to comply with 677
section 1349.16 of the Revised Code by doing any of the following 678
when opening a checking account intended for personal, family, or 679
household purposes at a financial institution: 680

(1) Falsely stating that the drawer has not been issued a 681
valid driver's or commercial driver's license or identification 682
card issued under section 4507.50 of the Revised Code; 683

(2) Furnishing such license or card, or another 684
identification document that contains false information; 685

(3) Making a false statement with respect to the drawer's 686
current address or any additional relevant information reasonably 687
required by the financial institution. 688

(E) In determining the value of the payment for purposes of 689
division (F) of this section, the court may aggregate all checks 690

and other negotiable instruments that the offender issued or 691
transferred or caused to be issued or transferred in violation of 692
division (A) of this section within a period of one hundred eighty 693
consecutive days. 694

(F) Whoever violates this section is guilty of passing bad 695
checks. Except as otherwise provided in this division, passing bad 696
checks is a misdemeanor of the first degree. If the check or 697
checks or other negotiable instrument or instruments are issued or 698
transferred to a single vendor or single other person for the 699
payment of ~~five~~ seven hundred fifty dollars or more but less than 700
five thousand dollars or if the check or checks or other 701
negotiable instrument or instruments are issued or transferred to 702
multiple vendors or persons for the payment of one thousand 703
dollars or more but less than five thousand dollars, passing bad 704
checks is a felony of the fifth degree. If the check or checks or 705
other negotiable instrument or instruments are for the payment of 706
five thousand dollars or more but less than one hundred thousand 707
dollars, passing bad checks is a felony of the fourth degree. If 708
the check or checks or other negotiable instrument or instruments 709
are for the payment of one hundred thousand dollars or more, 710
passing bad checks is a felony of the third degree. 711

Sec. 2913.21. (A) No person shall do any of the following: 712

(1) Practice deception for the purpose of procuring the 713
issuance of a credit card, when a credit card is issued in actual 714
reliance thereon; 715

(2) Knowingly buy or sell a credit card from or to a person 716
other than the issuer. 717

(B) No person, with purpose to defraud, shall do any of the 718
following: 719

(1) Obtain control over a credit card as security for a debt; 720

(2) Obtain property or services by the use of a credit card, 721
in one or more transactions, knowing or having reasonable cause to 722
believe that the card has expired or been revoked, or was 723
obtained, is retained, or is being used in violation of law; 724

(3) Furnish property or services upon presentation of a 725
credit card, knowing that the card is being used in violation of 726
law; 727

(4) Represent or cause to be represented to the issuer of a 728
credit card that property or services have been furnished, knowing 729
that the representation is false. 730

(C) No person, with purpose to violate this section, shall 731
receive, possess, control, or dispose of a credit card. 732

(D)(1) Whoever violates this section is guilty of misuse of 733
credit cards. 734

(2) Except as otherwise provided in division (D)(4) of this 735
section, a violation of division (A), (B)(1), or (C) of this 736
section is a misdemeanor of the first degree. 737

(3) Except as otherwise provided in this division or division 738
(D)(4) of this section, a violation of division (B)(2), (3), or 739
(4) of this section is a misdemeanor of the first degree. If the 740
cumulative retail value of the property and services involved in 741
one or more violations of division (B)(2), (3), or (4) of this 742
section, which violations involve one or more credit card accounts 743
and occur within a period of ninety consecutive days commencing on 744
the date of the first violation, is ~~five~~ seven hundred fifty 745
dollars or more and is less than five thousand dollars, misuse of 746
credit cards in violation of any of those divisions is a felony of 747
the fifth degree. If the cumulative retail value of the property 748
and services involved in one or more violations of division 749
(B)(2), (3), or (4) of this section, which violations involve one 750
or more credit card accounts and occur within a period of ninety 751

consecutive days commencing on the date of the first violation, is 752
five thousand dollars or more and is less than one hundred 753
thousand dollars, misuse of credit cards in violation of any of 754
those divisions is a felony of the fourth degree. If the 755
cumulative retail value of the property and services involved in 756
one or more violations of division (B)(2), (3), or (4) of this 757
section, which violations involve one or more credit card accounts 758
and occur within a period of ninety consecutive days commencing on 759
the date of the first violation, is one hundred thousand dollars 760
or more, misuse of credit cards in violation of any of those 761
divisions is a felony of the third degree. 762

(4) If the victim of the offense is an elderly person or 763
disabled adult, and if the offense involves a violation of 764
division (B)(1) or (2) of this section, division (D)(4) of this 765
section applies. Except as otherwise provided in division (D)(4) 766
of this section, a violation of division (B)(1) or (2) of this 767
section is a felony of the fifth degree. If the debt for which the 768
card is held as security or the cumulative retail value of the 769
property or services involved in the violation is ~~five~~ seven 770
hundred fifty dollars or more and is less than five thousand 771
dollars, a violation of either of those divisions is a felony of 772
the fourth degree. If the debt for which the card is held as 773
security or the cumulative retail value of the property or 774
services involved in the violation is five thousand dollars or 775
more and is less than twenty-five thousand dollars, a violation of 776
either of those divisions is a felony of the third degree. If the 777
debt for which the card is held as security or the cumulative 778
retail value of the property or services involved in the violation 779
is twenty-five thousand dollars or more, a violation of either of 780
those divisions is a felony of the second degree. 781

782

Sec. 2913.31. (A) No person, with purpose to defraud, or 783

knowing that the person is facilitating a fraud, shall do any of 784
the following: 785

(1) Forge any writing of another without the other person's 786
authority; 787

(2) Forge any writing so that it purports to be genuine when 788
it actually is spurious, or to be the act of another who did not 789
authorize that act, or to have been executed at a time or place or 790
with terms different from what in fact was the case, or to be a 791
copy of an original when no such original existed; 792

(3) Utter, or possess with purpose to utter, any writing that 793
the person knows to have been forged. 794

(B) No person shall knowingly do either of the following: 795

(1) Forge an identification card; 796

(2) Sell or otherwise distribute a card that purports to be 797
an identification card, knowing it to have been forged. 798

As used in this division, "identification card" means a card 799
that includes personal information or characteristics of an 800
individual, a purpose of which is to establish the identity of the 801
bearer described on the card, whether the words "identity," 802
"identification," "identification card," or other similar words 803
appear on the card. 804

(C)(1)(a) Whoever violates division (A) of this section is 805
guilty of forgery. 806

(b) Except as otherwise provided in this division or division 807
(C)(1)(c) of this section, forgery is a felony of the fifth 808
degree. If property or services are involved in the offense or the 809
victim suffers a loss, forgery is one of the following: 810

(i) If the value of the property or services or the loss to 811
the victim is five thousand dollars or more and is less than one 812
hundred thousand dollars, a felony of the fourth degree; 813

(ii) If the value of the property or services or the loss to the victim is one hundred thousand dollars or more, a felony of the third degree.

(c) If the victim of the offense is an elderly person or disabled adult, division (C)(1)(c) of this section applies to the forgery. Except as otherwise provided in division (C)(1)(c) of this section, forgery is a felony of the fifth degree. If property or services are involved in the offense or if the victim suffers a loss, forgery is one of the following:

(i) If the value of the property or services or the loss to the victim is ~~five~~ seven hundred fifty dollars or more and is less than five thousand dollars, a felony of the fourth degree;

(ii) If the value of the property or services or the loss to the victim is five thousand dollars or more and is less than twenty-five thousand dollars, a felony of the third degree;

(iii) If the value of the property or services or the loss to the victim is twenty-five thousand dollars or more, a felony of the second degree.

(2) Whoever violates division (B) of this section is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this division, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (B) of this section, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars.

Sec. 2913.32. (A) No person, with purpose to defraud, or

knowing that the person is facilitating a fraud, shall do any of 844
the following: 845

(1) Make or alter any object so that it appears to have value 846
because of antiquity, rarity, curiosity, source, or authorship, 847
which it does not in fact possess; 848

(2) Practice deception in making, retouching, editing, or 849
reproducing any photograph, movie film, video tape, phonograph 850
record, or recording tape; 851

(3) Falsely or fraudulently make, simulate, forge, alter, or 852
counterfeit any wrapper, label, stamp, cork, or cap prescribed by 853
the liquor control commission under Chapters 4301. and 4303. of 854
the Revised Code, falsely or fraudulently cause to be made, 855
simulated, forged, altered, or counterfeited any wrapper, label, 856
stamp, cork, or cap prescribed by the liquor control commission 857
under Chapters 4301. and 4303. of the Revised Code, or use more 858
than once any wrapper, label, stamp, cork, or cap prescribed by 859
the liquor control commission under Chapters 4301. and 4303. of 860
the Revised Code. 861

(4) Utter, or possess with purpose to utter, any object that 862
the person knows to have been simulated as provided in division 863
(A)(1), (2), or (3) of this section. 864

(B) Whoever violates this section is guilty of criminal 865
simulation. Except as otherwise provided in this division, 866
criminal simulation is a misdemeanor of the first degree. If the 867
loss to the victim is ~~five~~ seven hundred fifty dollars or more and 868
is less than five thousand dollars, criminal simulation is a 869
felony of the fifth degree. If the loss to the victim is five 870
thousand dollars or more and is less than one hundred thousand 871
dollars, criminal simulation is a felony of the fourth degree. If 872
the loss to the victim is one hundred thousand dollars or more, 873
criminal simulation is a felony of the third degree. 874

Sec. 2913.34. (A) No person shall knowingly do any of the 875
following: 876

(1) Attach, affix, or otherwise use a counterfeit mark in 877
connection with the manufacture of goods or services, whether or 878
not the goods or services are intended for sale or resale; 879

(2) Possess, sell, or offer for sale tools, machines, 880
instruments, materials, articles, or other items of personal 881
property with the knowledge that they are designed for the 882
production or reproduction of counterfeit marks; 883

(3) Purchase or otherwise acquire goods, and keep or 884
otherwise have the goods in the person's possession, with the 885
knowledge that a counterfeit mark is attached to, affixed to, or 886
otherwise used in connection with the goods and with the intent to 887
sell or otherwise dispose of the goods; 888

(4) Sell, offer for sale, or otherwise dispose of goods with 889
the knowledge that a counterfeit mark is attached to, affixed to, 890
or otherwise used in connection with the goods; 891

(5) Sell, offer for sale, or otherwise provide services with 892
the knowledge that a counterfeit mark is used in connection with 893
that sale, offer for sale, or other provision of the services. 894

(B)(1) Whoever violates this section is guilty of trademark 895
counterfeiting. 896

(2) Except as otherwise provided in this division, a 897
violation of division (A)(1) of this section is a felony of the 898
fifth degree. Except as otherwise provided in this division, if 899
the cumulative sales price of the goods or services to which or in 900
connection with which the counterfeit mark is attached, affixed, 901
or otherwise used in the offense is five thousand dollars or more 902
but less than one hundred thousand dollars or if the number of 903
units of goods to which or in connection with which the 904

counterfeit mark is attached, affixed, or otherwise used in the 905
offense is more than one hundred units but less than one thousand 906
units, a violation of division (A)(1) of this section is a felony 907
of the fourth degree. If the cumulative sales price of the goods 908
or services to which or in connection with which the counterfeit 909
mark is attached, affixed, or otherwise used in the offense is one 910
hundred thousand dollars or more or if the number of units of 911
goods to which or in connection with which the counterfeit mark is 912
attached, affixed, or otherwise used in the offense is one 913
thousand units or more, a violation of division (A)(1) of this 914
section is a felony of the third degree. 915

(3) Except as otherwise provided in this division, a 916
violation of division (A)(2) of this section is a misdemeanor of 917
the first degree. If the circumstances of the violation indicate 918
that the tools, machines, instruments, materials, articles, or 919
other items of personal property involved in the violation were 920
intended for use in the commission of a felony, a violation of 921
division (A)(2) of this section is a felony of the fifth degree. 922

(4) Except as otherwise provided in this division, a 923
violation of division (A)(3), (4), or (5) of this section is a 924
misdemeanor of the first degree. Except as otherwise provided in 925
this division, if the cumulative sales price of the goods or 926
services to which or in connection with which the counterfeit mark 927
is attached, affixed, or otherwise used in the offense is ~~five~~ 928
seven hundred fifty dollars or more but less than five thousand 929
dollars, a violation of division (A)(3), (4), or (5) of this 930
section is a felony of the fifth degree. Except as otherwise 931
provided in this division, if the cumulative sales price of the 932
goods or services to which or in connection with which the 933
counterfeit mark is attached, affixed, or otherwise used in the 934
offense is five thousand dollars or more but less than one hundred 935
thousand dollars or if the number of units of goods to which or in 936

connection with which the counterfeit mark is attached, affixed, 937
or otherwise used in the offense is more than one hundred units 938
but less than one thousand units, a violation of division (A)(3), 939
(4), or (5) of this section is a felony of the fourth degree. If 940
the cumulative sales price of the goods or services to which or in 941
connection with which the counterfeit mark is attached, affixed, 942
or otherwise used in the offense is one hundred thousand dollars 943
or more or if the number of units of goods to which or in 944
connection with which the counterfeit mark is attached, affixed, 945
or otherwise used in the offense is one thousand units or more, a 946
violation of division (A)(3), (4), or (5) of this section is a 947
felony of the third degree. 948

(C) A defendant may assert as an affirmative defense to a 949
charge of a violation of this section defenses, affirmative 950
defenses, and limitations on remedies that would be available in a 951
civil, criminal, or administrative action or proceeding under the 952
"Lanham Act," 60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, as 953
amended, "The Trademark Counterfeiting Act of 1984," 98 Stat. 954
2178, 18 U.S.C. 2320, as amended, Chapter 1329. or another section 955
of the Revised Code, or common law. 956

(D)(1) Law enforcement officers may seize pursuant to 957
Criminal Rule 41 or Chapter 2933. or 2981. of the Revised Code 958
either of the following: 959

(a) Goods to which or in connection with which a person 960
attached, affixed, otherwise used, or intended to attach, affix, 961
or otherwise use a counterfeit mark in violation of this section; 962

(b) Tools, machines, instruments, materials, articles, 963
vehicles, or other items of personal property that are possessed, 964
sold, offered for sale, or used in a violation of this section or 965
in an attempt to commit or complicity in the commission of a 966
violation of this section. 967

(2) Notwithstanding any contrary provision of Chapter 2981. 968
of the Revised Code, if a person is convicted of or pleads guilty 969
to a violation of this section, an attempt to violate this 970
section, or complicity in a violation of this section, the court 971
involved shall declare that the goods described in division 972
(D)(1)(a) of this section and the personal property described in 973
division (D)(1)(b) of this section are contraband and are 974
forfeited. Prior to the court's entry of judgment under Criminal 975
Rule 32, the owner of a registered trademark or service mark that 976
is the subject of the counterfeit mark may recommend a manner in 977
which the forfeited goods and forfeited personal property should 978
be disposed of. If that owner makes a timely recommendation of a 979
manner of disposition, the court is not bound by the 980
recommendation. If that owner makes a timely recommendation of a 981
manner of disposition, the court may include in its entry of 982
judgment an order that requires appropriate persons to dispose of 983
the forfeited goods and forfeited personal property in the 984
recommended manner. If that owner fails to make a timely 985
recommendation of a manner of disposition or if that owner makes a 986
timely recommendation of the manner of disposition but the court 987
determines to not follow the recommendation, the court shall 988
include in its entry of judgment an order that requires the law 989
enforcement agency that employs the law enforcement officer who 990
seized the forfeited goods or the forfeited personal property to 991
destroy them or cause their destruction. 992

(E) This section does not affect the rights of an owner of a 993
trademark or a service mark, or the enforcement in a civil action 994
or in administrative proceedings of the rights of an owner of a 995
trademark or a service mark, under the "Lanham Act," 60 Stat. 996
427-443 (1946), 15 U.S.C. 1051-1127, as amended, "The Trademark 997
Counterfeiting Act of 1984," 92 Stat. 2178, 18 U.S.C. 2320, as 998
amended, Chapter 1329. or another section of the Revised Code, or 999
common law. 1000

(F) As used in this section: 1001

(1)(a) Except as provided in division (F)(1)(b) of this 1002
section, "counterfeit mark" means a spurious trademark or a 1003
spurious service mark that satisfies both of the following: 1004

(i) It is identical with or substantially indistinguishable 1005
from a mark that is registered on the principal register in the 1006
United States patent and trademark office for the same goods or 1007
services as the goods or services to which or in connection with 1008
which the spurious trademark or spurious service mark is attached, 1009
affixed, or otherwise used or from a mark that is registered with 1010
the secretary of state pursuant to sections 1329.54 to 1329.67 of 1011
the Revised Code for the same goods or services as the goods or 1012
services to which or in connection with which the spurious 1013
trademark or spurious service mark is attached, affixed, or 1014
otherwise used, and the owner of the registration uses the 1015
registered mark, whether or not the offender knows that the mark 1016
is registered in a manner described in division (F)(1)(a)(i) of 1017
this section. 1018

(ii) Its use is likely to cause confusion or mistake or to 1019
deceive other persons. 1020

(b) "Counterfeit mark" does not include a mark or other 1021
designation that is attached to, affixed to, or otherwise used in 1022
connection with goods or services if the holder of the right to 1023
use the mark or other designation authorizes the manufacturer, 1024
producer, or vendor of those goods or services to attach, affix, 1025
or otherwise use the mark or other designation in connection with 1026
those goods or services at the time of their manufacture, 1027
production, or sale. 1028

(2) "Cumulative sales price" means the product of the lowest 1029
single unit sales price charged or sought to be charged by an 1030
offender for goods to which or in connection with which a 1031

counterfeit mark is attached, affixed, or otherwise used or of the 1032
lowest single service transaction price charged or sought to be 1033
charged by an offender for services in connection with which a 1034
counterfeit mark is used, multiplied by the total number of those 1035
goods or services, whether or not units of goods are sold or are 1036
in an offender's possession, custody, or control. 1037

(3) "Registered trademark or service mark" means a trademark 1038
or service mark that is registered in a manner described in 1039
division (F)(1) of this section. 1040

(4) "Trademark" and "service mark" have the same meanings as 1041
in section 1329.54 of the Revised Code. 1042

Sec. 2913.40. (A) As used in this section: 1043

(1) "Statement or representation" means any oral, written, 1044
electronic, electronic impulse, or magnetic communication that is 1045
used to identify an item of goods or a service for which 1046
reimbursement may be made under the medical assistance program or 1047
that states income and expense and is or may be used to determine 1048
a rate of reimbursement under the medical assistance program. 1049

(2) "Medical assistance program" means the program 1050
established by the department of job and family services to 1051
provide medical assistance under section 5111.01 of the Revised 1052
Code and the medicaid program of Title XIX of the "Social Security 1053
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 1054

(3) "Provider" means any person who has signed a provider 1055
agreement with the department of job and family services to 1056
provide goods or services pursuant to the medical assistance 1057
program or any person who has signed an agreement with a party to 1058
such a provider agreement under which the person agrees to provide 1059
goods or services that are reimbursable under the medical 1060
assistance program. 1061

(4) "Provider agreement" means an oral or written agreement 1062
between the department of job and family services and a person in 1063
which the person agrees to provide goods or services under the 1064
medical assistance program. 1065

(5) "Recipient" means any individual who receives goods or 1066
services from a provider under the medical assistance program. 1067

(6) "Records" means any medical, professional, financial, or 1068
business records relating to the treatment or care of any 1069
recipient, to goods or services provided to any recipient, or to 1070
rates paid for goods or services provided to any recipient and any 1071
records that are required by the rules of the director of job and 1072
family services to be kept for the medical assistance program. 1073

(B) No person shall knowingly make or cause to be made a 1074
false or misleading statement or representation for use in 1075
obtaining reimbursement from the medical assistance program. 1076

(C) No person, with purpose to commit fraud or knowing that 1077
the person is facilitating a fraud, shall do either of the 1078
following: 1079

(1) Contrary to the terms of the person's provider agreement, 1080
charge, solicit, accept, or receive for goods or services that the 1081
person provides under the medical assistance program any property, 1082
money, or other consideration in addition to the amount of 1083
reimbursement under the medical assistance program and the 1084
person's provider agreement for the goods or services and any 1085
cost-sharing expenses authorized by section 5111.0112 of the 1086
Revised Code or rules adopted pursuant to section 5111.01, 1087
5111.011, or 5111.02 of the Revised Code. 1088

(2) Solicit, offer, or receive any remuneration, other than 1089
any cost-sharing expenses authorized by section 5111.0112 of the 1090
Revised Code or rules adopted under section 5111.01, 5111.011, or 1091
5111.02 of the Revised Code, in cash or in kind, including, but 1092

not limited to, a kickback or rebate, in connection with the 1093
furnishing of goods or services for which whole or partial 1094
reimbursement is or may be made under the medical assistance 1095
program. 1096

(D) No person, having submitted a claim for or provided goods 1097
or services under the medical assistance program, shall do either 1098
of the following for a period of at least six years after a 1099
reimbursement pursuant to that claim, or a reimbursement for those 1100
goods or services, is received under the medical assistance 1101
program: 1102

(1) Knowingly alter, falsify, destroy, conceal, or remove any 1103
records that are necessary to fully disclose the nature of all 1104
goods or services for which the claim was submitted, or for which 1105
reimbursement was received, by the person; 1106

(2) Knowingly alter, falsify, destroy, conceal, or remove any 1107
records that are necessary to disclose fully all income and 1108
expenditures upon which rates of reimbursements were based for the 1109
person. 1110

(E) Whoever violates this section is guilty of medicaid 1111
fraud. Except as otherwise provided in this division, medicaid 1112
fraud is a misdemeanor of the first degree. If the value of 1113
property, services, or funds obtained in violation of this section 1114
is ~~five~~ seven hundred ~~fifty~~ dollars or more and is less than five 1115
thousand dollars, medicaid fraud is a felony of the fifth degree. 1116
If the value of property, services, or funds obtained in violation 1117
of this section is five thousand dollars or more and is less than 1118
one hundred thousand dollars, medicaid fraud is a felony of the 1119
fourth degree. If the value of the property, services, or funds 1120
obtained in violation of this section is one hundred thousand 1121
dollars or more, medicaid fraud is a felony of the third degree. 1122

(F) Upon application of the governmental agency, office, or 1123

other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the medical assistance program to which the person is not entitled to pay to the applicant its cost of investigating and prosecuting the case. The costs of investigation and prosecution that a defendant is ordered to pay pursuant to this division shall be in addition to any other penalties for the receipt of that reimbursement that are provided in this section, section 5111.03 of the Revised Code, or any other provision of law.

(G) The provisions of this section are not intended to be exclusive remedies and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this section.

Sec. 2913.401. (A) As used in this section:

(1) "Medicaid benefits" means benefits under the medical assistance program established under Chapter 5111. of the Revised Code.

(2) "Property" means any real or personal property or other asset in which a person has any legal title or interest.

(B) No person shall knowingly do any of the following in an application for medicaid benefits or in a document that requires a disclosure of assets for the purpose of determining eligibility to receive medicaid benefits:

(1) Make or cause to be made a false or misleading statement;

(2) Conceal an interest in property;

(3)(a) Except as provided in division (B)(3)(b) of this section, fail to disclose a transfer of property that occurred during the period beginning thirty-six months before submission of

the application or document and ending on the date the application 1154
or document was submitted; 1155

(b) Fail to disclose a transfer of property that occurred 1156
during the period beginning sixty months before submission of the 1157
application or document and ending on the date the application or 1158
document was submitted and that was made to an irrevocable trust a 1159
portion of which is not distributable to the applicant for 1160
medicaid benefits or the recipient of medicaid benefits or to a 1161
revocable trust. 1162

(C)(1) Whoever violates this section is guilty of medicaid 1163
eligibility fraud. Except as otherwise provided in this division, 1164
a violation of this section is a misdemeanor of the first degree. 1165
If the value of the medicaid benefits paid as a result of the 1166
violation is ~~five~~ seven hundred fifty dollars or more and is less 1167
than five thousand dollars, a violation of this section is a 1168
felony of the fifth degree. If the value of the medicaid benefits 1169
paid as a result of the violation is five thousand dollars or more 1170
and is less than one hundred thousand dollars, a violation of this 1171
section is a felony of the fourth degree. If the value of the 1172
medicaid benefits paid as a result of the violation is one hundred 1173
thousand dollars or more, a violation of this section is a felony 1174
of the third degree. 1175

(2) In addition to imposing a sentence under division (C)(1) 1176
of this section, the court shall order that a person who is guilty 1177
of medicaid eligibility fraud make restitution in the full amount 1178
of any medicaid benefits paid on behalf of an applicant for or 1179
recipient of medicaid benefits for which the applicant or 1180
recipient was not eligible, plus interest at the rate applicable 1181
to judgments on unreimbursed amounts from the date on which the 1182
benefits were paid to the date on which restitution is made. 1183

(3) The remedies and penalties provided in this section are 1184
not exclusive and do not preclude the use of any other criminal or 1185

civil remedy for any act that is in violation of this section. 1186

(D) This section does not apply to a person who fully 1187
disclosed in an application for medicaid benefits or in a document 1188
that requires a disclosure of assets for the purpose of 1189
determining eligibility to receive medicaid benefits all of the 1190
interests in property of the applicant for or recipient of 1191
medicaid benefits, all transfers of property by the applicant for 1192
or recipient of medicaid benefits, and the circumstances of all 1193
those transfers. 1194

(E) Any amounts of medicaid benefits recovered as restitution 1195
under this section and any interest on those amounts shall be 1196
credited to the general revenue fund, and any applicable federal 1197
share shall be returned to the appropriate agency or department of 1198
the United States. 1199

Sec. 2913.42. (A) No person, knowing the person has no 1200
privilege to do so, and with purpose to defraud or knowing that 1201
the person is facilitating a fraud, shall do any of the following: 1202

(1) Falsify, destroy, remove, conceal, alter, deface, or 1203
mutilate any writing, computer software, data, or record; 1204

(2) Utter any writing or record, knowing it to have been 1205
tampered with as provided in division (A)(1) of this section. 1206

(B)(1) Whoever violates this section is guilty of tampering 1207
with records. 1208

(2) Except as provided in division (B)(4) of this section, if 1209
the offense does not involve data or computer software, tampering 1210
with records is whichever of the following is applicable: 1211

(a) If division (B)(2)(b) of this section does not apply, a 1212
misdemeanor of the first degree; 1213

(b) If the writing or record is a will unrevoked at the time 1214
of the offense, a felony of the fifth degree. 1215

(3) Except as provided in division (B)(4) of this section, if 1216
the offense involves a violation of division (A) of this section 1217
involving data or computer software, tampering with records is 1218
whichever of the following is applicable: 1219

(a) Except as otherwise provided in division (B)(3)(b), (c), 1220
or (d) of this section, a misdemeanor of the first degree; 1221

(b) If the value of the data or computer software involved in 1222
the offense or the loss to the victim is ~~five~~ seven hundred fifty 1223
dollars or more and is less than five thousand dollars, a felony 1224
of the fifth degree; 1225

(c) If the value of the data or computer software involved in 1226
the offense or the loss to the victim is five thousand dollars or 1227
more and is less than one hundred thousand dollars, a felony of 1228
the fourth degree; 1229

(d) If the value of the data or computer software involved in 1230
the offense or the loss to the victim is one hundred thousand 1231
dollars or more or if the offense is committed for the purpose of 1232
devising or executing a scheme to defraud or to obtain property or 1233
services and the value of the property or services or the loss to 1234
the victim is five thousand dollars or more, a felony of the third 1235
degree. 1236

(4) If the writing, data, computer software, or record is 1237
kept by or belongs to a local, state, or federal governmental 1238
entity, a felony of the third degree. 1239

Sec. 2913.421. (A) As used in this section: 1240

(1) "Computer," "computer network," and "computer system" 1241
have the same meanings as in section 2913.01 of the Revised Code. 1242

(2) "Commercial electronic mail message" means any electronic 1243
mail message the primary purpose of which is the commercial 1244
advertisement or promotion of a commercial product or service, 1245

including content on an internet web site operated for a 1246
commercial purpose, but does not include a transactional or 1247
relationship message. The inclusion of a reference to a commercial 1248
entity or a link to the web site of a commercial entity does not, 1249
by itself, cause that message to be treated as a commercial 1250
electronic mail message for the purpose of this section, if the 1251
contents or circumstances of the message indicate a primary 1252
purpose other than commercial advertisement or promotion of a 1253
commercial product or service. 1254

(3) "Domain name" means any alphanumeric designation that is 1255
registered with or assigned by any domain name registrar, domain 1256
name registry, or other domain name registration authority as part 1257
of an electronic address on the internet. 1258

(4) "Electronic mail," "originating address," and "receiving 1259
address" have the same meanings as in section 2307.64 of the 1260
Revised Code. 1261

(5) "Electronic mail message" means each electronic mail 1262
addressed to a discrete addressee. 1263

(6) "Electronic mail service provider" means any person, 1264
including an internet service provider, that is an intermediary in 1265
sending and receiving electronic mail and that provides to the 1266
public electronic mail accounts or online user accounts from which 1267
electronic mail may be sent. 1268

(7) "Header information" means the source, destination, and 1269
routing information attached to an electronic mail message, 1270
including the originating domain name, the originating address, 1271
and technical information that authenticates the sender of an 1272
electronic mail message for computer network security or computer 1273
network management purposes. 1274

(8) "Initiate the transmission" or "initiated" means to 1275
originate or transmit a commercial electronic mail message or to 1276

procure the origination or transmission of that message, 1277
regardless of whether the message reaches its intended recipients, 1278
but does not include actions that constitute routine conveyance of 1279
such message. 1280

(9) "Internet" has the same meaning as in section 341.42 of 1281
the Revised Code. 1282

(10) "Internet protocol address" means the string of numbers 1283
by which locations on the internet are identified by routers or 1284
other computers connected to the internet. 1285

(11) "Materially falsify" means to alter or conceal in a 1286
manner that would impair the ability of a recipient of an 1287
electronic mail message, an electronic mail service provider 1288
processing an electronic mail message on behalf of a recipient, a 1289
person alleging a violation of this section, or a law enforcement 1290
agency to identify, locate, or respond to the person that 1291
initiated the electronic mail message or to investigate an alleged 1292
violation of this section. 1293

(12) "Multiple" means more than ten commercial electronic 1294
mail messages during a twenty-four-hour period, more than one 1295
hundred commercial electronic mail messages during a thirty-day 1296
period, or more than one thousand commercial electronic mail 1297
messages during a one-year period. 1298

(13) "Recipient" means a person who receives a commercial 1299
electronic mail message at any one of the following receiving 1300
addresses: 1301

(a) A receiving address furnished by an electronic mail 1302
service provider that bills for furnishing and maintaining that 1303
receiving address to a mailing address within this state; 1304

(b) A receiving address ordinarily accessed from a computer 1305
located within this state or by a person domiciled within this 1306
state; 1307

(c) Any other receiving address with respect to which this section can be imposed consistent with the United States Constitution.

(14) "Routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automated technical process, of an electronic mail message for which another person has identified the recipients or provided the recipient addresses.

(15) "Transactional or relationship message" means an electronic mail message the primary purpose of which is to do any of the following:

(a) Facilitate, complete, or confirm a commercial transaction that the recipient has previously agreed to enter into with the sender;

(b) Provide warranty information, product recall information, or safety or security information with respect to a commercial product or service used or purchased by the recipient;

(c) Provide notification concerning a change in the terms or features of; a change in the recipient's standing or status with respect to; or, at regular periodic intervals, account balance information or other type of account statement with respect to, a subscription, membership, account, loan, or comparable ongoing commercial relationship involving the ongoing purchase or use by the recipient of products or services offered by the sender;

(d) Provide information directly related to an employment relationship or related benefit plan in which the recipient is currently involved, participating, or enrolled;

(e) Deliver goods or services, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender.

(B) No person, with regard to commercial electronic mail 1338
messages sent from or to a computer in this state, shall do any of 1339
the following: 1340

(1) Knowingly use a computer to relay or retransmit multiple 1341
commercial electronic mail messages, with the intent to deceive or 1342
mislead recipients or any electronic mail service provider, as to 1343
the origin of those messages; 1344

(2) Knowingly and materially falsify header information in 1345
multiple commercial electronic mail messages and purposely 1346
initiate the transmission of those messages; 1347

(3) Knowingly register, using information that materially 1348
falsifies the identity of the actual registrant, for five or more 1349
electronic mail accounts or online user accounts or two or more 1350
domain names and purposely initiate the transmission of multiple 1351
commercial electronic mail messages from one, or any combination, 1352
of those accounts or domain names; 1353

(4) Knowingly falsely represent the right to use five or more 1354
internet protocol addresses, and purposely initiate the 1355
transmission of multiple commercial electronic mail messages from 1356
those addresses. 1357

(C)(1) Whoever violates division (B) of this section is 1358
guilty of illegally transmitting multiple commercial electronic 1359
mail messages. Except as otherwise provided in division (C)(2) or 1360
(E) of this section, illegally transmitting multiple commercial 1361
electronic mail messages is a felony of the fifth degree. 1362

(2) Illegally transmitting multiple commercial electronic 1363
mail messages is a felony of the fourth degree if any of the 1364
following apply: 1365

(a) Regarding a violation of division (B)(3) of this section, 1366
the offender, using information that materially falsifies the 1367
identity of the actual registrant, knowingly registers for twenty 1368

or more electronic mail accounts or online user accounts or ten or 1369
more domain names, and purposely initiates, or conspires to 1370
initiate, the transmission of multiple commercial electronic mail 1371
messages from the accounts or domain names. 1372

(b) Regarding any violation of division (B) of this section, 1373
the volume of commercial electronic mail messages the offender 1374
transmitted in committing the violation exceeds two hundred and 1375
fifty during any twenty-four-hour period, two thousand five 1376
hundred during any thirty-day period, or twenty-five thousand 1377
during any one-year period. 1378

(c) Regarding any violation of division (B) of this section, 1379
during any one-year period the aggregate loss to the victim or 1380
victims of the violation is ~~five~~ seven hundred fifty dollars or 1381
more, or during any one-year period the aggregate value of the 1382
property or services obtained by any offender as a result of the 1383
violation is ~~five~~ seven hundred fifty dollars or more. 1384

(d) Regarding any violation of division (B) of this section, 1385
the offender committed the violation with three or more other 1386
persons with respect to whom the offender was the organizer or 1387
leader of the activity that resulted in the violation. 1388

(e) Regarding any violation of division (B) of this section, 1389
the offender knowingly assisted in the violation through the 1390
provision or selection of electronic mail addresses to which the 1391
commercial electronic mail message was transmitted, if that 1392
offender knew that the electronic mail addresses of the recipients 1393
were obtained using an automated means from an internet web site 1394
or proprietary online service operated by another person, and that 1395
web site or online service included, at the time the electronic 1396
mail addresses were obtained, a notice stating that the operator 1397
of that web site or online service will not transfer addresses 1398
maintained by that web site or online service to any other party 1399
for the purposes of initiating the transmission of, or enabling 1400

others to initiate the transmission of, electronic mail messages. 1401

(f) Regarding any violation of division (B) of this section, 1402
the offender knowingly assisted in the violation through the 1403
provision or selection of electronic mail addresses of the 1404
recipients obtained using an automated means that generates 1405
possible electronic mail addresses by combining names, letters, or 1406
numbers into numerous permutations. 1407

(D)(1) No person, with regard to commercial electronic mail 1408
messages sent from or to a computer in this state, shall knowingly 1409
access a computer without authorization and purposely initiate the 1410
transmission of multiple commercial electronic mail messages from 1411
or through the computer. 1412

(2) Except as otherwise provided in division (E) of this 1413
section, whoever violates division (D)(1) of this section is 1414
guilty of unauthorized access of a computer, a felony of the 1415
fourth degree. 1416

(E) Illegally transmitting multiple commercial electronic 1417
mail messages and unauthorized access of a computer in violation 1418
of this section are felonies of the third degree if the offender 1419
previously has been convicted of a violation of this section, or a 1420
violation of a law of another state or the United States regarding 1421
the transmission of electronic mail messages or unauthorized 1422
access to a computer, or if the offender committed the violation 1423
of this section in the furtherance of a felony. 1424

(F)(1) The attorney general or an electronic mail service 1425
provider that is injured by a violation of this section may bring 1426
a civil action in an appropriate court of common pleas of this 1427
state seeking relief from any person whose conduct violated this 1428
section. The civil action may be commenced at any time within one 1429
year of the date after the act that is the basis of the civil 1430
action. 1431

(2) In a civil action brought by the attorney general 1432
pursuant to division (F)(1) of this section for a violation of 1433
this section, the court may award temporary, preliminary, or 1434
permanent injunctive relief. The court also may impose a civil 1435
penalty against the offender, as the court considers just, in an 1436
amount that is the lesser of: (a) twenty-five thousand dollars for 1437
each day a violation occurs, or (b) not less than two dollars but 1438
not more than eight dollars for each commercial electronic mail 1439
message initiated in violation of this section. 1440

(3) In a civil action brought by an electronic mail service 1441
provider pursuant to division (F)(1) of this section for a 1442
violation of this section, the court may award temporary, 1443
preliminary, or permanent injunctive relief, and also may award 1444
damages in an amount equal to the greater of the following: 1445

(a) The sum of the actual damages incurred by the electronic 1446
mail service provider as a result of a violation of this section, 1447
plus any receipts of the offender that are attributable to a 1448
violation of this section and that were not taken into account in 1449
computing actual damages; 1450

(b) Statutory damages, as the court considers just, in an 1451
amount that is the lesser of: (i) twenty-five thousand dollars for 1452
each day a violation occurs, or (ii) not less than two dollars but 1453
not more than eight dollars for each commercial electronic mail 1454
message initiated in violation of this section. 1455

(4) In assessing damages awarded under division (F)(3) of 1456
this section, the court may consider whether the offender has 1457
established and implemented, with due care, commercially 1458
reasonable practices and procedures designed to effectively 1459
prevent the violation, or the violation occurred despite 1460
commercially reasonable efforts to maintain the practices and 1461
procedures established. 1462

(G) Any equipment, software, or other technology of a person 1463
who violates this section that is used or intended to be used in 1464
the commission of a violation of this section, and any real or 1465
personal property that constitutes or is traceable to the gross 1466
proceeds obtained from the commission of a violation of this 1467
section, is contraband and is subject to seizure and forfeiture 1468
pursuant to Chapter 2981. of the Revised Code. 1469

(H) The attorney general may bring a civil action, pursuant 1470
to the "CAN-SPAM Act of 2003," Pub. L. No. 108-187, 117 Stat. 1471
2699, 15 U.S.C. 7701 et seq., on behalf of the residents of the 1472
state in a district court of the United States that has 1473
jurisdiction for a violation of the CAN-SPAM Act of 2003, but the 1474
attorney general shall not bring a civil action under both this 1475
division and division (F) of this section. If a federal court 1476
dismisses a civil action brought under this division for reasons 1477
other than upon the merits, a civil action may be brought under 1478
division (F) of this section in the appropriate court of common 1479
pleas of this state. 1480

(I) Nothing in this section shall be construed: 1481

(1) To require an electronic mail service provider to block, 1482
transmit, route, relay, handle, or store certain types of 1483
electronic mail messages; 1484

(2) To prevent or limit, in any way, an electronic mail 1485
service provider from adopting a policy regarding electronic mail, 1486
including a policy of declining to transmit certain types of 1487
electronic mail messages, or from enforcing such policy through 1488
technical means, through contract, or pursuant to any remedy 1489
available under any other federal, state, or local criminal or 1490
civil law; 1491

(3) To render lawful any policy adopted under division (I)(2) 1492
of this section that is unlawful under any other law. 1493

Sec. 2913.43. (A) No person, by deception, shall cause 1494
another to execute any writing that disposes of or encumbers 1495
property, or by which a pecuniary obligation is incurred. 1496

(B)(1) Whoever violates this section is guilty of securing 1497
writings by deception. 1498

(2) Except as otherwise provided in this division or division 1499
(B)(3) of this section, securing writings by deception is a 1500
misdemeanor of the first degree. If the value of the property or 1501
the obligation involved is ~~five~~ seven hundred fifty dollars or 1502
more and less than five thousand dollars, securing writings by 1503
deception is a felony of the fifth degree. If the value of the 1504
property or the obligation involved is five thousand dollars or 1505
more and is less than one hundred thousand dollars, securing 1506
writings by deception is a felony of the fourth degree. If the 1507
value of the property or the obligation involved is one hundred 1508
thousand dollars or more, securing writings by deception is a 1509
felony of the third degree. 1510

(3) If the victim of the offense is an elderly person or 1511
disabled adult, division (B)(3) of this section applies. Except as 1512
otherwise provided in division (B)(3) of this section, securing 1513
writings by deception is a felony of the fifth degree. If the 1514
value of the property or obligation involved is ~~five~~ seven hundred 1515
fifty dollars or more and is less than five thousand dollars, 1516
securing writings by deception is a felony of the fourth degree. 1517
If the value of the property or obligation involved is five 1518
thousand dollars or more and is less than twenty-five thousand 1519
dollars, securing writings by deception is a felony of the third 1520
degree. If the value of the property or obligation involved is 1521
twenty-five thousand dollars or more, securing writings by 1522
deception is a felony of the second degree. 1523

Sec. 2913.45. (A) No person, with purpose to defraud one or more of the person's creditors, shall do any of the following:

(1) Remove, conceal, destroy, encumber, convey, or otherwise deal with any of the person's property;

(2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage the person's affairs or estate, the existence, amount, or location of any of the person's property, or any other information regarding such property that the person is legally required to furnish to the fiduciary.

(B) Whoever violates this section is guilty of defrauding creditors. Except as otherwise provided in this division, defrauding creditors is a misdemeanor of the first degree. If the value of the property involved is ~~five~~ seven hundred fifty dollars or more and is less than five thousand dollars, defrauding creditors is a felony of the fifth degree. If the value of the property involved is five thousand dollars or more and is less than one hundred thousand dollars, defrauding creditors is a felony of the fourth degree. If the value of the property involved is one hundred thousand dollars or more, defrauding creditors is a felony of the third degree.

Sec. 2913.46. (A)(1) As used in this section:

(a) "Electronically transferred benefit" means the transfer of food stamp program benefits or WIC program benefits through the use of an access device.

(b) "WIC program benefits" includes money, coupons, delivery verification receipts, other documents, food, or other property received directly or indirectly pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended.

(c) "Access device" means any card, plate, code, account

number, or other means of access that can be used, alone or in 1554
conjunction with another access device, to obtain payments, 1555
allotments, benefits, money, goods, or other things of value or 1556
that can be used to initiate a transfer of funds pursuant to 1557
section 5101.33 of the Revised Code and the "Food Stamp Act of 1558
1977," 91 Stat. 958, 7 U.S.C.A. 2011 et seq., or any supplemental 1559
food program administered by any department of this state or any 1560
county or local agency pursuant to section 17 of the "Child 1561
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 1562
amended. An "access device" may include any electronic debit card 1563
or other means authorized by section 5101.33 of the Revised Code. 1564

~~(e)~~(d) "Aggregate value of the food stamp coupons, WIC 1565
program benefits, and electronically transferred benefits involved 1566
in the violation" means the total face value of any food stamps, 1567
plus the total face value of WIC program coupons or delivery 1568
verification receipts, plus the total value of other WIC program 1569
benefits, plus the total value of any electronically transferred 1570
benefit or other access device, involved in the violation. 1571

~~(d)~~(e) "Total value of any electronically transferred benefit 1572
or other access device" means the total value of the payments, 1573
allotments, benefits, money, goods, or other things of value that 1574
may be obtained, or the total value of funds that may be 1575
transferred, by use of any electronically transferred benefit or 1576
other access device at the time of violation. 1577

(2) If food stamp coupons, WIC program benefits, or 1578
electronically transferred benefits or other access devices of 1579
various values are used, transferred, bought, acquired, altered, 1580
purchased, possessed, presented for redemption, or transported in 1581
violation of this section over a period of twelve months, the 1582
course of conduct may be charged as one offense and the values of 1583
food stamp coupons, WIC program benefits, or any electronically 1584
transferred benefits or other access devices may be aggregated in 1585

determining the degree of the offense. 1586

(B) No individual shall knowingly possess, buy, sell, use, 1587
alter, accept, or transfer food stamp coupons, WIC program 1588
benefits, or any electronically transferred benefit in any manner 1589
not authorized by the "Food Stamp Act of 1977," 91 Stat. 958, 7 1590
U.S.C.A. 2011, as amended, or section 17 of the "Child Nutrition 1591
Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. 1592

(C) No organization, as defined in division (D) of section 1593
2901.23 of the Revised Code, shall do either of the following: 1594

(1) Knowingly allow an employee or agent to sell, transfer, 1595
or trade items or services, the purchase of which is prohibited by 1596
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 1597
amended, or section 17 of the "Child Nutrition Act of 1966," 80 1598
Stat. 885, 42 U.S.C.A. 1786, as amended, in exchange for food 1599
stamp coupons, WIC program benefits, or any electronically 1600
transferred benefit; 1601

(2) Negligently allow an employee or agent to sell, transfer, 1602
or exchange food stamp coupons, WIC program benefits, or any 1603
electronically transferred benefit for anything of value. 1604

(D) Whoever violates this section is guilty of illegal use of 1605
food stamps or WIC program benefits. Except as otherwise provided 1606
in this division, illegal use of food stamps or WIC program 1607
benefits is a felony of the fifth degree. If the aggregate value 1608
of the food stamp coupons, WIC program benefits, and 1609
electronically transferred benefits involved in the violation is 1610
~~five~~ seven hundred fifty dollars or more and is less than five 1611
thousand dollars, illegal use of food stamps or WIC program 1612
benefits is a felony of the fourth degree. If the aggregate value 1613
of the food stamp coupons, WIC program benefits, and 1614
electronically transferred benefits involved in the violation is 1615
five thousand dollars or more and is less than one hundred 1616

thousand dollars, illegal use of food stamps or WIC program 1617
benefits is a felony of the third degree. If the aggregate value 1618
of the food stamp coupons, WIC program benefits, and 1619
electronically transferred benefits involved in the violation is 1620
one hundred thousand dollars or more, illegal use of food stamps 1621
or WIC program benefits is a felony of the second degree. 1622

Sec. 2913.47. (A) As used in this section: 1623

(1) "Data" has the same meaning as in section 2913.01 of the 1624
Revised Code and additionally includes any other representation of 1625
information, knowledge, facts, concepts, or instructions that are 1626
being or have been prepared in a formalized manner. 1627

(2) "Deceptive" means that a statement, in whole or in part, 1628
would cause another to be deceived because it contains a 1629
misleading representation, withholds information, prevents the 1630
acquisition of information, or by any other conduct, act, or 1631
omission creates, confirms, or perpetuates a false impression, 1632
including, but not limited to, a false impression as to law, 1633
value, state of mind, or other objective or subjective fact. 1634

(3) "Insurer" means any person that is authorized to engage 1635
in the business of insurance in this state under Title XXXIX of 1636
the Revised Code, the Ohio fair plan underwriting association 1637
created under section 3929.43 of the Revised Code, any health 1638
insuring corporation, and any legal entity that is self-insured 1639
and provides benefits to its employees or members. 1640

(4) "Policy" means a policy, certificate, contract, or plan 1641
that is issued by an insurer. 1642

(5) "Statement" includes, but is not limited to, any notice, 1643
letter, or memorandum; proof of loss; bill of lading; receipt for 1644
payment; invoice, account, or other financial statement; estimate 1645
of property damage; bill for services; diagnosis or prognosis; 1646

prescription; hospital, medical, or dental chart or other record; 1647
x-ray, photograph, videotape, or movie film; test result; other 1648
evidence of loss, injury, or expense; computer-generated document; 1649
and data in any form. 1650

(B) No person, with purpose to defraud or knowing that the 1651
person is facilitating a fraud, shall do either of the following: 1652

(1) Present to, or cause to be presented to, an insurer any 1653
written or oral statement that is part of, or in support of, an 1654
application for insurance, a claim for payment pursuant to a 1655
policy, or a claim for any other benefit pursuant to a policy, 1656
knowing that the statement, or any part of the statement, is false 1657
or deceptive; 1658

(2) Assist, aid, abet, solicit, procure, or conspire with 1659
another to prepare or make any written or oral statement that is 1660
intended to be presented to an insurer as part of, or in support 1661
of, an application for insurance, a claim for payment pursuant to 1662
a policy, or a claim for any other benefit pursuant to a policy, 1663
knowing that the statement, or any part of the statement, is false 1664
or deceptive. 1665

(C) Whoever violates this section is guilty of insurance 1666
fraud. Except as otherwise provided in this division, insurance 1667
fraud is a misdemeanor of the first degree. If the amount of the 1668
claim that is false or deceptive is ~~five~~ seven hundred fifty 1669
dollars or more and is less than five thousand dollars, insurance 1670
fraud is a felony of the fifth degree. If the amount of the claim 1671
that is false or deceptive is five thousand dollars or more and is 1672
less than one hundred thousand dollars, insurance fraud is a 1673
felony of the fourth degree. If the amount of the claim that is 1674
false or deceptive is one hundred thousand dollars or more, 1675
insurance fraud is a felony of the third degree. 1676

(D) This section shall not be construed to abrogate, waive, 1677

or modify division (A) of section 2317.02 of the Revised Code. 1678

Sec. 2913.48. (A) No person, with purpose to defraud or 1679
knowing that the person is facilitating a fraud, shall do any of 1680
the following: 1681

(1) Receive workers' compensation benefits to which the 1682
person is not entitled; 1683

(2) Make or present or cause to be made or presented a false 1684
or misleading statement with the purpose to secure payment for 1685
goods or services rendered under Chapter 4121., 4123., 4127., or 1686
4131. of the Revised Code or to secure workers' compensation 1687
benefits; 1688

(3) Alter, falsify, destroy, conceal, or remove any record or 1689
document that is necessary to fully establish the validity of any 1690
claim filed with, or necessary to establish the nature and 1691
validity of all goods and services for which reimbursement or 1692
payment was received or is requested from, the bureau of workers' 1693
compensation, or a self-insuring employer under Chapter 4121., 1694
4123., 4127., or 4131. of the Revised Code; 1695

(4) Enter into an agreement or conspiracy to defraud the 1696
bureau or a self-insuring employer by making or presenting or 1697
causing to be made or presented a false claim for workers' 1698
compensation benefits; 1699

(5) Make or present or cause to be made or presented a false 1700
statement concerning manual codes, classification of employees, 1701
payroll, paid compensation, or number of personnel, when 1702
information of that nature is necessary to determine the actual 1703
workers' compensation premium or assessment owed to the bureau by 1704
an employer; 1705

(6) Alter, forge, or create a workers' compensation 1706
certificate to falsely show current or correct workers' 1707

compensation coverage; 1708

(7) Fail to secure or maintain workers' compensation coverage 1709
as required by Chapter 4123. of the Revised Code with the intent 1710
to defraud the bureau of workers' compensation. 1711

(B) Whoever violates this section is guilty of workers' 1712
compensation fraud. Except as otherwise provided in this division, 1713
a violation of this section is a misdemeanor of the first degree. 1714
If the value of premiums and assessments unpaid pursuant to 1715
actions described in division (A)(5), (6), or (7) of this section, 1716
or of goods, services, property, or money stolen is ~~five~~ seven 1717
hundred fifty dollars or more and is less than five thousand 1718
dollars, a violation of this section is a felony of the fifth 1719
degree. If the value of premiums and assessments unpaid pursuant 1720
to actions described in division (A)(5), (6), or (7) of this 1721
section, or of goods, services, property, or money stolen is five 1722
thousand dollars or more and is less than one hundred thousand 1723
dollars, a violation of this section is a felony of the fourth 1724
degree. If the value of premiums and assessments unpaid pursuant 1725
to actions described in division (A)(5), (6), or (7) of this 1726
section, or of goods, services, property, or money stolen is one 1727
hundred thousand dollars or more, a violation of this section is a 1728
felony of the third degree. 1729

(C) Upon application of the governmental body that conducted 1730
the investigation and prosecution of a violation of this section, 1731
the court shall order the person who is convicted of the violation 1732
to pay the governmental body its costs of investigating and 1733
prosecuting the case. These costs are in addition to any other 1734
costs or penalty provided in the Revised Code or any other section 1735
of law. 1736

(D) The remedies and penalties provided in this section are 1737
not exclusive remedies and penalties and do not preclude the use 1738
of any other criminal or civil remedy or penalty for any act that 1739

is in violation of this section.	1740
(E) As used in this section:	1741
(1) "False" means wholly or partially untrue or deceptive.	1742
(2) "Goods" includes, but is not limited to, medical supplies, appliances, rehabilitative equipment, and any other apparatus or furnishing provided or used in the care, treatment, or rehabilitation of a claimant for workers' compensation benefits.	1743 1744 1745 1746 1747
(3) "Services" includes, but is not limited to, any service provided by any health care provider to a claimant for workers' compensation benefits and any and all services provided by the bureau as part of workers' compensation insurance coverage.	1748 1749 1750 1751
(4) "Claim" means any attempt to cause the bureau, an independent third party with whom the administrator or an employer contracts under section 4121.44 of the Revised Code, or a self-insuring employer to make payment or reimbursement for workers' compensation benefits.	1752 1753 1754 1755 1756
(5) "Employment" means participating in any trade, occupation, business, service, or profession for substantial gainful remuneration.	1757 1758 1759
(6) "Employer," "employee," and "self-insuring employer" have the same meanings as in section 4123.01 of the Revised Code.	1760 1761
(7) "Remuneration" includes, but is not limited to, wages, commissions, rebates, and any other reward or consideration.	1762 1763
(8) "Statement" includes, but is not limited to, any oral, written, electronic, electronic impulse, or magnetic communication notice, letter, memorandum, receipt for payment, invoice, account, financial statement, or bill for services; a diagnosis, prognosis, prescription, hospital, medical, or dental chart or other record; and a computer generated document.	1764 1765 1766 1767 1768 1769

(9) "Records" means any medical, professional, financial, or business record relating to the treatment or care of any person, to goods or services provided to any person, or to rates paid for goods or services provided to any person, or any record that the administrator of workers' compensation requires pursuant to rule.

(10) "Workers' compensation benefits" means any compensation or benefits payable under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

Sec. 2913.49. (A) As used in this section, "personal identifying information" includes, but is not limited to, the following: the name, address, telephone number, driver's license, driver's license number, commercial driver's license, commercial driver's license number, state identification card, state identification card number, social security card, social security number, birth certificate, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, money market account number, mutual fund account number, other financial account number, personal identification number, password, or credit card number of a living or dead individual.

(B) No person, without the express or implied consent of the other person, shall use, obtain, or possess any personal identifying information of another person with intent to do either of the following:

(1) Hold the person out to be the other person;

(2) Represent the other person's personal identifying information as the person's own personal identifying information.

(C) No person shall create, obtain, possess, or use the personal identifying information of any person with the intent to aid or abet another person in violating division (B) of this

section. 1800

(D) No person, with intent to defraud, shall permit another 1801
person to use the person's own personal identifying information. 1802

(E) No person who is permitted to use another person's 1803
personal identifying information as described in division (D) of 1804
this section shall use, obtain, or possess the other person's 1805
personal identifying information with intent to defraud any person 1806
by doing any act identified in division (B)(1) or (2) of this 1807
section. 1808

(F)(1) It is an affirmative defense to a charge under 1809
division (B) of this section that the person using the personal 1810
identifying information is acting in accordance with a legally 1811
recognized guardianship or conservatorship or as a trustee or 1812
fiduciary. 1813

(2) It is an affirmative defense to a charge under division 1814
(B), (C), (D), or (E) of this section that either of the following 1815
applies: 1816

(a) The person or entity using, obtaining, possessing, or 1817
creating the personal identifying information or permitting it to 1818
be used is a law enforcement agency, authorized fraud personnel, 1819
or a representative of or attorney for a law enforcement agency or 1820
authorized fraud personnel and is using, obtaining, possessing, or 1821
creating the personal identifying information or permitting it to 1822
be used, with prior consent given as specified in this division, 1823
in a bona fide investigation, an information security evaluation, 1824
a pretext calling evaluation, or a similar matter. The prior 1825
consent required under this division shall be given by the person 1826
whose personal identifying information is being used, obtained, 1827
possessed, or created or is being permitted to be used or, if the 1828
person whose personal identifying information is being used, 1829
obtained, possessed, or created or is being permitted to be used 1830

is deceased, by that deceased person's executor, or a member of 1831
that deceased person's family, or that deceased person's attorney. 1832
The prior consent required under this division may be given orally 1833
or in writing by the person whose personal identifying information 1834
is being used, obtained, possessed, or created or is being 1835
permitted to be used or that person's executor, or family member, 1836
or attorney. 1837

(b) The personal identifying information was obtained, 1838
possessed, used, created, or permitted to be used for a lawful 1839
purpose, provided that division (F)(2)(b) of this section does not 1840
apply if the person or entity using, obtaining, possessing, or 1841
creating the personal identifying information or permitting it to 1842
be used is a law enforcement agency, authorized fraud personnel, 1843
or a representative of or attorney for a law enforcement agency or 1844
authorized fraud personnel that is using, obtaining, possessing, 1845
or creating the ~~personnel~~ personal identifying information or 1846
permitting it to be used in an investigation, an information 1847
security evaluation, a pretext calling evaluation, or similar 1848
matter. 1849

(G) It is not a defense to a charge under this section that 1850
the person whose personal identifying information was obtained, 1851
possessed, used, created, or permitted to be used was deceased at 1852
the time of the offense. 1853

(H)(1) If an offender commits a violation of division (B), 1854
(D), or (E) of this section and the violation occurs as part of a 1855
course of conduct involving other violations of division (B), (D), 1856
or (E) of this section or violations of, attempts to violate, 1857
conspiracies to violate, or complicity in violations of division 1858
(C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 1859
2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the 1860
court, in determining the degree of the offense pursuant to 1861
division (I) of this section, may aggregate all credit, property, 1862

or services obtained or sought to be obtained by the offender and 1863
all debts or other legal obligations avoided or sought to be 1864
avoided by the offender in the violations involved in that course 1865
of conduct. The course of conduct may involve one victim or more 1866
than one victim. 1867

(2) If an offender commits a violation of division (C) of 1868
this section and the violation occurs as part of a course of 1869
conduct involving other violations of division (C) of this section 1870
or violations of, attempts to violate, conspiracies to violate, or 1871
complicity in violations of division (B), (D), or (E) of this 1872
section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 1873
2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in 1874
determining the degree of the offense pursuant to division (I) of 1875
this section, may aggregate all credit, property, or services 1876
obtained or sought to be obtained by the person aided or abetted 1877
and all debts or other legal obligations avoided or sought to be 1878
avoided by the person aided or abetted in the violations involved 1879
in that course of conduct. The course of conduct may involve one 1880
victim or more than one victim. 1881

(I)(1) Whoever violates this section is guilty of identity 1882
fraud. 1883

(2) Except as otherwise provided in this division or division 1884
(I)(3) of this section, identity fraud is a felony of the fifth 1885
degree. If the value of the credit, property, services, debt, or 1886
other legal obligation involved in the violation or course of 1887
conduct is ~~five~~ seven hundred fifty dollars or more and is less 1888
than five thousand dollars, except as otherwise provided in 1889
division (I)(3) of this section, identity fraud is a felony of the 1890
fourth degree. If the value of the credit, property, services, 1891
debt, or other legal obligation involved in the violation or 1892
course of conduct is five thousand dollars or more and is less 1893
than one hundred thousand dollars, except as otherwise provided in 1894

division (I)(3) of this section, identity fraud is a felony of the
third degree. If the value of the credit, property, services,
debt, or other legal obligation involved in the violation or
course of conduct is one hundred thousand dollars or more, except
as otherwise provided in division (I)(3) of this section, identity
fraud is a felony of the second degree.

(3) If the victim of the offense is an elderly person or
disabled adult, a violation of this section is identity fraud
against an elderly person or disabled adult. Except as otherwise
provided in this division, identity fraud against an elderly
person or disabled adult is a felony of the fifth degree. If the
value of the credit, property, services, debt, or other legal
obligation involved in the violation or course of conduct is ~~five~~
seven hundred fifty dollars or more and is less than five thousand
dollars, identity fraud against an elderly person or disabled
adult is a felony of the third degree. If the value of the credit,
property, services, debt, or other legal obligation involved in
the violation or course of conduct is five thousand dollars or
more and is less than one hundred thousand dollars, identity fraud
against an elderly person or disabled adult is a felony of the
second degree. If the value of the credit, property, services,
debt, or other legal obligation involved in the violation or
course of conduct is one hundred thousand dollars or more,
identity fraud against an elderly person or disabled adult is a
felony of the first degree.

Sec. 2913.51. (A) No person shall receive, retain, or dispose
of property of another knowing or having reasonable cause to
believe that the property has been obtained through commission of
a theft offense.

(B) It is not a defense to a charge of receiving stolen

property in violation of this section that the property was 1926
obtained by means other than through the commission of a theft 1927
offense if the property was explicitly represented to the accused 1928
person as being obtained through the commission of a theft 1929
offense. 1930

(C) Whoever violates this section is guilty of receiving 1931
stolen property. Except as otherwise provided in this division, 1932
receiving stolen property is a misdemeanor of the first degree. If 1933
the value of the property involved is ~~five~~ seven hundred fifty 1934
dollars or more and is less than five thousand dollars, if the 1935
property involved is any of the property listed in section 2913.71 1936
of the Revised Code, receiving stolen property is a felony of the 1937
fifth degree. If the property involved is a motor vehicle, as 1938
defined in section 4501.01 of the Revised Code, if the property 1939
involved is a dangerous drug, as defined in section 4729.01 of the 1940
Revised Code, if the value of the property involved is five 1941
thousand dollars or more and is less than one hundred thousand 1942
dollars, or if the property involved is a firearm or dangerous 1943
ordnance, as defined in section 2923.11 of the Revised Code, 1944
receiving stolen property is a felony of the fourth degree. If the 1945
value of the property involved is one hundred thousand dollars or 1946
more, receiving stolen property is a felony of the third degree. 1947
1948

Sec. 2913.61. (A) When a person is charged with a theft 1949
offense, or with a violation of division (A)(1) of section 1716.14 1950
of the Revised Code involving a victim who is an elderly person or 1951
disabled adult that involves property or services valued at ~~five~~ 1952
seven hundred fifty dollars or more, property or services valued 1953
at ~~five~~ seven hundred fifty dollars or more and less than five 1954
thousand dollars, property or services valued at five thousand 1955
dollars or more and less than twenty-five thousand dollars, 1956
property or services valued at twenty-five thousand dollars or 1957

more and less than one hundred thousand dollars, or property or 1958
services valued at one hundred thousand dollars or more, the jury 1959
or court trying the accused shall determine the value of the 1960
property or services as of the time of the offense and, if a 1961
guilty verdict is returned, shall return the finding of value as 1962
part of the verdict. In any case in which the jury or court 1963
determines that the value of the property or services at the time 1964
of the offense was ~~five~~ seven hundred fifty dollars or more, it is 1965
unnecessary to find and return the exact value, and it is 1966
sufficient if the finding and return is to the effect that the 1967
value of the property or services involved was ~~five~~ seven hundred 1968
fifty dollars or more and less than five thousand dollars, was 1969
five thousand dollars or more and less than twenty-five thousand 1970
dollars, was twenty-five thousand dollars or more and less than 1971
one hundred thousand dollars, or was one hundred thousand dollars 1972
or more. 1973

(B) If more than one item of property or services is involved 1974
in a theft offense or in a violation of division (A)(1) of section 1975
1716.14 of the Revised Code involving a victim who is an elderly 1976
person or disabled adult, the value of the property or services 1977
involved for the purpose of determining the value as required by 1978
division (A) of this section is the aggregate value of all 1979
property or services involved in the offense. 1980

(C)(1) When a series of offenses under section 2913.02 of the 1981
Revised Code, or a series of violations of, attempts to commit a 1982
violation of, conspiracies to violate, or complicity in violations 1983
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 1984
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 1985
2913.31 or 2913.43 of the Revised Code involving a victim who is 1986
an elderly person or disabled adult, is committed by the offender 1987
in the offender's same employment, capacity, or relationship to 1988
another, all of those offenses shall be tried as a single offense. 1989

The value of the property or services involved in the series of offenses for the purpose of determining the value as required by division (A) of this section is the aggregate value of all property and services involved in all offenses in the series.

(2) If an offender commits a series of offenses under section 2913.02 of the Revised Code that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of division (A)(1) of section 1716.14, section 2913.02, 2913.03, or 2913.04, division (B)(1) or (2) of section 2913.21, or section 2913.31 or 2913.43 of the Revised Code, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value as required by division (A) of this section is the aggregate value of all property and services involved in all of the offenses in the course of conduct.

(3) When a series of two or more offenses under section 2921.41 of the Revised Code is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value as required by division (A) of this section is the aggregate value of all property and services involved in all of the offenses in the series of two or more offenses.

(4) In prosecuting a single offense under division (C)(1), (2), or (3) of this section, it is not necessary to separately

allege and prove each offense in the series. Rather, it is 2022
sufficient to allege and prove that the offender, within a given 2023
span of time, committed one or more theft offenses or violations 2024
of section 2921.41 of the Revised Code in the offender's same 2025
employment, capacity, or relationship to another as described in 2026
division (C)(1) or (3) of this section, or committed one or more 2027
theft offenses that involve a common course of conduct to defraud 2028
multiple victims or a scheme or course of conduct as described in 2029
division (C)(2) of this section. 2030

(D) The following criteria shall be used in determining the 2031
value of property or services involved in a theft offense: 2032

(1) The value of an heirloom, memento, collector's item, 2033
antique, museum piece, manuscript, document, record, or other 2034
thing that has intrinsic worth to its owner and that either is 2035
irreplaceable or is replaceable only on the expenditure of 2036
substantial time, effort, or money, is the amount that would 2037
compensate the owner for its loss. 2038

(2) The value of personal effects and household goods, and of 2039
materials, supplies, equipment, and fixtures used in the 2040
profession, business, trade, occupation, or avocation of its 2041
owner, which property is not covered under division (D)(1) of this 2042
section and which retains substantial utility for its purpose 2043
regardless of its age or condition, is the cost of replacing the 2044
property with new property of like kind and quality. 2045

(3) The value of any real or personal property that is not 2046
covered under division (D)(1) or (2) of this section, and the 2047
value of services, is the fair market value of the property or 2048
services. As used in this section, "fair market value" is the 2049
money consideration that a buyer would give and a seller would 2050
accept for property or services, assuming that the buyer is 2051
willing to buy and the seller is willing to sell, that both are 2052
fully informed as to all facts material to the transaction, and 2053

that neither is under any compulsion to act. 2054

(E) Without limitation on the evidence that may be used to 2055
establish the value of property or services involved in a theft 2056
offense: 2057

(1) When the property involved is personal property held for 2058
sale at wholesale or retail, the price at which the property was 2059
held for sale is prima-facie evidence of its value. 2060

(2) When the property involved is a security or commodity 2061
traded on an exchange, the closing price or, if there is no 2062
closing price, the asked price, given in the latest market 2063
quotation prior to the offense is prima-facie evidence of the 2064
value of the security or commodity. 2065

(3) When the property involved is livestock, poultry, or raw 2066
agricultural products for which a local market price is available, 2067
the latest local market price prior to the offense is prima-facie 2068
evidence of the value of the livestock, poultry, or products. 2069

(4) When the property involved is a negotiable instrument, 2070
the face value is prima-facie evidence of the value of the 2071
instrument. 2072

(5) When the property involved is a warehouse receipt, bill 2073
of lading, pawn ticket, claim check, or other instrument entitling 2074
the holder or bearer to receive property, the face value or, if 2075
there is no face value, the value of the property covered by the 2076
instrument less any payment necessary to receive the property is 2077
prima-facie evidence of the value of the instrument. 2078

(6) When the property involved is a ticket of admission, 2079
ticket for transportation, coupon, token, or other instrument 2080
entitling the holder or bearer to receive property or services, 2081
the face value or, if there is no face value, the value of the 2082
property or services that may be received by the instrument is 2083
prima-facie evidence of the value of the instrument. 2084

(7) When the services involved are gas, electricity, water, telephone, transportation, shipping, or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of the services.

(8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing, orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima-facie evidence of the value of the services.

Sec. 2915.05. (A) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:

(1) The subject of a bet;

(2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event;

(3) A scheme or game of chance;

(4) Bingo.

(B) No person shall knowingly do any of the following:

(1) Offer, give, solicit, or accept anything of value to corrupt the outcome of an athletic or sporting event;

(2) Engage in conduct designed to corrupt the outcome of an athletic or sporting event.

(C)(1) Whoever violates division (A) of this section is guilty of cheating. Except as otherwise provided in this division, cheating is a misdemeanor of the first degree. If the potential gain from the cheating is ~~five~~ seven hundred fifty dollars or more or if the offender previously has been convicted of any gambling

offense or of any theft offense, as defined in section 2913.01 of the Revised Code, cheating is a felony of the fifth degree.

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(2) Whoever violates division (B) of this section is guilty of corrupting sports. Corrupting sports is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

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Sec. 2917.21. (A) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

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(1) Fails to identify the caller to the recipient of the telecommunication and makes the telecommunication with purpose to harass or abuse any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;

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(2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;

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(3) During the telecommunication, violates section 2903.21 of the Revised Code;

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(4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member

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of the recipient's family, or any other person who resides at the 2144
premises to which the telecommunication is made owns, leases, 2145
resides, or works in, will at the time of the destruction or 2146
damaging be near or in, has the responsibility of protecting, or 2147
insures the property that will be destroyed or damaged; 2148

(5) Knowingly makes the telecommunication to the recipient of 2149
the telecommunication, to another person at the premises to which 2150
the telecommunication is made, or to those premises, and the 2151
recipient or another person at those premises previously has told 2152
the caller not to make a telecommunication to those premises or to 2153
any persons at those premises. 2154

(B) No person shall make or cause to be made a 2155
telecommunication, or permit a telecommunication to be made from a 2156
telecommunications device under the person's control, with purpose 2157
to abuse, threaten, or harass another person. 2158

(C)(1) Whoever violates this section is guilty of 2159
telecommunications harassment. 2160

(2) A violation of division (A)(1), (2), (3), or (5) or (B) 2161
of this section is a misdemeanor of the first degree on a first 2162
offense and a felony of the fifth degree on each subsequent 2163
offense. 2164

(3) Except as otherwise provided in division (C)(3) of this 2165
section, a violation of division (A)(4) of this section is a 2166
misdemeanor of the first degree on a first offense and a felony of 2167
the fifth degree on each subsequent offense. If a violation of 2168
division (A)(4) of this section results in economic harm of ~~five~~ 2169
seven hundred fifty dollars or more but less than five thousand 2170
dollars, telecommunications harassment is a felony of the fifth 2171
degree. If a violation of division (A)(4) of this section results 2172
in economic harm of five thousand dollars or more but less than 2173
one hundred thousand dollars, telecommunications harassment is a 2174

felony of the fourth degree. If a violation of division (A)(4) of 2175
this section results in economic harm of one hundred thousand 2176
dollars or more, telecommunications harassment is a felony of the 2177
third degree. 2178

(D) No cause of action may be asserted in any court of this 2179
state against any provider of a telecommunications service or 2180
information service, or against any officer, employee, or agent of 2181
a telecommunication service or information service, for any 2182
injury, death, or loss to person or property that allegedly arises 2183
out of the provider's, officer's, employee's, or agent's provision 2184
of information, facilities, or assistance in accordance with the 2185
terms of a court order that is issued in relation to the 2186
investigation or prosecution of an alleged violation of this 2187
section or section 4931.31 of the Revised Code. A provider of a 2188
telecommunications service or information service, or an officer, 2189
employee, or agent of a telecommunications service or information 2190
service, is immune from any civil or criminal liability for 2191
injury, death, or loss to person or property that allegedly arises 2192
out of the provider's, officer's, employee's, or agent's provision 2193
of information, facilities, or assistance in accordance with the 2194
terms of a court order that is issued in relation to the 2195
investigation or prosecution of an alleged violation of this 2196
section or section 4931.31 of the Revised Code. 2197

(E) As used in this section: 2198

(1) "Economic harm" means all direct, incidental, and 2199
consequential pecuniary harm suffered by a victim as a result of 2200
criminal conduct. "Economic harm" includes, but is not limited to, 2201
all of the following: 2202

(a) All wages, salaries, or other compensation lost as a 2203
result of the criminal conduct; 2204

(b) The cost of all wages, salaries, or other compensation 2205

paid to employees for time those employees are prevented from	2206
working as a result of the criminal conduct;	2207
(c) The overhead costs incurred for the time that a business	2208
is shut down as a result of the criminal conduct;	2209
(d) The loss of value to tangible or intangible property that	2210
was damaged as a result of the criminal conduct.	2211
(2) "Caller" means the person described in division (A) of	2212
this section who makes or causes to be made a telecommunication or	2213
who permits a telecommunication to be made from a	2214
telecommunications device under that person's control.	2215
(3) "Telecommunication" and "telecommunications device" have	2216
the same meanings as in section 2913.01 of the Revised Code.	2217
(4) "Sexual activity" has the same meaning as in section	2218
2907.01 of the Revised Code.	2219
(F) Nothing in this section prohibits a person from making a	2220
telecommunication to a debtor that is in compliance with the "Fair	2221
Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C.	2222
1692, as amended, or the "Telephone Consumer Protection Act," 105	2223
Stat. 2395 (1991), 47 U.S.C. 227, as amended.	2224
Sec. 2917.31. (A) No person shall cause the evacuation of any	2225
public place, or otherwise cause serious public inconvenience or	2226
alarm, by doing any of the following:	2227
(1) Initiating or circulating a report or warning of an	2228
alleged or impending fire, explosion, crime, or other catastrophe,	2229
knowing that such report or warning is false;	2230
(2) Threatening to commit any offense of violence;	2231
(3) Committing any offense, with reckless disregard of the	2232
likelihood that its commission will cause serious public	2233
inconvenience or alarm.	2234

(B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.	2235 2236
(C)(1) Whoever violates this section is guilty of inducing panic.	2237 2238
(2) Except as otherwise provided in division (C)(3), (4), (5), (6), (7), or (8) of this section, inducing panic is a misdemeanor of the first degree.	2239 2240 2241
(3) Except as otherwise provided in division (C)(4), (5), (6), (7), or (8) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree.	2242 2243 2244 2245
(4) Except as otherwise provided in division (C)(5), (6), (7), or (8) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:	2246 2247 2248 2249
(a) If the violation results in economic harm of five <u>seven</u> hundred <u>fifty</u> dollars or more but less than five thousand dollars and if division (C)(3) of this section does not apply, inducing panic is a felony of the fifth degree.	2250 2251 2252 2253
(b) If the violation results in economic harm of five thousand dollars or more but less than one hundred thousand dollars, inducing panic is a felony of the fourth degree.	2254 2255 2256
(c) If the violation results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.	2257 2258 2259
(5) If the public place involved in a violation of division (A)(1) of this section is a school or an institution of higher education, inducing panic is a felony of the second degree.	2260 2261 2262
(6) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as	2263 2264

otherwise provided in division (C)(5), (7), or (8) of this 2265
section, inducing panic is a felony of the fourth degree. 2266

(7) If the violation pertains to a purported, threatened, or 2267
actual use of a weapon of mass destruction, and except as 2268
otherwise provided in division (C)(5) of this section, if a 2269
violation of this section results in physical harm to any person, 2270
inducing panic is a felony of the third degree. 2271

(8) If the violation pertains to a purported, threatened, or 2272
actual use of a weapon of mass destruction, and except as 2273
otherwise provided in division (C)(5) of this section, if a 2274
violation of this section results in economic harm of one hundred 2275
thousand dollars or more, inducing panic is a felony of the third 2276
degree. 2277

(D)(1) It is not a defense to a charge under this section 2278
that pertains to a purported or threatened use of a weapon of mass 2279
destruction that the offender did not possess or have the ability 2280
to use a weapon of mass destruction or that what was represented 2281
to be a weapon of mass destruction was not a weapon of mass 2282
destruction. 2283

(2) Any act that is a violation of this section and any other 2284
section of the Revised Code may be prosecuted under this section, 2285
the other section, or both sections. 2286

(E) As used in this section: 2287

(1) "Economic harm" means any of the following: 2288

(a) All direct, incidental, and consequential pecuniary harm 2289
suffered by a victim as a result of criminal conduct. "Economic 2290
harm" as described in this division includes, but is not limited 2291
to, all of the following: 2292

(i) All wages, salaries, or other compensation lost as a 2293
result of the criminal conduct; 2294

(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	2295 2296 2297
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	2298 2299
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	2300 2301
(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.	2302 2303 2304 2305 2306 2307 2308
(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.	2309 2310 2311 2312 2313 2314
(3) "Weapon of mass destruction" means any of the following:	2315
(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;	2316 2317 2318
(b) Any weapon involving a disease organism or biological agent;	2319 2320
(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;	2321 2322
(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of	2323 2324

"destructive device" pursuant to 18 U.S.C. 921(a)(4) and	2325
regulations issued under that section:	2326
(i) Any explosive, incendiary, or poison gas bomb, grenade,	2327
rocket having a propellant charge of more than four ounces,	2328
missile having an explosive or incendiary charge of more than	2329
one-quarter ounce, mine, or similar device;	2330
(ii) Any combination of parts either designed or intended for	2331
use in converting any item or device into any item or device	2332
described in division (E)(3)(d)(i) of this section and from which	2333
an item or device described in that division may be readily	2334
assembled.	2335
(4) "Biological agent" has the same meaning as in section	2336
2917.33 of the Revised Code.	2337
(5) "Emergency medical services personnel" has the same	2338
meaning as in section 2133.21 of the Revised Code.	2339
(6) "Institution of higher education" means any of the	2340
following:	2341
(a) A state university or college as defined in division	2342
(A)(1) of section 3345.12 of the Revised Code, community college,	2343
state community college, university branch, or technical college;	2344
(b) A private, nonprofit college, university or other	2345
post-secondary institution located in this state that possesses a	2346
certificate of authorization issued by the Ohio board of regents	2347
pursuant to Chapter 1713. of the Revised Code;	2348
(c) A post-secondary institution with a certificate of	2349
registration issued by the state board of career colleges and	2350
schools under Chapter 3332. of the Revised Code.	2351
Sec. 2917.32. (A) No person shall do any of the following:	2352
(1) Initiate or circulate a report or warning of an alleged	2353

or impending fire, explosion, crime, or other catastrophe, knowing 2354
that the report or warning is false and likely to cause public 2355
inconvenience or alarm; 2356

(2) Knowingly cause a false alarm of fire or other emergency 2357
to be transmitted to or within any organization, public or 2358
private, for dealing with emergencies involving a risk of physical 2359
harm to persons or property; 2360

(3) Report to any law enforcement agency an alleged offense 2361
or other incident within its concern, knowing that such offense 2362
did not occur. 2363

(B) This section does not apply to any person conducting an 2364
authorized fire or emergency drill. 2365

(C)(1) Whoever violates this section is guilty of making 2366
false alarms. 2367

(2) Except as otherwise provided in division (C)(3), (4), 2368
(5), or (6) of this section, making false alarms is a misdemeanor 2369
of the first degree. 2370

(3) Except as otherwise provided in division (C)(4) of this 2371
section, if a violation of this section results in economic harm 2372
of ~~five~~ seven hundred fifty dollars or more but less than five 2373
thousand dollars, making false alarms is a felony of the fifth 2374
degree. 2375

(4) If a violation of this section pertains to a purported, 2376
threatened, or actual use of a weapon of mass destruction, making 2377
false alarms is a felony of the third degree. 2378

(5) If a violation of this section results in economic harm 2379
of five thousand dollars or more but less than one hundred 2380
thousand dollars and if division (C)(4) of this section does not 2381
apply, making false alarms is a felony of the fourth degree. 2382

(6) If a violation of this section results in economic harm 2383

of one hundred thousand dollars or more, making false alarms is a 2384
felony of the third degree. 2385

(D)(1) It is not a defense to a charge under this section 2386
that pertains to a purported or threatened use of a weapon of mass 2387
destruction that the offender did not possess or have the ability 2388
to use a weapon of mass destruction or that what was represented 2389
to be a weapon of mass destruction was not a weapon of mass 2390
destruction. 2391

(2) Any act that is a violation of this section and any other 2392
section of the Revised Code may be prosecuted under this section, 2393
the other section, or both sections. 2394

(E) As used in this section, "economic harm" and "weapon of 2395
mass destruction" have the same meanings as in section 2917.31 of 2396
the Revised Code. 2397

Sec. 2919.21. (A) No person shall abandon, or fail to provide 2398
adequate support to: 2399

(1) The person's spouse, as required by law; 2400

(2) The person's child who is under age eighteen, or mentally 2401
or physically handicapped child who is under age twenty-one; 2402

(3) The person's aged or infirm parent or adoptive parent, 2403
who from lack of ability and means is unable to provide adequately 2404
for the parent's own support. 2405

(B) No person shall abandon, or fail to provide support as 2406
established by a court order to, another person whom, by court 2407
order or decree, the person is legally obligated to support. 2408

(C) No person shall aid, abet, induce, cause, encourage, or 2409
contribute to a child or a ward of the juvenile court becoming a 2410
dependent child, as defined in section 2151.04 of the Revised 2411
Code, or a neglected child, as defined in section 2151.03 of the 2412
Revised Code. 2413

(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support but did provide the support that was within the accused's ability and means.

(E) It is an affirmative defense to a charge under division (A)(3) of this section that the parent abandoned the accused or failed to support the accused as required by law, while the accused was under age eighteen, or was mentally or physically handicapped and under age twenty-one.

(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused.

(G)(1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) or (B) of this section or if the offender has failed to provide support under division (A)(2) or (B) of this section for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section, a violation of division (A)(2) or (B) of this section is a felony of the fourth degree. ~~If~~

If the violation of division (A)(2) or (B) of this section is a felony of the fourth or fifth degree, the court shall sentence

the offender to one or more community control sanctions authorized 2446
under section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 2447
the court imposes a nonresidential sanction under section 2929.17 2448
of the Revised Code, the court shall include as a condition of the 2449
sanction that the offender participate in and complete a community 2450
corrections program, as established under sections 5149.30 to 2451
5149.37 of the Revised Code, unless the offender has previously 2452
participated in a community corrections program within the past 2453
three years, if available in the county in which the court 2454
imposing the sentence is located. 2455

(2) If the offender is guilty of nonsupport of dependents by 2456
reason of failing to provide support to the offender's child as 2457
required by a child support order issued on or after April 15, 2458
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 2459
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 3115.31 of the 2460
Revised Code, the court, in addition to any other sentence 2461
imposed, shall assess all court costs arising out of the charge 2462
against the person and require the person to pay any reasonable 2463
attorney's fees of any adverse party other than the state, as 2464
determined by the court, that arose in relation to the charge. 2465

~~(2)~~(3) Whoever violates division (C) of this section is 2466
guilty of contributing to the nonsupport of dependents, a 2467
misdemeanor of the first degree. Each day of violation of division 2468
(C) of this section is a separate offense. 2469

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the 2470
Revised Code: 2471

(A) "Public official" means any elected or appointed officer, 2472
or employee, or agent of the state or any political subdivision, 2473
whether in a temporary or permanent capacity, and includes, but is 2474
not limited to, legislators, judges, and law enforcement officers. 2475

(B) "Public servant" means any of the following: 2476

(1) Any public official;	2477
(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;	2478 2479 2480
(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.	2481 2482 2483 2484 2485 2486 2487 2488 2489
(C) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.	2490 2491 2492 2493 2494
(D) "Official proceeding" means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.	2495 2496 2497 2498 2499 2500
(E) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or	2501 2502 2503 2504 2505 2506 2507

confinement in any public or private facility that is ordered 2508
pursuant to or under the authority of section 2945.37, 2945.371, 2509
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 2510
Code; confinement in any vehicle for transportation to or from any 2511
facility of any of those natures; detention for extradition or 2512
deportation; except as provided in this division, supervision by 2513
any employee of any facility of any of those natures that is 2514
incidental to hospitalization, institutionalization, or 2515
confinement in the facility but that occurs outside the facility; 2516
~~supervision by an employee of the department of rehabilitation and 2517~~
~~correction of a person on any type of release from a state 2518~~
~~correctional institution; or confinement in any vehicle, airplane, 2519~~
or place while being returned from outside of this state into this 2520
state by a private person or entity pursuant to a contract entered 2521
into under division (E) of section 311.29 of the Revised Code or 2522
division (B) of section 5149.03 of the Revised Code. For a person 2523
confined in a county jail who participates in a county jail 2524
industry program pursuant to section 5147.30 of the Revised Code, 2525
"detention" includes time spent at an assigned work site and going 2526
to and from the work site. 2527

(F) "Detention facility" means any public or private place 2528
used for the confinement of a person charged with or convicted of 2529
any crime in this state or another state or under the laws of the 2530
United States or alleged or found to be a delinquent child or 2531
unruly child in this state or another state or under the laws of 2532
the United States. 2533

(G) "Valuable thing or valuable benefit" includes, but is not 2534
limited to, a contribution. This inclusion does not indicate or 2535
imply that a contribution was not included in those terms before 2536
September 17, 1986. 2537

(H) "Campaign committee," "contribution," "political action 2538
committee," "legislative campaign fund," "political party," and 2539

"political contributing entity" have the same meanings as in	2540
section 3517.01 of the Revised Code.	2541
(I) "Provider agreement" and "medical assistance program"	2542
have the same meanings as in section 2913.40 of the Revised Code.	2543
Sec. 2921.13. (A) No person shall knowingly make a false	2544
statement, or knowingly swear or affirm the truth of a false	2545
statement previously made, when any of the following applies:	2546
(1) The statement is made in any official proceeding.	2547
(2) The statement is made with purpose to incriminate	2548
another.	2549
(3) The statement is made with purpose to mislead a public	2550
official in performing the public official's official function.	2551
(4) The statement is made with purpose to secure the payment	2552
of unemployment compensation; Ohio works first; prevention,	2553
retention, and contingency benefits and services; disability	2554
financial assistance; retirement benefits; economic development	2555
assistance, as defined in section 9.66 of the Revised Code; or	2556
other benefits administered by a governmental agency or paid out	2557
of a public treasury.	2558
(5) The statement is made with purpose to secure the issuance	2559
by a governmental agency of a license, permit, authorization,	2560
certificate, registration, release, or provider agreement.	2561
(6) The statement is sworn or affirmed before a notary public	2562
or another person empowered to administer oaths.	2563
(7) The statement is in writing on or in connection with a	2564
report or return that is required or authorized by law.	2565
(8) The statement is in writing and is made with purpose to	2566
induce another to extend credit to or employ the offender, to	2567
confer any degree, diploma, certificate of attainment, award of	2568

excellence, or honor on the offender, or to extend to or bestow 2569
upon the offender any other valuable benefit or distinction, when 2570
the person to whom the statement is directed relies upon it to 2571
that person's detriment. 2572

(9) The statement is made with purpose to commit or 2573
facilitate the commission of a theft offense. 2574

(10) The statement is knowingly made to a probate court in 2575
connection with any action, proceeding, or other matter within its 2576
jurisdiction, either orally or in a written document, including, 2577
but not limited to, an application, petition, complaint, or other 2578
pleading, or an inventory, account, or report. 2579

(11) The statement is made on an account, form, record, 2580
stamp, label, or other writing that is required by law. 2581

(12) The statement is made in connection with the purchase of 2582
a firearm, as defined in section 2923.11 of the Revised Code, and 2583
in conjunction with the furnishing to the seller of the firearm of 2584
a fictitious or altered driver's or commercial driver's license or 2585
permit, a fictitious or altered identification card, or any other 2586
document that contains false information about the purchaser's 2587
identity. 2588

(13) The statement is made in a document or instrument of 2589
writing that purports to be a judgment, lien, or claim of 2590
indebtedness and is filed or recorded with the secretary of state, 2591
a county recorder, or the clerk of a court of record. 2592

(14) The statement is made with purpose to obtain an Ohio's 2593
best Rx program enrollment card under section 173.773 of the 2594
Revised Code or a payment under section 173.801 of the Revised 2595
Code. 2596

(15) The statement is made in an application filed with a 2597
county sheriff pursuant to section 2923.125 of the Revised Code in 2598
order to obtain or renew a license to carry a concealed handgun or 2599

is made in an affidavit submitted to a county sheriff to obtain a 2600
temporary emergency license to carry a concealed handgun under 2601
section 2923.1213 of the Revised Code. 2602

(16) The statement is required under section 5743.71 of the 2603
Revised Code in connection with the person's purchase of 2604
cigarettes or tobacco products in a delivery sale. 2605

(B) No person, in connection with the purchase of a firearm, 2606
as defined in section 2923.11 of the Revised Code, shall knowingly 2607
furnish to the seller of the firearm a fictitious or altered 2608
driver's or commercial driver's license or permit, a fictitious or 2609
altered identification card, or any other document that contains 2610
false information about the purchaser's identity. 2611

(C) No person, in an attempt to obtain a license to carry a 2612
concealed handgun under section 2923.125 of the Revised Code, 2613
shall knowingly present to a sheriff a fictitious or altered 2614
document that purports to be certification of the person's 2615
competence in handling a handgun as described in division (B)(3) 2616
of section 2923.125 of the Revised Code. 2617

(D) It is no defense to a charge under division (A)(6) of 2618
this section that the oath or affirmation was administered or 2619
taken in an irregular manner. 2620

(E) If contradictory statements relating to the same fact are 2621
made by the offender within the period of the statute of 2622
limitations for falsification, it is not necessary for the 2623
prosecution to prove which statement was false but only that one 2624
or the other was false. 2625

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 2626
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 2627
guilty of falsification, a misdemeanor of the first degree. 2628

(2) Whoever violates division (A)(9) of this section is 2629
guilty of falsification in a theft offense. Except as otherwise 2630

provided in this division, falsification in a theft offense is a 2631
misdemeanor of the first degree. If the value of the property or 2632
services stolen is ~~five~~ seven hundred fifty dollars or more and is 2633
less than five thousand dollars, falsification in a theft offense 2634
is a felony of the fifth degree. If the value of the property or 2635
services stolen is five thousand dollars or more and is less than 2636
one hundred thousand dollars, falsification in a theft offense is 2637
a felony of the fourth degree. If the value of the property or 2638
services stolen is one hundred thousand dollars or more, 2639
falsification in a theft offense is a felony of the third degree. 2640

(3) Whoever violates division (A)(12) or (B) of this section 2641
is guilty of falsification to purchase a firearm, a felony of the 2642
fifth degree. 2643
2644

(4) Whoever violates division (A)(15) or (C) of this section 2645
is guilty of falsification to obtain a concealed handgun license, 2646
a felony of the fourth degree. 2647

(G) A person who violates this section is liable in a civil 2648
action to any person harmed by the violation for injury, death, or 2649
loss to person or property incurred as a result of the commission 2650
of the offense and for reasonable attorney's fees, court costs, 2651
and other expenses incurred as a result of prosecuting the civil 2652
action commenced under this division. A civil action under this 2653
division is not the exclusive remedy of a person who incurs 2654
injury, death, or loss to person or property as a result of a 2655
violation of this section. 2656

Sec. 2921.341. (A) A person under the lawful supervision of 2657
an employee of the department of rehabilitation and correction 2658
while on any type of release from a state correctional 2659
institution, other than a judicial release under section 2929.20 2660
of the Revised Code or release while under transitional control 2661

under section 2967.26 of the Revised Code, shall not do any of the 2662
following: 2663

(1) Knowingly leave this state without permission of the 2664
adult parole authority; 2665

(2) Evade, flee, or avoid the supervision for more than six 2666
consecutive months; 2667

(3) Fail to maintain contacts required under the supervision 2668
for more than six consecutive months. 2669

(B) If a person who is subject to division (A) of this 2670
section does anything specified in division (A)(1), (2), or (3) of 2671
this section, the person shall be treated as a releasee for 2672
purposes of section 2967.15 of the Revised Code and shall be 2673
subject to all of the provisions of that section. 2674

Sec. 2921.41. (A) No public official or party official shall 2675
commit any theft offense, as defined in division (K) of section 2676
2913.01 of the Revised Code, when either of the following applies: 2677

(1) The offender uses the offender's office in aid of 2678
committing the offense or permits or assents to its use in aid of 2679
committing the offense; 2680

(2) The property or service involved is owned by this state, 2681
any other state, the United States, a county, a municipal 2682
corporation, a township, or any political subdivision, department, 2683
or agency of any of them, is owned by a political party, or is 2684
part of a political campaign fund. 2685

(B) Whoever violates this section is guilty of theft in 2686
office. Except as otherwise provided in this division, theft in 2687
office is a felony of the fifth degree. If the value of property 2688
or services stolen is ~~five~~ seven hundred fifty dollars or more and 2689
is less than five thousand dollars, theft in office is a felony of 2690

the fourth degree. If the value of property or services stolen is 2691
five thousand dollars or more, theft in office is a felony of the 2692
third degree. 2693

(C)(1) A public official or party official who pleads guilty 2694
to theft in office and whose plea is accepted by the court or a 2695
public official or party official against whom a verdict or 2696
finding of guilt for committing theft in office is returned is 2697
forever disqualified from holding any public office, employment, 2698
or position of trust in this state. 2699

(2)(a) A court that imposes sentence for a violation of this 2700
section based on conduct described in division (A)(2) of this 2701
section shall require the public official or party official who is 2702
convicted of or pleads guilty to the offense to make restitution 2703
for all of the property or the service that is the subject of the 2704
offense, in addition to the term of imprisonment and any fine 2705
imposed. A court that imposes sentence for a violation of this 2706
section based on conduct described in division (A)(1) of this 2707
section and that determines at trial that this state or a 2708
political subdivision of this state if the offender is a public 2709
official, or a political party in the United States or this state 2710
if the offender is a party official, suffered actual loss as a 2711
result of the offense shall require the offender to make 2712
restitution to the state, political subdivision, or political 2713
party for all of the actual loss experienced, in addition to the 2714
term of imprisonment and any fine imposed. 2715

(b)(i) In any case in which a sentencing court is required to 2716
order restitution under division (C)(2)(a) of this section and in 2717
which the offender, at the time of the commission of the offense 2718
or at any other time, was a member of the public employees 2719
retirement system, the Ohio police and fire pension fund, the 2720
state teachers retirement system, the school employees retirement 2721
system, or the state highway patrol retirement system; was an 2722

electing employee, as defined in section 3305.01 of the Revised Code, participating in an alternative retirement plan provided pursuant to Chapter 3305. of the Revised Code; was a participating employee or continuing member, as defined in section 148.01 of the Revised Code, in a deferred compensation program offered by the Ohio public employees deferred compensation board; was an officer or employee of a municipal corporation who was a participant in a deferred compensation program offered by that municipal corporation; was an officer or employee of a government unit, as defined in section 148.06 of the Revised Code, who was a participant in a deferred compensation program offered by that government unit, or was a participating employee, continuing member, or participant in any deferred compensation program described in this division and a member of a retirement system specified in this division or a retirement system of a municipal corporation, the entity to which restitution is to be made may file a motion with the sentencing court specifying any retirement system, any provider as defined in section 3305.01 of the Revised Code, and any deferred compensation program of which the offender was a member, electing employee, participating employee, continuing member, or participant and requesting the court to issue an order requiring the specified retirement system, the specified provider under the alternative retirement plan, or the specified deferred compensation program, or, if more than one is specified in the motion, the applicable combination of these, to withhold the amount required as restitution from any payment that is to be made under a pension, annuity, or allowance, under an option in the alternative retirement plan, under a participant account, as defined in section 148.01 of the Revised Code, or under any other type of benefit, other than a survivorship benefit, that has been or is in the future granted to the offender, from any payment of accumulated employee contributions standing to the offender's credit with that retirement system,

that provider of the option under the alternative retirement plan, 2756
or that deferred compensation program, or, if more than one is 2757
specified in the motion, the applicable combination of these, and 2758
from any payment of any other amounts to be paid to the offender 2759
upon the offender's withdrawal of the offender's contributions 2760
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 2761
the Revised Code. A motion described in this division may be filed 2762
at any time subsequent to the conviction of the offender or entry 2763
of a guilty plea. Upon the filing of the motion, the clerk of the 2764
court in which the motion is filed shall notify the offender, the 2765
specified retirement system, the specified provider under the 2766
alternative retirement plan, or the specified deferred 2767
compensation program, or, if more than one is specified in the 2768
motion, the applicable combination of these, in writing, of all of 2769
the following: that the motion was filed; that the offender will 2770
be granted a hearing on the issuance of the requested order if the 2771
offender files a written request for a hearing with the clerk 2772
prior to the expiration of thirty days after the offender receives 2773
the notice; that, if a hearing is requested, the court will 2774
schedule a hearing as soon as possible and notify the offender, 2775
any specified retirement system, any specified provider under an 2776
alternative retirement plan, and any specified deferred 2777
compensation program of the date, time, and place of the hearing; 2778
that, if a hearing is conducted, it will be limited only to a 2779
consideration of whether the offender can show good cause why the 2780
requested order should not be issued; that, if a hearing is 2781
conducted, the court will not issue the requested order if the 2782
court determines, based on evidence presented at the hearing by 2783
the offender, that there is good cause for the requested order not 2784
to be issued; that the court will issue the requested order if a 2785
hearing is not requested or if a hearing is conducted but the 2786
court does not determine, based on evidence presented at the 2787
hearing by the offender, that there is good cause for the 2788

requested order not to be issued; and that, if the requested order 2789
is issued, any retirement system, any provider under an 2790
alternative retirement plan, and any deferred compensation program 2791
specified in the motion will be required to withhold the amount 2792
required as restitution from payments to the offender. 2793

(ii) In any case in which a sentencing court is required to 2794
order restitution under division (C)(2)(a) of this section and in 2795
which a motion requesting the issuance of a withholding order as 2796
described in division (C)(2)(b)(i) of this section is filed, the 2797
offender may receive a hearing on the motion by delivering a 2798
written request for a hearing to the court prior to the expiration 2799
of thirty days after the offender's receipt of the notice provided 2800
pursuant to division (C)(2)(b)(i) of this section. If a request 2801
for a hearing is made by the offender within the prescribed time, 2802
the court shall schedule a hearing as soon as possible after the 2803
request is made and shall notify the offender, the specified 2804
retirement system, the specified provider under the alternative 2805
retirement plan, or the specified deferred compensation program, 2806
or, if more than one is specified in the motion, the applicable 2807
combination of these, of the date, time, and place of the hearing. 2808
A hearing scheduled under this division shall be limited to a 2809
consideration of whether there is good cause, based on evidence 2810
presented by the offender, for the requested order not to be 2811
issued. If the court determines, based on evidence presented by 2812
the offender, that there is good cause for the order not to be 2813
issued, the court shall deny the motion and shall not issue the 2814
requested order. If the offender does not request a hearing within 2815
the prescribed time or if the court conducts a hearing but does 2816
not determine, based on evidence presented by the offender, that 2817
there is good cause for the order not to be issued, the court 2818
shall order the specified retirement system, the specified 2819
provider under the alternative retirement plan, or the specified 2820
deferred compensation program, or, if more than one is specified 2821

in the motion, the applicable combination of these, to withhold 2822
the amount required as restitution under division (C)(2)(a) of 2823
this section from any payments to be made under a pension, 2824
annuity, or allowance, under a participant account, as defined in 2825
section 148.01 of the Revised Code, under an option in the 2826
alternative retirement plan, or under any other type of benefit, 2827
other than a survivorship benefit, that has been or is in the 2828
future granted to the offender, from any payment of accumulated 2829
employee contributions standing to the offender's credit with that 2830
retirement system, that provider under the alternative retirement 2831
plan, or that deferred compensation program, or, if more than one 2832
is specified in the motion, the applicable combination of these, 2833
and from any payment of any other amounts to be paid to the 2834
offender upon the offender's withdrawal of the offender's 2835
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 2836
or 5505. of the Revised Code, and to continue the withholding for 2837
that purpose, in accordance with the order, out of each payment to 2838
be made on or after the date of issuance of the order, until 2839
further order of the court. Upon receipt of an order issued under 2840
this division, the public employees retirement system, the Ohio 2841
police and fire pension fund, the state teachers retirement 2842
system, the school employees retirement system, the state highway 2843
patrol retirement system, a municipal corporation retirement 2844
system, the provider under the alternative retirement plan, and 2845
the deferred compensation program offered by the Ohio public 2846
employees deferred compensation board, a municipal corporation, or 2847
a government unit, as defined in section 148.06 of the Revised 2848
Code, whichever are applicable, shall withhold the amount required 2849
as restitution, in accordance with the order, from any such 2850
payments and immediately shall forward the amount withheld to the 2851
clerk of the court in which the order was issued for payment to 2852
the entity to which restitution is to be made. 2853

(iii) Service of a notice required by division (C)(2)(b)(i) 2854

or (ii) of this section shall be effected in the same manner as 2855
provided in the Rules of Civil Procedure for the service of 2856
process. 2857

(D) Upon the filing of charges against a person under this 2858
section, the prosecutor, as defined in section 2935.01 of the 2859
Revised Code, who is assigned the case shall send written notice 2860
that charges have been filed against that person to the public 2861
employees retirement system, the Ohio police and fire pension 2862
fund, the state teachers retirement system, the school employees 2863
retirement system, the state highway patrol retirement system, the 2864
provider under an alternative retirement plan, any municipal 2865
corporation retirement system in this state, and the deferred 2866
compensation program offered by the Ohio public employees deferred 2867
compensation board, a municipal corporation, or a government unit, 2868
as defined in section 148.06 of the Revised Code. The written 2869
notice shall specifically identify the person charged. 2870

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the 2871
Revised Code: 2872

(A) "Beneficial interest" means any of the following: 2873

(1) The interest of a person as a beneficiary under a trust 2874
in which the trustee holds title to personal or real property; 2875

(2) The interest of a person as a beneficiary under any other 2876
trust arrangement under which any other person holds title to 2877
personal or real property for the benefit of such person; 2878

(3) The interest of a person under any other form of express 2879
fiduciary arrangement under which any other person holds title to 2880
personal or real property for the benefit of such person. 2881

"Beneficial interest" does not include the interest of a 2882
stockholder in a corporation or the interest of a partner in 2883
either a general or limited partnership. 2884

(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and investigation of any criminal action or in the litigation and investigation of any civil action, and includes, but is not limited to, the costs of resources and personnel.

(C) "Enterprise" includes any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity. "Enterprise" includes illicit as well as licit enterprises.

(D) "Innocent person" includes any bona fide purchaser of property that is allegedly involved in a violation of section 2923.32 of the Revised Code, including any person who establishes a valid claim to or interest in the property in accordance with division (E) of section 2981.04 of the Revised Code, and any victim of an alleged violation of that section or of any underlying offense involved in an alleged violation of that section.

(E) "Pattern of corrupt activity" means two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event.

At least one of the incidents forming the pattern shall occur on or after January 1, 1986. Unless any incident was an aggravated murder or murder, the last of the incidents forming the pattern shall occur within six years after the commission of any prior incident forming the pattern, excluding any period of imprisonment

served by any person engaging in the corrupt activity. 2917

For the purposes of the criminal penalties that may be 2918
imposed pursuant to section 2923.32 of the Revised Code, at least 2919
one of the incidents forming the pattern shall constitute a felony 2920
under the laws of this state in existence at the time it was 2921
committed or, if committed in violation of the laws of the United 2922
States or of any other state, shall constitute a felony under the 2923
law of the United States or the other state and would be a 2924
criminal offense under the law of this state if committed in this 2925
state. 2926

(F) "Pecuniary value" means money, a negotiable instrument, a 2927
commercial interest, or anything of value, as defined in section 2928
1.03 of the Revised Code, or any other property or service that 2929
has a value in excess of one hundred dollars. 2930

(G) "Person" means any person, as defined in section 1.59 of 2931
the Revised Code, and any governmental officer, employee, or 2932
entity. 2933

(H) "Personal property" means any personal property, any 2934
interest in personal property, or any right, including, but not 2935
limited to, bank accounts, debts, corporate stocks, patents, or 2936
copyrights. Personal property and any beneficial interest in 2937
personal property are deemed to be located where the trustee of 2938
the property, the personal property, or the instrument evidencing 2939
the right is located. 2940

(I) "Corrupt activity" means engaging in, attempting to 2941
engage in, conspiring to engage in, or soliciting, coercing, or 2942
intimidating another person to engage in any of the following: 2943

(1) Conduct defined as "racketeering activity" under the 2944
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 2945
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 2946

(2) Conduct constituting any of the following: 2947

(a) A violation of section 1315.55, 1322.02, 2903.01, 2948
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2949
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2950
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2951
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2952
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 2953
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 2954
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 2955
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 2956
section 1707.44; division (A)(1) or (2) of section 2923.20; 2957
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 2958
4719.06; division (C), (D), or (E) of section 4719.07; section 2959
4719.08; or division (A) of section 4719.09 of the Revised Code. 2960

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 2961
3769.19 of the Revised Code as it existed prior to July 1, 1996, 2962
any violation of section 2915.02 of the Revised Code that occurs 2963
on or after July 1, 1996, and that, had it occurred prior to that 2964
date, would have been a violation of section 3769.11 of the 2965
Revised Code as it existed prior to that date, or any violation of 2966
section 2915.05 of the Revised Code that occurs on or after July 2967
1, 1996, and that, had it occurred prior to that date, would have 2968
been a violation of section 3769.15, 3769.16, or 3769.19 of the 2969
Revised Code as it existed prior to that date. 2970

(c) Any violation of section 2907.21, 2907.22, 2907.31, 2971
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 2972
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 2973
of the Revised Code, any violation of section 2925.11 of the 2974
Revised Code that is a felony of the first, second, third, or 2975
fourth degree and that occurs on or after July 1, 1996, any 2976
violation of section 2915.02 of the Revised Code that occurred 2977
prior to July 1, 1996, any violation of section 2915.02 of the 2978
Revised Code that occurs on or after July 1, 1996, and that, had 2979

it occurred prior to that date, would not have been a violation of 2980
section 3769.11 of the Revised Code as it existed prior to that 2981
date, any violation of section 2915.06 of the Revised Code as it 2982
existed prior to July 1, 1996, or any violation of division (B) of 2983
section 2915.05 of the Revised Code as it exists on and after July 2984
1, 1996, when the proceeds of the violation, the payments made in 2985
the violation, the amount of a claim for payment or for any other 2986
benefit that is false or deceptive and that is involved in the 2987
violation, or the value of the contraband or other property 2988
illegally possessed, sold, or purchased in the violation exceeds 2989
~~five~~ seven hundred fifty dollars, or any combination of violations 2990
described in division (I)(2)(c) of this section when the total 2991
proceeds of the combination of violations, payments made in the 2992
combination of violations, amount of the claims for payment or for 2993
other benefits that is false or deceptive and that is involved in 2994
the combination of violations, or value of the contraband or other 2995
property illegally possessed, sold, or purchased in the 2996
combination of violations exceeds ~~five~~ seven hundred fifty 2997
dollars; 2998

(d) Any violation of section 5743.112 of the Revised Code 2999
when the amount of unpaid tax exceeds one hundred dollars; 3000

(e) Any violation or combination of violations of section 3001
2907.32 of the Revised Code involving any material or performance 3002
containing a display of bestiality or of sexual conduct, as 3003
defined in section 2907.01 of the Revised Code, that is explicit 3004
and depicted with clearly visible penetration of the genitals or 3005
clearly visible penetration by the penis of any orifice when the 3006
total proceeds of the violation or combination of violations, the 3007
payments made in the violation or combination of violations, or 3008
the value of the contraband or other property illegally possessed, 3009
sold, or purchased in the violation or combination of violations 3010
exceeds ~~five~~ seven hundred fifty dollars; 3011

(f) Any combination of violations described in division 3012
(I)(2)(c) of this section and violations of section 2907.32 of the 3013
Revised Code involving any material or performance containing a 3014
display of bestiality or of sexual conduct, as defined in section 3015
2907.01 of the Revised Code, that is explicit and depicted with 3016
clearly visible penetration of the genitals or clearly visible 3017
penetration by the penis of any orifice when the total proceeds of 3018
the combination of violations, payments made in the combination of 3019
violations, amount of the claims for payment or for other benefits 3020
that is false or deceptive and that is involved in the combination 3021
of violations, or value of the contraband or other property 3022
illegally possessed, sold, or purchased in the combination of 3023
violations exceeds ~~five~~ seven hundred fifty dollars. 3024

(3) Conduct constituting a violation of any law of any state 3025
other than this state that is substantially similar to the conduct 3026
described in division (I)(2) of this section, provided the 3027
defendant was convicted of the conduct in a criminal proceeding in 3028
the other state; 3029

(4) Animal or ecological terrorism; 3030

(5)(a) Conduct constituting any of the following: 3031

(i) Organized retail theft; 3032

(ii) Conduct that constitutes one or more violations of any 3033
law of any state other than this state, that is substantially 3034
similar to organized retail theft, and that if committed in this 3035
state would be organized retail theft, if the defendant was 3036
convicted of or pleaded guilty to the conduct in a criminal 3037
proceeding in the other state. 3038

(b) By enacting division (I)(5)(a) of this section, it is the 3039
intent of the general assembly to add organized retail theft and 3040
the conduct described in division (I)(5)(a)(ii) of this section as 3041
conduct constituting corrupt activity. The enactment of division 3042

(I)(5)(a) of this section and the addition by division (I)(5)(a) 3043
of this section of organized retail theft and the conduct 3044
described in division (I)(5)(a)(ii) of this section as conduct 3045
constituting corrupt activity does not limit or preclude, and 3046
shall not be construed as limiting or precluding, any prosecution 3047
for a violation of section 2923.32 of the Revised Code that is 3048
based on one or more violations of section 2913.02 or 2913.51 of 3049
the Revised Code, one or more similar offenses under the laws of 3050
this state or any other state, or any combination of any of those 3051
violations or similar offenses, even though the conduct 3052
constituting the basis for those violations or offenses could be 3053
construed as also constituting organized retail theft or conduct 3054
of the type described in division (I)(5)(a)(ii) of this section. 3055

(J) "Real property" means any real property or any interest 3056
in real property, including, but not limited to, any lease of, or 3057
mortgage upon, real property. Real property and any beneficial 3058
interest in it is deemed to be located where the real property is 3059
located. 3060

(K) "Trustee" means any of the following: 3061

(1) Any person acting as trustee under a trust in which the 3062
trustee holds title to personal or real property; 3063

(2) Any person who holds title to personal or real property 3064
for which any other person has a beneficial interest; 3065

(3) Any successor trustee. 3066

"Trustee" does not include an assignee or trustee for an 3067
insolvent debtor or an executor, administrator, administrator with 3068
the will annexed, testamentary trustee, guardian, or committee, 3069
appointed by, under the control of, or accountable to a court. 3070

(L) "Unlawful debt" means any money or other thing of value 3071
constituting principal or interest of a debt that is legally 3072
unenforceable in this state in whole or in part because the debt 3073

was incurred or contracted in violation of any federal or state 3074
law relating to the business of gambling activity or relating to 3075
the business of lending money at an usurious rate unless the 3076
creditor proves, by a preponderance of the evidence, that the 3077
usurious rate was not intentionally set and that it resulted from 3078
a good faith error by the creditor, notwithstanding the 3079
maintenance of procedures that were adopted by the creditor to 3080
avoid an error of that nature. 3081

(M) "Animal activity" means any activity that involves the 3082
use of animals or animal parts, including, but not limited to, 3083
hunting, fishing, trapping, traveling, camping, the production, 3084
preparation, or processing of food or food products, clothing or 3085
garment manufacturing, medical research, other research, 3086
entertainment, recreation, agriculture, biotechnology, or service 3087
activity that involves the use of animals or animal parts. 3088

(N) "Animal facility" means a vehicle, building, structure, 3089
nature preserve, or other premises in which an animal is lawfully 3090
kept, handled, housed, exhibited, bred, or offered for sale, 3091
including, but not limited to, a zoo, rodeo, circus, amusement 3092
park, hunting preserve, or premises in which a horse or dog event 3093
is held. 3094

(O) "Animal or ecological terrorism" means the commission of 3095
any felony that involves causing or creating a substantial risk of 3096
physical harm to any property of another, the use of a deadly 3097
weapon or dangerous ordnance, or purposely, knowingly, or 3098
recklessly causing serious physical harm to property and that 3099
involves an intent to obstruct, impede, or deter any person from 3100
participating in a lawful animal activity, from mining, foresting, 3101
harvesting, gathering, or processing natural resources, or from 3102
being lawfully present in or on an animal facility or research 3103
facility. 3104

(P) "Research facility" means a place, laboratory, 3105

institution, medical care facility, government facility, or public 3106
or private educational institution in which a scientific test, 3107
experiment, or investigation involving the use of animals or other 3108
living organisms is lawfully carried out, conducted, or attempted. 3109
3110

(Q) "Organized retail theft" means the theft of retail 3111
property with a retail value of five hundred dollars or more from 3112
one or more retail establishments with the intent to sell, 3113
deliver, or transfer that property to a retail property fence. 3114

(R) "Retail property" means any tangible personal property 3115
displayed, held, stored, or offered for sale in or by a retail 3116
establishment. 3117

(S) "Retail property fence" means a person who possesses, 3118
procures, receives, or conceals retail property that was 3119
represented to the person as being stolen or that the person knows 3120
or believes to be stolen. 3121

(T) "Retail value" means the full retail value of the retail 3122
property. In determining whether the retail value of retail 3123
property equals or exceeds five hundred dollars, the value of all 3124
retail property stolen from the retail establishment or retail 3125
establishments by the same person or persons within any 3126
one-hundred-eighty-day period shall be aggregated. 3127

Sec. 2929.17. Except as provided in this section, the court 3128
imposing a sentence for a felony upon an offender who is not 3129
required to serve a mandatory prison term may impose any 3130
nonresidential sanction or combination of nonresidential sanctions 3131
authorized under this section. If the court imposes one or more 3132
nonresidential sanctions authorized under this section, the court 3133
shall impose as a condition of the sanction that, during the 3134
period of the nonresidential sanction, the offender shall abide by 3135
the law and shall not leave the state without the permission of 3136

the court or the offender's probation officer. 3137

The court imposing a sentence for a fourth degree felony OVI 3138
offense under division (G)(1) or (2) of section 2929.13 of the 3139
Revised Code or for a third degree felony OVI offense under 3140
division (G)(2) of that section may impose upon the offender, in 3141
addition to the mandatory term of local incarceration or mandatory 3142
prison term imposed under the applicable division, a 3143
nonresidential sanction or combination of nonresidential sanctions 3144
under this section, and the offender shall serve or satisfy the 3145
sanction or combination of sanctions after the offender has served 3146
the mandatory term of local incarceration or mandatory prison term 3147
required for the offense. The court shall not impose a term in a 3148
drug treatment program as described in division (D) of this 3149
section until after considering an assessment by a properly 3150
credentialed treatment professional, if available. Nonresidential 3151
sanctions include, but are not limited to, the following: 3152

(A) A term of day reporting; 3153

(B) A term of house arrest with electronic monitoring or 3154
continuous alcohol monitoring or both electronic monitoring and 3155
continuous alcohol monitoring, a term of electronic monitoring or 3156
continuous alcohol monitoring without house arrest, or a term of 3157
house arrest without electronic monitoring or continuous alcohol 3158
monitoring; 3159

(C) A term of community service of up to five hundred hours 3160
pursuant to division (B) of section 2951.02 of the Revised Code 3161
or, if the court determines that the offender is financially 3162
incapable of fulfilling a financial sanction described in section 3163
2929.18 of the Revised Code, a term of community service as an 3164
alternative to a financial sanction; 3165

(D) A term in a drug treatment program with a level of 3166
security for the offender as determined by the court; 3167

(E) A term of intensive probation supervision;	3168
(F) A term of basic probation supervision;	3169
(G) A term of monitored time;	3170
(H) A term of drug and alcohol use monitoring, including random drug testing;	3171 3172
(I) A curfew term;	3173
(J) A requirement that the offender obtain employment;	3174
(K) A requirement that the offender obtain education or training;	3175 3176
(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;	3177 3178 3179
(M) A license violation report;	3180
(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division.	3181 3182 3183 3184 3185 3186 3187 3188 3189 3190 3191
<u>(O) If the offense is a felony violation of division (A)(2) or (B) of section 2919.21 of the Revised Code, a requirement that the offender participate in and complete a community corrections program, as established under sections 5149.30 to 5149.37 of the Revised Code, unless the offender has previously participated in a community corrections program within the past three years, if</u>	3192 3193 3194 3195 3196 3197

available in the county in which the court imposing the sentence 3198
is located. 3199

Sec. 2967.193. (A) Except as provided in division (C) of this 3200
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 3201
Code, a person confined in a state correctional institution may 3202
earn ~~one day~~ five days of credit as a deduction from the person's 3203
stated prison term for each ~~full~~ completed month during which the 3204
person productively participates in an education program, 3205
vocational training, employment in prison industries, treatment 3206
for substance abuse, ~~treatment as a sex offender,~~ or any other 3207
constructive program, other than a sex offender treatment program, 3208
developed by the department with specific standards for 3209
performance by prisoners. ~~At the end of each calendar month in~~ 3210
~~which a prisoner productively participates in a program or~~ 3211
~~activity listed in this division, the department of rehabilitation~~ 3212
~~and correction shall deduct one day from the date on which the~~ 3213
~~prisoner's stated prison term will expire.~~ If the prisoner 3214
violates prison rules, the department may deny the prisoner a 3215
credit that otherwise could have been awarded to the prisoner or 3216
may withdraw one or more credits previously earned by the 3217
prisoner. 3218

~~If a prisoner is released before the expiration of the~~ 3219
~~prisoner's stated prison term by reason of credit earned under~~ 3220
~~this section, the department shall retain control of the prisoner~~ 3221
~~by means of an appropriate post-release control sanction imposed~~ 3222
~~by the parole board until the end of the stated prison term if the~~ 3223
~~parole board imposes a post-release control sanction pursuant to~~ 3224
~~section 2967.28 of the Revised Code. If the parole board is not~~ 3225
~~required to impose a post-release control sanction under section~~ 3226
~~2967.28 of the Revised Code, the parole board may elect not to~~ 3227
~~impose a post-release control sanction on the prisoner.~~ 3228

(B) The department of rehabilitation and correction shall 3229
adopt rules that specify the programs or activities for which 3230
credit may be earned under this section, the criteria for 3231
determining productive participation in the programs or activities 3232
and for awarding credit, and the criteria for denying or 3233
withdrawing previously earned credit as a result of a violation of 3234
prison rules. 3235

(C) No person who is serving a sentence of life imprisonment 3236
without parole imposed pursuant to section 2929.03 or 2929.06 of 3237
the Revised Code ~~or~~, who is serving a prison term or a term of 3238
life imprisonment without parole imposed pursuant to section 3239
2971.03 of the Revised Code, or who is serving a sentence for a 3240
sexually oriented offense shall be awarded any days of credit 3241
under division (A) of this section. 3242

(D) As used in this section, "sexually oriented offense" has 3243
the same meaning as in section 2950.01 of the Revised Code. 3244

Sec. 2981.07. (A) No person shall destroy, damage, remove, or 3245
transfer property that is subject to forfeiture or otherwise take 3246
any action in regard to property that is subject to forfeiture 3247
with purpose to do any of the following: 3248

(1) Prevent or impair the state's or political subdivision's 3249
lawful authority to take the property into its custody or control 3250
under this chapter or to continue holding the property under its 3251
lawful custody or control; 3252

(2) Impair or defeat the court's continuing jurisdiction over 3253
the person and property; 3254

(3) Devalue property that the person knows, or has reasonable 3255
cause to believe, is subject to forfeiture proceedings under this 3256
chapter. 3257

(B)(1) Whoever violates this section is guilty of 3258

interference with or diminishing forfeitable property. 3259

(2) Except as otherwise provided in divisions (B)(3), (4), 3260
and (5) of this section, interference with or diminishing 3261
forfeitable property is a misdemeanor of the first degree. 3262

(3) If the value of the property is ~~five~~ seven hundred fifty 3263
dollars or more but less than five thousand dollars, interference 3264
with or diminishing forfeitable property is a felony of the fifth 3265
degree. 3266

(4) If the value of the property is five thousand dollars or 3267
more but less than one hundred thousand dollars, interference with 3268
or diminishing forfeitable property is a felony of the fourth 3269
degree. 3270

(5) If the value of the property is one hundred thousand 3271
dollars or more, interference with or diminishing forfeitable 3272
property is a felony of the third degree. 3273

Section 2. That existing sections 926.99, 1333.99, 1707.99, 3274
1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 3275
2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 3276
2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 3277
2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 3278
2919.21, 2921.01, 2921.13, 2921.41, 2923.31, 2929.17, 2967.193, 3279
and 2981.07 of the Revised Code are hereby repealed. 3280

Section 3. The amendments to sections 926.99, 1333.99, 3281
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 3282
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 3283
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 3284
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 3285
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 3286
Code that are made in this act apply to a person who commits an 3287
offense specified or penalized under those sections on or after 3288

the effective date of this act and to a person to whom division 3289
(B) of section 1.58 of the Revised Code makes the amendment 3290
applicable. 3291

The provisions of sections 926.99, 1333.99, 1707.99, 1716.99, 3292
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 3293
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 3294
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 3295
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 3296
2921.41, 2923.31, and 2981.07 of the Revised Code in existence 3297
prior to the effective date of this act shall apply to a person 3298
upon whom a court imposed sentence prior to the effective date of 3299
this act for an offense specified or penalized under those 3300
sections. The amendments to sections 926.99, 1333.99, 1707.99, 3301
1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 3302
2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 3303
2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 3304
2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 3305
2921.13, 2921.41, 2923.31, and 2981.07 of the Revised Code that 3306
are made in this act do not apply to a person who upon whom a 3307
court imposed sentence prior to the effective date of this act for 3308
an offense specified or penalized under those sections. 3309

Section 4. Section 1716.99 of the Revised Code is presented 3310
in this act as a composite of the section as amended by both Am. 3311
Sub. H.B. 59 and Sub. S.B. 2 of the 123rd General Assembly. 3312
Section 2913.46 of the Revised Code is presented in this act as a 3313
composite of the section as amended by Am. Sub. S.B. 107, Am. Sub. 3314
S.B. 269, and Am. Sub. S.B. 293, all of the 121st General 3315
Assembly. Section 2917.21 of the Revised Code is presented in this 3316
act as a composite of the section as amended by both Am. Sub. H.B. 3317
565 and Sub. S.B. 215 of the 122nd General Assembly. Section 3318
2967.193 of the Revised Code is presented in this act as a 3319
composite of the section as amended by both Am. Sub. S.B. 269 and 3320

Am. Sub. H.B. 180 of the 121st General Assembly. The General 3321
Assembly, applying the principle stated in division (B) of section 3322
1.52 of the Revised Code that amendments are to be harmonized if 3323
reasonably capable of simultaneous operation, finds that the 3324
composites are the resulting versions of the sections in effect 3325
prior to the effective date of the sections as presented in this 3326
act. 3327