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Senators Fedor, Grendell

**Cosponsors: Senators Cafaro, Miller, R., Schaffer, Jones, Smith, Hughes,
Wagoner, Goodman, Strahorn, Sawyer, Widener, Carey, Schuring, Patton,
Husted, Morano, Schiavoni, Turner, Wilson, Buehrer, Miller, D., Kearney,
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Wachtmann, Walter, Weddington, Williams, B., Williams, S., Winburn,
Woodford, Yuko**

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A B I L L

To amend sections 2901.01, 2905.01, 2905.02, 2907.21, 1
2923.01, 2923.31, 2929.01, and 2933.51 and to 2
enact sections 2905.31, 2905.32, and 2905.33 of 3
the Revised Code to create the offenses of 4
trafficking in persons and unlawful conduct with 5
respect to documents; to revise the involuntary 6
servitude-related elements of, and the penalty 7
for, the offense of kidnapping; to increase the 8
penalty for the offense of abduction based on 9

involuntary servitude; to clarify an element of 10
the offense of compelling prostitution that 11
relates to the compelling of another to engage in 12
specified conduct; to include abduction and 13
trafficking in persons within the offense of 14
conspiracy; to include trafficking in persons in 15
the definitions of "offense of violence" and 16
"corrupt activity" and the list of offenses that 17
are subject to the Communications Interception 18
Law; and to include involuntary servitude and 19
trafficking in persons within the definition of 20
"human trafficking." 21

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

Section 1. That sections 2901.01, 2905.01, 2905.02, 2907.21, 22
2923.01, 2923.31, 2929.01, and 2933.51 be amended and sections 23
2905.31, 2905.32, and 2905.33 of the Revised Code be enacted to 24
read as follows: 25

Sec. 2901.01. (A) As used in the Revised Code: 26

(1) "Force" means any violence, compulsion, or constraint 27
physically exerted by any means upon or against a person or thing. 28

(2) "Deadly force" means any force that carries a substantial 29
risk that it will proximately result in the death of any person. 30

(3) "Physical harm to persons" means any injury, illness, or 31
other physiological impairment, regardless of its gravity or 32
duration. 33

(4) "Physical harm to property" means any tangible or 34
intangible damage to property that, in any degree, results in loss 35
to its value or interferes with its use or enjoyment. "Physical 36
harm to property" does not include wear and tear occasioned by 37

normal use.	38
(5) "Serious physical harm to persons" means any of the following:	39 40
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	41 42 43
(b) Any physical harm that carries a substantial risk of death;	44 45
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	46 47 48
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	49 50 51
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	52 53 54
(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	55 56
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	57 58 59
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	60 61 62
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	63 64 65
(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a	66 67

certain result may occur or that certain circumstances may exist. 68

(9) "Offense of violence" means any of the following: 69

(a) A violation of section 2903.01, 2903.02, 2903.03, 70
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 71
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 72
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 73
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 74
2921.34, or 2923.161, of division (A)(1), (2), or (3) of section 75
2911.12, or of division (B)(1), (2), (3), or (4) of section 76
2919.22 of the Revised Code or felonious sexual penetration in 77
violation of former section 2907.12 of the Revised Code; 78

(b) A violation of an existing or former municipal ordinance 79
or law of this or any other state or the United States, 80
substantially equivalent to any section, division, or offense 81
listed in division (A)(9)(a) of this section; 82

(c) An offense, other than a traffic offense, under an 83
existing or former municipal ordinance or law of this or any other 84
state or the United States, committed purposely or knowingly, and 85
involving physical harm to persons or a risk of serious physical 86
harm to persons; 87

(d) A conspiracy or attempt to commit, or complicity in 88
committing, any offense under division (A)(9)(a), (b), or (c) of 89
this section. 90

(10)(a) "Property" means any property, real or personal, 91
tangible or intangible, and any interest or license in that 92
property. "Property" includes, but is not limited to, cable 93
television service, other telecommunications service, 94
telecommunications devices, information service, computers, data, 95
computer software, financial instruments associated with 96
computers, other documents associated with computers, or copies of 97
the documents, whether in machine or human readable form, trade 98

secrets, trademarks, copyrights, patents, and property protected 99
by a trademark, copyright, or patent. "Financial instruments 100
associated with computers" include, but are not limited to, 101
checks, drafts, warrants, money orders, notes of indebtedness, 102
certificates of deposit, letters of credit, bills of credit or 103
debit cards, financial transaction authorization mechanisms, 104
marketable securities, or any computer system representations of 105
any of them. 106

(b) As used in division (A)(10) of this section, "trade 107
secret" has the same meaning as in section 1333.61 of the Revised 108
Code, and "telecommunications service" and "information service" 109
have the same meanings as in section 2913.01 of the Revised Code. 110

(c) As used in divisions (A)(10) and (13) of this section, 111
"cable television service," "computer," "computer software," 112
"computer system," "computer network," "data," and 113
"telecommunications device" have the same meanings as in section 114
2913.01 of the Revised Code. 115

(11) "Law enforcement officer" means any of the following: 116

(a) A sheriff, deputy sheriff, constable, police officer of a 117
township or joint township police district, marshal, deputy 118
marshal, municipal police officer, member of a police force 119
employed by a metropolitan housing authority under division (D) of 120
section 3735.31 of the Revised Code, or state highway patrol 121
trooper; 122

(b) An officer, agent, or employee of the state or any of its 123
agencies, instrumentalities, or political subdivisions, upon whom, 124
by statute, a duty to conserve the peace or to enforce all or 125
certain laws is imposed and the authority to arrest violators is 126
conferred, within the limits of that statutory duty and authority; 127

(c) A mayor, in the mayor's capacity as chief conservator of 128
the peace within the mayor's municipal corporation; 129

(d) A member of an auxiliary police force organized by	130
county, township, or municipal law enforcement authorities, within	131
the scope of the member's appointment or commission;	132
(e) A person lawfully called pursuant to section 311.07 of	133
the Revised Code to aid a sheriff in keeping the peace, for the	134
purposes and during the time when the person is called;	135
(f) A person appointed by a mayor pursuant to section 737.01	136
of the Revised Code as a special patrolling officer during riot or	137
emergency, for the purposes and during the time when the person is	138
appointed;	139
(g) A member of the organized militia of this state or the	140
armed forces of the United States, lawfully called to duty to aid	141
civil authorities in keeping the peace or protect against domestic	142
violence;	143
(h) A prosecuting attorney, assistant prosecuting attorney,	144
secret service officer, or municipal prosecutor;	145
(i) A veterans' home police officer appointed under section	146
5907.02 of the Revised Code;	147
(j) A member of a police force employed by a regional transit	148
authority under division (Y) of section 306.35 of the Revised	149
Code;	150
(k) A special police officer employed by a port authority	151
under section 4582.04 or 4582.28 of the Revised Code;	152
(l) The house of representatives sergeant at arms if the	153
house of representatives sergeant at arms has arrest authority	154
pursuant to division (E)(1) of section 101.311 of the Revised Code	155
and an assistant house of representatives sergeant at arms;	156
(m) A special police officer employed by a municipal	157
corporation at a municipal airport, or other municipal air	158
navigation facility, that has scheduled operations, as defined in	159

section 119.3 of Title 14 of the Code of Federal Regulations, 14 160
C.F.R. 119.3, as amended, and that is required to be under a 161
security program and is governed by aviation security rules of the 162
transportation security administration of the United States 163
department of transportation as provided in Parts 1542. and 1544. 164
of Title 49 of the Code of Federal Regulations, as amended. 165

(12) "Privilege" means an immunity, license, or right 166
conferred by law, bestowed by express or implied grant, arising 167
out of status, position, office, or relationship, or growing out 168
of necessity. 169

(13) "Contraband" means any property that is illegal for a 170
person to acquire or possess under a statute, ordinance, or rule, 171
or that a trier of fact lawfully determines to be illegal to 172
possess by reason of the property's involvement in an offense. 173
"Contraband" includes, but is not limited to, all of the 174
following: 175

(a) Any controlled substance, as defined in section 3719.01 176
of the Revised Code, or any device or paraphernalia; 177

(b) Any unlawful gambling device or paraphernalia; 178

(c) Any dangerous ordnance or obscene material. 179

(14) A person is "not guilty by reason of insanity" relative 180
to a charge of an offense only if the person proves, in the manner 181
specified in section 2901.05 of the Revised Code, that at the time 182
of the commission of the offense, the person did not know, as a 183
result of a severe mental disease or defect, the wrongfulness of 184
the person's acts. 185

(B)(1)(a) Subject to division (B)(2) of this section, as used 186
in any section contained in Title XXIX of the Revised Code that 187
sets forth a criminal offense, "person" includes all of the 188
following: 189

(i) An individual, corporation, business trust, estate,	190
trust, partnership, and association;	191
(ii) An unborn human who is viable.	192
(b) As used in any section contained in Title XXIX of the	193
Revised Code that does not set forth a criminal offense, "person"	194
includes an individual, corporation, business trust, estate,	195
trust, partnership, and association.	196
(c) As used in division (B)(1)(a) of this section:	197
(i) "Unborn human" means an individual organism of the	198
species Homo sapiens from fertilization until live birth.	199
(ii) "Viable" means the stage of development of a human fetus	200
at which there is a realistic possibility of maintaining and	201
nourishing of a life outside the womb with or without temporary	202
artificial life-sustaining support.	203
(2) Notwithstanding division (B)(1)(a) of this section, in no	204
case shall the portion of the definition of the term "person" that	205
is set forth in division (B)(1)(a)(ii) of this section be applied	206
or construed in any section contained in Title XXIX of the Revised	207
Code that sets forth a criminal offense in any of the following	208
manners:	209
(a) Except as otherwise provided in division (B)(2)(a) of	210
this section, in a manner so that the offense prohibits or is	211
construed as prohibiting any pregnant woman or her physician from	212
performing an abortion with the consent of the pregnant woman,	213
with the consent of the pregnant woman implied by law in a medical	214
emergency, or with the approval of one otherwise authorized by law	215
to consent to medical treatment on behalf of the pregnant woman.	216
An abortion that violates the conditions described in the	217
immediately preceding sentence may be punished as a violation of	218
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06,	219
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22	220

of the Revised Code, as applicable. An abortion that does not 221
violate the conditions described in the second immediately 222
preceding sentence, but that does violate section 2919.12, 223
division (B) of section 2919.13, or section 2919.151, 2919.17, or 224
2919.18 of the Revised Code, may be punished as a violation of 225
section 2919.12, division (B) of section 2919.13, or section 226
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 227
Consent is sufficient under this division if it is of the type 228
otherwise adequate to permit medical treatment to the pregnant 229
woman, even if it does not comply with section 2919.12 of the 230
Revised Code. 231

(b) In a manner so that the offense is applied or is 232
construed as applying to a woman based on an act or omission of 233
the woman that occurs while she is or was pregnant and that 234
results in any of the following: 235

(i) Her delivery of a stillborn baby; 236

(ii) Her causing, in any other manner, the death in utero of 237
a viable, unborn human that she is carrying; 238

(iii) Her causing the death of her child who is born alive 239
but who dies from one or more injuries that are sustained while 240
the child is a viable, unborn human; 241

(iv) Her causing her child who is born alive to sustain one 242
or more injuries while the child is a viable, unborn human; 243

(v) Her causing, threatening to cause, or attempting to 244
cause, in any other manner, an injury, illness, or other 245
physiological impairment, regardless of its duration or gravity, 246
or a mental illness or condition, regardless of its duration or 247
gravity, to a viable, unborn human that she is carrying. 248

(C) As used in Title XXIX of the Revised Code: 249

(1) "School safety zone" consists of a school, school 250

building, school premises, school activity, and school bus.	251
(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.	252 253
(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.	254 255 256 257 258 259 260 261
(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.	262 263
Sec. 2905.01. (A) No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall remove another from the place where the other person is found or restrain the liberty of the other person, for any of the following purposes:	264 265 266 267 268
(1) To hold for ransom, or as a shield or hostage;	269
(2) To facilitate the commission of any felony or flight thereafter;	270 271
(3) To terrorize, or to inflict serious physical harm on the victim or another;	272 273
(4) To engage in sexual activity, as defined in section 2907.01 of the Revised Code, with the victim against the victim's will;	274 275 276
(5) To hinder, impede, or obstruct a function of government, or to force any action or concession on the part of governmental authority;	277 278 279

<u>(6) To hold in a condition of involuntary servitude.</u>	280
(B) No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall knowingly do any of the following, under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim:	281 282 283 284 285 286 287 288
(1) Remove another from the place where the other person is found;	289 290
(2) Restrain another of the other person's liberty;	291
(3) Hold another in a condition of involuntary servitude.	292
(C)(1) Whoever violates this section is guilty of kidnapping. Except as otherwise provided in this division or division (C)(2) or (3) of this section, kidnapping is a felony of the first degree. Except as otherwise provided in this division or division (C)(2) or (3) of this section, if the <u>an</u> offender <u>who violates</u> <u>division (A)(1) to (5), (B)(1), or (B)(2) of this section</u> releases the victim in a safe place unharmed, kidnapping is a felony of the second degree.	293 294 295 296 297 298 299 300
(2) If the offender <u>in any case</u> also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall order the offender to make restitution as provided in division (B)(8) of section 2929.18 of the Revised Code and, except as otherwise provided in division (C)(3) of this section, shall sentence the offender to a mandatory prison term as provided in division (D)(7) of section 2929.14 of the Revised Code.	301 302 303 304 305 306 307 308 309
(3) If the victim of the offense is less than thirteen years	310

of age and if the offender also is convicted of or pleads guilty 311
to a sexual motivation specification that was included in the 312
indictment, count in the indictment, or information charging the 313
offense, kidnapping is a felony of the first degree, and, 314
notwithstanding the definite sentence provided for a felony of the 315
first degree in section 2929.14 of the Revised Code, the offender 316
shall be sentenced pursuant to section 2971.03 of the Revised Code 317
as follows: 318

(a) Except as otherwise provided in division (C)(3)(b) of 319
this section, the offender shall be sentenced pursuant to that 320
section to an indefinite prison term consisting of a minimum term 321
of fifteen years and a maximum term of life imprisonment. 322

(b) If the offender releases the victim in a safe place 323
unharmed, the offender shall be sentenced pursuant to that section 324
to an indefinite term consisting of a minimum term of ten years 325
and a maximum term of life imprisonment. 326

(D) As used in this section, ~~"sexual:~~ 327

(1) "Involuntary servitude" has the same meaning as in 328
section 2905.31 of the Revised Code. 329

(2) "Sexual motivation specification" has the same meaning as 330
in section 2971.01 of the Revised Code. 331

Sec. 2905.02. (A) No person, without privilege to do so, 332
shall knowingly do any of the following: 333

(1) By force or threat, remove another from the place where 334
the other person is found; 335

(2) By force or threat, restrain the liberty of another 336
person under circumstances that create a risk of physical harm to 337
the victim or place the other person in fear; 338

(3) Hold another in a condition of involuntary servitude. 339

(B) No person, with a sexual motivation, shall violate 340
division (A) of this section. 341

(C) Whoever violates this section is guilty of abduction⁷. A 342
violation of division (A)(1) or (2) of this section or a violation 343
of division (B) of this section involving conduct of the type 344
described in division (A)(1) or (2) of this section is a felony of 345
the third degree. A violation of division (A)(3) of this section 346
or a violation of division (B) of this section involving conduct 347
of the type described in division (A)(3) of this section is a 348
felony of the second degree. If the offender in any case also is 349
convicted of or pleads guilty to a specification as described in 350
section 2941.1422 of the Revised Code that was included in the 351
indictment, count in the indictment, or information charging the 352
offense, the court shall sentence the offender to a mandatory 353
prison term as provided in division (D)(7) of section 2929.14 of 354
the Revised Code and shall order the offender to make restitution 355
as provided in division (B)(8) of section 2929.18 of the Revised 356
Code. 357

(D) As used in this section, ~~"sexual:~~ 358

(1) "Involuntary servitude" has the same meaning as in 359
section 2905.31 of the Revised Code. 360

(2) "Sexual motivation" has the same meaning as in section 361
2971.01 of the Revised Code. 362

Sec. 2905.31. As used in sections 2905.31 to 2905.33 of the 363
Revised Code: 364

(A) "Involuntary servitude" means being compelled to perform 365
labor or services for another against one's will. 366

(B) "Material that is obscene, sexually oriented, or nudity 367
oriented" and "performance that is obscene, sexually oriented, or 368
nudity oriented" have the same meanings as in section 2929.01 of 369

the Revised Code. 370

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 371
entice, isolate, harbor, transport, provide, obtain, or maintain, 372
or knowingly attempt to recruit, lure, entice, isolate, harbor, 373
transport, provide, obtain, or maintain, another person knowing 374
that the person will be subjected to involuntary servitude or be 375
compelled to engage in sexual activity for hire, engage in a 376
performance that is obscene, sexually oriented, or nudity 377
oriented, or be a model or participant in the production of 378
material that is obscene, sexually oriented, or nudity oriented. 379

(B) For a prosecution under this section, the element 380
"compelled" does not require that the compulsion be openly 381
displayed or physically exerted. The element "compelled" has been 382
established if the state proves that the victim's will was 383
overcome by force, fear, duress, or intimidation. 384

(C) In a prosecution under this section, proof that the 385
defendant engaged in sexual activity with any person, or solicited 386
sexual activity with any person, whether or not for hire, without 387
more, does not constitute a violation of this section. 388

(D) A prosecution for a violation of this section does not 389
preclude a prosecution of a violation of any other section of the 390
Revised Code. One or more acts, a series of acts, or a course of 391
behavior that can be prosecuted under this section or any other 392
section of the Revised Code may be prosecuted under this section, 393
the other section of the Revised Code, or both sections. However, 394
if an offender is convicted of or pleads guilty to a violation of 395
this section and also is convicted of or pleads guilty to any 396
other offense based on the same conduct involving the same victim 397
that was the basis of the violation of this section, the two 398
offenses are allied offenses of similar import under section 399
2941.25 of the Revised Code. 400

(E) Whoever violates this section is guilty of trafficking in persons, a felony of the second degree. 401
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Sec. 2905.33. (A) No person, without privilege to do so, shall knowingly destroy, conceal, remove, confiscate, or possess any actual or purported government identification document or passport of another person in the course of a violation of, with intent to violate, or with intent to facilitate a violation of section 2905.01, 2905.02, 2905.32, 2907.21, 2907.22, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code. 403
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(B) Whoever violates this section is guilty of unlawful conduct with respect to documents, a felony of the third degree. 410
411

Sec. 2907.21. (A) No person shall knowingly do any of the following: 412
413

(1) Compel another to engage in sexual activity for hire; 414

(2) Induce, procure, encourage, solicit, request, or otherwise facilitate either of the following: 415
416

(a) A minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor; 417
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(b) A person the offender believes to be a minor to engage in sexual activity for hire, whether or not the person is a minor. 419
420

(3)(a) Pay or agree to pay a minor, either directly or through the minor's agent, so that the minor will engage in sexual activity, whether or not the offender knows the age of the minor; 421
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(b) Pay or agree to pay a person the offender believes to be a minor, either directly or through the person's agent, so that the person will engage in sexual activity, whether or not the person is a minor. 424
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(4)(a) Pay a minor, either directly or through the minor's agent, for the minor having engaged in sexual activity pursuant to 428
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a prior agreement, whether or not the offender knows the age of 430
the minor; 431

(b) Pay a person the offender believes to be a minor, either 432
directly or through the person's agent, for the person having 433
engaged in sexual activity pursuant to a prior agreement, whether 434
or not the person is a minor. 435

(5)(a) Allow a minor to engage in sexual activity for hire if 436
the person allowing the child to engage in sexual activity for 437
hire is the parent, guardian, custodian, person having custody or 438
control, or person in loco parentis of the minor; 439

(b) Allow a person the offender believes to be a minor to 440
engage in sexual activity for hire if the person allowing the 441
person to engage in sexual activity for hire is the parent, 442
guardian, custodian, person having custody or control, or person 443
in loco parentis of the person the offender believes to be a 444
minor, whether or not the person is a minor. 445

(B) For a prosecution under division (A)(1) of this section, 446
the element "compel" does not require that the compulsion be 447
openly displayed or physically exerted. The element "compel" has 448
been established if the state proves that the victim's will was 449
overcome by force, fear, duress, or intimidation. 450

(C) Whoever violates this section is guilty of compelling 451
prostitution. Except as otherwise provided in this division, 452
compelling prostitution is a felony of the third degree. If the 453
offender commits a violation of division (A)(1) of this section 454
and the person compelled to engage in sexual activity for hire in 455
violation of that division is sixteen years of age or older but 456
less than ~~sixteen~~ eighteen years of age, compelling prostitution 457
is a felony of the second degree. If the offender commits a 458
violation of division (A)(1) of this section and the person 459
compelled to engage in sexual activity for hire in violation of 460

that division is less than sixteen years of age, compelling 461
prostitution is a felony of the first degree. If the offender in 462
any case also is convicted of or pleads guilty to a specification 463
as described in section 2941.1422 of the Revised Code that was 464
included in the indictment, count in the indictment, or 465
information charging the offense, the court shall sentence the 466
offender to a mandatory prison term as provided in division (D)(7) 467
of section 2929.14 of the Revised Code and shall order the 468
offender to make restitution as provided in division (B)(8) of 469
section 2929.18 of the Revised Code. 470

Sec. 2923.01. (A) No person, with purpose to commit or to 471
promote or facilitate the commission of aggravated murder, murder, 472
kidnapping, abduction, compelling prostitution, promoting 473
prostitution, trafficking in persons, aggravated arson, arson, 474
aggravated robbery, robbery, aggravated burglary, burglary, 475
engaging in a pattern of corrupt activity, corrupting another with 476
drugs, a felony drug trafficking, manufacturing, processing, or 477
possession offense, theft of drugs, or illegal processing of drug 478
documents, the commission of a felony offense of unauthorized use 479
of a vehicle, illegally transmitting multiple commercial 480
electronic mail messages or unauthorized access of a computer in 481
violation of section 2923.421 of the Revised Code, or the 482
commission of a violation of any provision of Chapter 3734. of the 483
Revised Code, other than section 3734.18 of the Revised Code, that 484
relates to hazardous wastes, shall do either of the following: 485

(1) With another person or persons, plan or aid in planning 486
the commission of any of the specified offenses; 487

(2) Agree with another person or persons that one or more of 488
them will engage in conduct that facilitates the commission of any 489
of the specified offenses. 490

(B) No person shall be convicted of conspiracy unless a 491

substantial overt act in furtherance of the conspiracy is alleged 492
and proved to have been done by the accused or a person with whom 493
the accused conspired, subsequent to the accused's entrance into 494
the conspiracy. For purposes of this section, an overt act is 495
substantial when it is of a character that manifests a purpose on 496
the part of the actor that the object of the conspiracy should be 497
completed. 498

(C) When the offender knows or has reasonable cause to 499
believe that a person with whom the offender conspires also has 500
conspired or is conspiring with another to commit the same 501
offense, the offender is guilty of conspiring with that other 502
person, even though the other person's identity may be unknown to 503
the offender. 504

(D) It is no defense to a charge under this section that, in 505
retrospect, commission of the offense that was the object of the 506
conspiracy was impossible under the circumstances. 507

(E) A conspiracy terminates when the offense or offenses that 508
are its objects are committed or when it is abandoned by all 509
conspirators. In the absence of abandonment, it is no defense to a 510
charge under this section that no offense that was the object of 511
the conspiracy was committed. 512

(F) A person who conspires to commit more than one offense is 513
guilty of only one conspiracy, when the offenses are the object of 514
the same agreement or continuous conspiratorial relationship. 515

(G) When a person is convicted of committing or attempting to 516
commit a specific offense or of complicity in the commission of or 517
attempt to commit the specific offense, the person shall not be 518
convicted of conspiracy involving the same offense. 519

(H)(1) No person shall be convicted of conspiracy upon the 520
testimony of a person with whom the defendant conspired, 521
unsupported by other evidence. 522

(2) If a person with whom the defendant allegedly has 523
conspired testifies against the defendant in a case in which the 524
defendant is charged with conspiracy and if the testimony is 525
supported by other evidence, the court, when it charges the jury, 526
shall state substantially the following: 527

"The testimony of an accomplice that is supported by other 528
evidence does not become inadmissible because of the accomplice's 529
complicity, moral turpitude, or self-interest, but the admitted or 530
claimed complicity of a witness may affect the witness' 531
credibility and make the witness' testimony subject to grave 532
suspicion, and require that it be weighed with great caution. 533

It is for you, as jurors, in the light of all the facts 534
presented to you from the witness stand, to evaluate such 535
testimony and to determine its quality and worth or its lack of 536
quality and worth." 537

(3) "Conspiracy," as used in division (H)(1) of this section, 538
does not include any conspiracy that results in an attempt to 539
commit an offense or in the commission of an offense. 540

(I) The following are affirmative defenses to a charge of 541
conspiracy: 542

(1) After conspiring to commit an offense, the actor thwarted 543
the success of the conspiracy under circumstances manifesting a 544
complete and voluntary renunciation of the actor's criminal 545
purpose. 546

(2) After conspiring to commit an offense, the actor 547
abandoned the conspiracy prior to the commission of or attempt to 548
commit any offense that was the object of the conspiracy, either 549
by advising all other conspirators of the actor's abandonment, or 550
by informing any law enforcement authority of the existence of the 551
conspiracy and of the actor's participation in the conspiracy. 552

(J) Whoever violates this section is guilty of conspiracy, 553

which is one of the following: 554

(1) A felony of the first degree, when one of the objects of 555
the conspiracy is aggravated murder, murder, or an offense for 556
which the maximum penalty is imprisonment for life; 557

(2) A felony of the next lesser degree than the most serious 558
offense that is the object of the conspiracy, when the most 559
serious offense that is the object of the conspiracy is a felony 560
of the first, second, third, or fourth degree; 561

(3) A felony punishable by a fine of not more than 562
twenty-five thousand dollars or imprisonment for not more than 563
eighteen months, or both, when the offense that is the object of 564
the conspiracy is a violation of any provision of Chapter 3734. of 565
the Revised Code, other than section 3734.18 of the Revised Code, 566
that relates to hazardous wastes; 567

(4) A misdemeanor of the first degree, when the most serious 568
offense that is the object of the conspiracy is a felony of the 569
fifth degree. 570

(K) This section does not define a separate conspiracy 571
offense or penalty where conspiracy is defined as an offense by 572
one or more sections of the Revised Code, other than this section. 573
In such a case, however: 574

(1) With respect to the offense specified as the object of 575
the conspiracy in the other section or sections, division (A) of 576
this section defines the voluntary act or acts and culpable mental 577
state necessary to constitute the conspiracy; 578

(2) Divisions (B) to (I) of this section are incorporated by 579
reference in the conspiracy offense defined by the other section 580
or sections of the Revised Code. 581

(L)(1) In addition to the penalties that otherwise are 582
imposed for conspiracy, a person who is found guilty of conspiracy 583

to engage in a pattern of corrupt activity is subject to divisions 584
(B)(2) and (3) of section 2923.32, division (A) of section 585
2981.04, and division (D) of section 2981.06 of the Revised Code. 586

(2) If a person is convicted of or pleads guilty to 587
conspiracy and if the most serious offense that is the object of 588
the conspiracy is a felony drug trafficking, manufacturing, 589
processing, or possession offense, in addition to the penalties or 590
sanctions that may be imposed for the conspiracy under division 591
(J)(2) or (4) of this section and Chapter 2929. of the Revised 592
Code, both of the following apply: 593

(a) The provisions of divisions (D), (F), and (G) of section 594
2925.03, division (D) of section 2925.04, division (D) of section 595
2925.05, division (D) of section 2925.06, and division (E) of 596
section 2925.11 of the Revised Code that pertain to mandatory and 597
additional fines, driver's or commercial driver's license or 598
permit suspensions, and professionally licensed persons and that 599
would apply under the appropriate provisions of those divisions to 600
a person who is convicted of or pleads guilty to the felony drug 601
trafficking, manufacturing, processing, or possession offense that 602
is the most serious offense that is the basis of the conspiracy 603
shall apply to the person who is convicted of or pleads guilty to 604
the conspiracy as if the person had been convicted of or pleaded 605
guilty to the felony drug trafficking, manufacturing, processing, 606
or possession offense that is the most serious offense that is the 607
basis of the conspiracy. 608

(b) The court that imposes sentence upon the person who is 609
convicted of or pleads guilty to the conspiracy shall comply with 610
the provisions identified as being applicable under division 611
(L)(2) of this section, in addition to any other penalty or 612
sanction that it imposes for the conspiracy under division (J)(2) 613
or (4) of this section and Chapter 2929. of the Revised Code. 614

(M) As used in this section: 615

(1) "Felony drug trafficking, manufacturing, processing, or possession offense" means any of the following that is a felony:

(a) A violation of section 2925.03, 2925.04, 2925.05, or 2925.06 of the Revised Code;

(b) A violation of section 2925.11 of the Revised Code that is not a minor drug possession offense.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

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

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

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

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

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

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

(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.

For the purposes of the criminal penalties that may be imposed pursuant to section 2923.32 of the Revised Code, at least one of the incidents forming the pattern shall constitute a felony under the laws of this state in existence at the time it was committed or, if committed in violation of the laws of the United States or of any other state, shall constitute a felony under the

law of the United States or the other state and would be a 677
criminal offense under the law of this state if committed in this 678
state. 679

(F) "Pecuniary value" means money, a negotiable instrument, a 680
commercial interest, or anything of value, as defined in section 681
1.03 of the Revised Code, or any other property or service that 682
has a value in excess of one hundred dollars. 683

(G) "Person" means any person, as defined in section 1.59 of 684
the Revised Code, and any governmental officer, employee, or 685
entity. 686

(H) "Personal property" means any personal property, any 687
interest in personal property, or any right, including, but not 688
limited to, bank accounts, debts, corporate stocks, patents, or 689
copyrights. Personal property and any beneficial interest in 690
personal property are deemed to be located where the trustee of 691
the property, the personal property, or the instrument evidencing 692
the right is located. 693

(I) "Corrupt activity" means engaging in, attempting to 694
engage in, conspiring to engage in, or soliciting, coercing, or 695
intimidating another person to engage in any of the following: 696

(1) Conduct defined as "racketeering activity" under the 697
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 698
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 699

(2) Conduct constituting any of the following: 700

(a) A violation of section 1315.55, 1322.02, 2903.01, 701
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 702
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 703
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 704
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 705
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 706
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 707

(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 708
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 709
section 1707.44; division (A)(1) or (2) of section 2923.20; 710
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 711
4719.06; division (C), (D), or (E) of section 4719.07; section 712
4719.08; or division (A) of section 4719.09 of the Revised Code. 713

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 714
3769.19 of the Revised Code as it existed prior to July 1, 1996, 715
any violation of section 2915.02 of the Revised Code that occurs 716
on or after July 1, 1996, and that, had it occurred prior to that 717
date, would have been a violation of section 3769.11 of the 718
Revised Code as it existed prior to that date, or any violation of 719
section 2915.05 of the Revised Code that occurs on or after July 720
1, 1996, and that, had it occurred prior to that date, would have 721
been a violation of section 3769.15, 3769.16, or 3769.19 of the 722
Revised Code as it existed prior to that date. 723

(c) Any violation of section 2907.21, 2907.22, 2907.31, 724
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 725
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 726
of the Revised Code, any violation of section 2925.11 of the 727
Revised Code that is a felony of the first, second, third, or 728
fourth degree and that occurs on or after July 1, 1996, any 729
violation of section 2915.02 of the Revised Code that occurred 730
prior to July 1, 1996, any violation of section 2915.02 of the 731
Revised Code that occurs on or after July 1, 1996, and that, had 732
it occurred prior to that date, would not have been a violation of 733
section 3769.11 of the Revised Code as it existed prior to that 734
date, any violation of section 2915.06 of the Revised Code as it 735
existed prior to July 1, 1996, or any violation of division (B) of 736
section 2915.05 of the Revised Code as it exists on and after July 737
1, 1996, when the proceeds of the violation, the payments made in 738
the violation, the amount of a claim for payment or for any other 739

benefit that is false or deceptive and that is involved in the 740
violation, or the value of the contraband or other property 741
illegally possessed, sold, or purchased in the violation exceeds 742
five hundred dollars, or any combination of violations described 743
in division (I)(2)(c) of this section when the total proceeds of 744
the combination of violations, payments made in the combination of 745
violations, amount of the claims for payment or for other benefits 746
that is false or deceptive and that is involved in the combination 747
of violations, or value of the contraband or other property 748
illegally possessed, sold, or purchased in the combination of 749
violations exceeds five hundred dollars; 750

(d) Any violation of section 5743.112 of the Revised Code 751
when the amount of unpaid tax exceeds one hundred dollars; 752

(e) Any violation or combination of violations of section 753
2907.32 of the Revised Code involving any material or performance 754
containing a display of bestiality or of sexual conduct, as 755
defined in section 2907.01 of the Revised Code, that is explicit 756
and depicted with clearly visible penetration of the genitals or 757
clearly visible penetration by the penis of any orifice when the 758
total proceeds of the violation or combination of violations, the 759
payments made in the violation or combination of violations, or 760
the value of the contraband or other property illegally possessed, 761
sold, or purchased in the violation or combination of violations 762
exceeds five hundred dollars; 763

(f) Any combination of violations described in division 764
(I)(2)(c) of this section and violations of section 2907.32 of the 765
Revised Code involving any material or performance containing a 766
display of bestiality or of sexual conduct, as defined in section 767
2907.01 of the Revised Code, that is explicit and depicted with 768
clearly visible penetration of the genitals or clearly visible 769
penetration by the penis of any orifice when the total proceeds of 770
the combination of violations, payments made in the combination of 771

violations, amount of the claims for payment or for other benefits 772
that is false or deceptive and that is involved in the combination 773
of violations, or value of the contraband or other property 774
illegally possessed, sold, or purchased in the combination of 775
violations exceeds five hundred dollars; 776

(g) Any violation of section 2905.32 of the Revised Code to 777
the extent the violation is not based solely on the same conduct 778
that constitutes corrupt activity pursuant to division (I)(2)(c) 779
of this section due to the conduct being in violation of section 780
2907.21 of the Revised Code. 781

(3) Conduct constituting a violation of any law of any state 782
other than this state that is substantially similar to the conduct 783
described in division (I)(2) of this section, provided the 784
defendant was convicted of the conduct in a criminal proceeding in 785
the other state; 786

(4) Animal or ecological terrorism; 787

(5)(a) Conduct constituting any of the following: 788

(i) Organized retail theft; 789

(ii) Conduct that constitutes one or more violations of any 790
law of any state other than this state, that is substantially 791
similar to organized retail theft, and that if committed in this 792
state would be organized retail theft, if the defendant was 793
convicted of or pleaded guilty to the conduct in a criminal 794
proceeding in the other state. 795

(b) By enacting division (I)(5)(a) of this section, it is the 796
intent of the general assembly to add organized retail theft and 797
the conduct described in division (I)(5)(a)(ii) of this section as 798
conduct constituting corrupt activity. The enactment of division 799
(I)(5)(a) of this section and the addition by division (I)(5)(a) 800
of this section of organized retail theft and the conduct 801
described in division (I)(5)(a)(ii) of this section as conduct 802

constituting corrupt activity does not limit or preclude, and 803
shall not be construed as limiting or precluding, any prosecution 804
for a violation of section 2923.32 of the Revised Code that is 805
based on one or more violations of section 2913.02 or 2913.51 of 806
the Revised Code, one or more similar offenses under the laws of 807
this state or any other state, or any combination of any of those 808
violations or similar offenses, even though the conduct 809
constituting the basis for those violations or offenses could be 810
construed as also constituting organized retail theft or conduct 811
of the type described in division (I)(5)(a)(ii) of this section. 812

(J) "Real property" means any real property or any interest 813
in real property, including, but not limited to, any lease of, or 814
mortgage upon, real property. Real property and any beneficial 815
interest in it is deemed to be located where the real property is 816
located. 817

(K) "Trustee" means any of the following: 818

(1) Any person acting as trustee under a trust in which the 819
trustee holds title to personal or real property; 820

(2) Any person who holds title to personal or real property 821
for which any other person has a beneficial interest; 822

(3) Any successor trustee. 823

"Trustee" does not include an assignee or trustee for an 824
insolvent debtor or an executor, administrator, administrator with 825
the will annexed, testamentary trustee, guardian, or committee, 826
appointed by, under the control of, or accountable to a court. 827

(L) "Unlawful debt" means any money or other thing of value 828
constituting principal or interest of a debt that is legally 829
unenforceable in this state in whole or in part because the debt 830
was incurred or contracted in violation of any federal or state 831
law relating to the business of gambling activity or relating to 832
the business of lending money at an usurious rate unless the 833

creditor proves, by a preponderance of the evidence, that the 834
usurious rate was not intentionally set and that it resulted from 835
a good faith error by the creditor, notwithstanding the 836
maintenance of procedures that were adopted by the creditor to 837
avoid an error of that nature. 838

(M) "Animal activity" means any activity that involves the 839
use of animals or animal parts, including, but not limited to, 840
hunting, fishing, trapping, traveling, camping, the production, 841
preparation, or processing of food or food products, clothing or 842
garment manufacturing, medical research, other research, 843
entertainment, recreation, agriculture, biotechnology, or service 844
activity that involves the use of animals or animal parts. 845

(N) "Animal facility" means a vehicle, building, structure, 846
nature preserve, or other premises in which an animal is lawfully 847
kept, handled, housed, exhibited, bred, or offered for sale, 848
including, but not limited to, a zoo, rodeo, circus, amusement 849
park, hunting preserve, or premises in which a horse or dog event 850
is held. 851

(O) "Animal or ecological terrorism" means the commission of 852
any felony that involves causing or creating a substantial risk of 853
physical harm to any property of another, the use of a deadly 854
weapon or dangerous ordnance, or purposely, knowingly, or 855
recklessly causing serious physical harm to property and that 856
involves an intent to obstruct, impede, or deter any person from 857
participating in a lawful animal activity, from mining, foresting, 858
harvesting, gathering, or processing natural resources, or from 859
being lawfully present in or on an animal facility or research 860
facility. 861

(P) "Research facility" means a place, laboratory, 862
institution, medical care facility, government facility, or public 863
or private educational institution in which a scientific test, 864
experiment, or investigation involving the use of animals or other 865

living organisms is lawfully carried out, conducted, or attempted. 866

(Q) "Organized retail theft" means the theft of retail 867
property with a retail value of five hundred dollars or more from 868
one or more retail establishments with the intent to sell, 869
deliver, or transfer that property to a retail property fence. 870

(R) "Retail property" means any tangible personal property 871
displayed, held, stored, or offered for sale in or by a retail 872
establishment. 873

(S) "Retail property fence" means a person who possesses, 874
procures, receives, or conceals retail property that was 875
represented to the person as being stolen or that the person knows 876
or believes to be stolen. 877

(T) "Retail value" means the full retail value of the retail 878
property. In determining whether the retail value of retail 879
property equals or exceeds five hundred dollars, the value of all 880
retail property stolen from the retail establishment or retail 881
establishments by the same person or persons within any 882
one-hundred-eighty-day period shall be aggregated. 883

Sec. 2929.01. As used in this chapter: 884

(A)(1) "Alternative residential facility" means, subject to 885
division (A)(2) of this section, any facility other than an 886
offender's home or residence in which an offender is assigned to 887
live and that satisfies all of the following criteria: 888

(a) It provides programs through which the offender may seek 889
or maintain employment or may receive education, training, 890
treatment, or habilitation. 891

(b) It has received the appropriate license or certificate 892
for any specialized education, training, treatment, habilitation, 893
or other service that it provides from the government agency that 894
is responsible for licensing or certifying that type of education, 895

training, treatment, habilitation, or service. 896

(2) "Alternative residential facility" does not include a 897
community-based correctional facility, jail, halfway house, or 898
prison. 899

(B) "Basic probation supervision" means a requirement that 900
the offender maintain contact with a person appointed to supervise 901
the offender in accordance with sanctions imposed by the court or 902
imposed by the parole board pursuant to section 2967.28 of the 903
Revised Code. "Basic probation supervision" includes basic parole 904
supervision and basic post-release control supervision. 905

(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 906
"unit dose" have the same meanings as in section 2925.01 of the 907
Revised Code. 908

(D) "Community-based correctional facility" means a 909
community-based correctional facility and program or district 910
community-based correctional facility and program developed 911
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 912

(E) "Community control sanction" means a sanction that is not 913
a prison term and that is described in section 2929.15, 2929.16, 914
2929.17, or 2929.18 of the Revised Code or a sanction that is not 915
a jail term and that is described in section 2929.26, 2929.27, or 916
2929.28 of the Revised Code. "Community control sanction" includes 917
probation if the sentence involved was imposed for a felony that 918
was committed prior to July 1, 1996, or if the sentence involved 919
was imposed for a misdemeanor that was committed prior to January 920
1, 2004. 921

(F) "Controlled substance," "marihuana," "schedule I," and 922
"schedule II" have the same meanings as in section 3719.01 of the 923
Revised Code. 924

(G) "Curfew" means a requirement that an offender during a 925
specified period of time be at a designated place. 926

(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.

(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(M) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.

(N) "Firearm" has the same meaning as in section 2923.11 of 958
the Revised Code. 959

(O) "Halfway house" means a facility licensed by the division 960
of parole and community services of the department of 961
rehabilitation and correction pursuant to section 2967.14 of the 962
Revised Code as a suitable facility for the care and treatment of 963
adult offenders. 964

(P) "House arrest" means a period of confinement of an 965
offender that is in the offender's home or in other premises 966
specified by the sentencing court or by the parole board pursuant 967
to section 2967.28 of the Revised Code and during which all of the 968
following apply: 969

(1) The offender is required to remain in the offender's home 970
or other specified premises for the specified period of 971
confinement, except for periods of time during which the offender 972
is at the offender's place of employment or at other premises as 973
authorized by the sentencing court or by the parole board. 974

(2) The offender is required to report periodically to a 975
person designated by the court or parole board. 976

(3) The offender is subject to any other restrictions and 977
requirements that may be imposed by the sentencing court or by the 978
parole board. 979

(Q) "Intensive probation supervision" means a requirement 980
that an offender maintain frequent contact with a person appointed 981
by the court, or by the parole board pursuant to section 2967.28 982
of the Revised Code, to supervise the offender while the offender 983
is seeking or maintaining necessary employment and participating 984
in training, education, and treatment programs as required in the 985
court's or parole board's order. "Intensive probation supervision" 986
includes intensive parole supervision and intensive post-release 987
control supervision. 988

(R) "Jail" means a jail, workhouse, minimum security jail, or 989
other residential facility used for the confinement of alleged or 990
convicted offenders that is operated by a political subdivision or 991
a combination of political subdivisions of this state. 992

(S) "Jail term" means the term in a jail that a sentencing 993
court imposes or is authorized to impose pursuant to section 994
2929.24 or 2929.25 of the Revised Code or pursuant to any other 995
provision of the Revised Code that authorizes a term in a jail for 996
a misdemeanor conviction. 997

(T) "Mandatory jail term" means the term in a jail that a 998
sentencing court is required to impose pursuant to division (G) of 999
section 1547.99 of the Revised Code, division (E) of section 1000
2903.06 or division (D) of section 2903.08 of the Revised Code, 1001
division (E) or (G) of section 2929.24 of the Revised Code, 1002
division (B) of section 4510.14 of the Revised Code, or division 1003
(G) of section 4511.19 of the Revised Code or pursuant to any 1004
other provision of the Revised Code that requires a term in a jail 1005
for a misdemeanor conviction. 1006

(U) "Delinquent child" has the same meaning as in section 1007
2152.02 of the Revised Code. 1008

(V) "License violation report" means a report that is made by 1009
a sentencing court, or by the parole board pursuant to section 1010
2967.28 of the Revised Code, to the regulatory or licensing board 1011
or agency that issued an offender a professional license or a 1012
license or permit to do business in this state and that specifies 1013
that the offender has been convicted of or pleaded guilty to an 1014
offense that may violate the conditions under which the offender's 1015
professional license or license or permit to do business in this 1016
state was granted or an offense for which the offender's 1017
professional license or license or permit to do business in this 1018
state may be revoked or suspended. 1019

(W) "Major drug offender" means an offender who is convicted 1020
of or pleads guilty to the possession of, sale of, or offer to 1021
sell any drug, compound, mixture, preparation, or substance that 1022
consists of or contains at least one thousand grams of hashish; at 1023
least one hundred grams of crack cocaine; at least one thousand 1024
grams of cocaine that is not crack cocaine; at least two thousand 1025
five hundred unit doses or two hundred fifty grams of heroin; at 1026
least five thousand unit doses of L.S.D. or five hundred grams of 1027
L.S.D. in a liquid concentrate, liquid extract, or liquid 1028
distillate form; or at least one hundred times the amount of any 1029
other schedule I or II controlled substance other than marihuana 1030
that is necessary to commit a felony of the third degree pursuant 1031
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1032
Code that is based on the possession of, sale of, or offer to sell 1033
the controlled substance. 1034

(X) "Mandatory prison term" means any of the following: 1035

(1) Subject to division (X)(2) of this section, the term in 1036
prison that must be imposed for the offenses or circumstances set 1037
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 1038
2929.13 and division (D) of section 2929.14 of the Revised Code. 1039
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1040
and 2925.11 of the Revised Code, unless the maximum or another 1041
specific term is required under section 2929.14 or 2929.142 of the 1042
Revised Code, a mandatory prison term described in this division 1043
may be any prison term authorized for the level of offense. 1044

(2) The term of sixty or one hundred twenty days in prison 1045
that a sentencing court is required to impose for a third or 1046
fourth degree felony OVI offense pursuant to division (G)(2) of 1047
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1048
of the Revised Code or the term of one, two, three, four, or five 1049
years in prison that a sentencing court is required to impose 1050
pursuant to division (G)(2) of section 2929.13 of the Revised 1051

Code. 1052

(3) The term in prison imposed pursuant to division (A) of 1053
section 2971.03 of the Revised Code for the offenses and in the 1054
circumstances described in division (F)(11) of section 2929.13 of 1055
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 1056
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1057
2971.03 of the Revised Code and that term as modified or 1058
terminated pursuant to section 2971.05 of the Revised Code. 1059

(Y) "Monitored time" means a period of time during which an 1060
offender continues to be under the control of the sentencing court 1061
or parole board, subject to no conditions other than leading a 1062
law-abiding life. 1063

(Z) "Offender" means a person who, in this state, is 1064
convicted of or pleads guilty to a felony or a misdemeanor. 1065

(AA) "Prison" means a residential facility used for the 1066
confinement of convicted felony offenders that is under the 1067
control of the department of rehabilitation and correction but 1068
does not include a violation sanction center operated under 1069
authority of section 2967.141 of the Revised Code. 1070

(BB) "Prison term" includes either of the following sanctions 1071
for an offender: 1072

(1) A stated prison term; 1073

(2) A term in a prison shortened by, or with the approval of, 1074
the sentencing court pursuant to section 2929.20, 2967.26, 1075
5120.031, 5120.032, or 5120.073 of the Revised Code. 1076

(CC) "Repeat violent offender" means a person about whom both 1077
of the following apply: 1078

(1) The person is being sentenced for committing or for 1079
complicity in committing any of the following: 1080

(a) Aggravated murder, murder, any felony of the first or 1081

second degree that is an offense of violence, or an attempt to 1082
commit any of these offenses if the attempt is a felony of the 1083
first or second degree; 1084

(b) An offense under an existing or former law of this state, 1085
another state, or the United States that is or was substantially 1086
equivalent to an offense described in division (CC)(1)(a) of this 1087
section. 1088

(2) The person previously was convicted of or pleaded guilty 1089
to an offense described in division (CC)(1)(a) or (b) of this 1090
section. 1091

(DD) "Sanction" means any penalty imposed upon an offender 1092
who is convicted of or pleads guilty to an offense, as punishment 1093
for the offense. "Sanction" includes any sanction imposed pursuant 1094
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1095
2929.28 of the Revised Code. 1096

(EE) "Sentence" means the sanction or combination of 1097
sanctions imposed by the sentencing court on an offender who is 1098
convicted of or pleads guilty to an offense. 1099

(FF) "Stated prison term" means the prison term, mandatory 1100
prison term, or combination of all prison terms and mandatory 1101
prison terms imposed by the sentencing court pursuant to section 1102
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 1103
2919.25 of the Revised Code. "Stated prison term" includes any 1104
credit received by the offender for time spent in jail awaiting 1105
trial, sentencing, or transfer to prison for the offense and any 1106
time spent under house arrest or house arrest with electronic 1107
monitoring imposed after earning credits pursuant to section 1108
2967.193 of the Revised Code. 1109

(GG) "Victim-offender mediation" means a reconciliation or 1110
mediation program that involves an offender and the victim of the 1111
offense committed by the offender and that includes a meeting in 1112

which the offender and the victim may discuss the offense, discuss 1113
restitution, and consider other sanctions for the offense. 1114

(HH) "Fourth degree felony OVI offense" means a violation of 1115
division (A) of section 4511.19 of the Revised Code that, under 1116
division (G) of that section, is a felony of the fourth degree. 1117

(II) "Mandatory term of local incarceration" means the term 1118
of sixty or one hundred twenty days in a jail, a community-based 1119
correctional facility, a halfway house, or an alternative 1120
residential facility that a sentencing court may impose upon a 1121
person who is convicted of or pleads guilty to a fourth degree 1122
felony OVI offense pursuant to division (G)(1) of section 2929.13 1123
of the Revised Code and division (G)(1)(d) or (e) of section 1124
4511.19 of the Revised Code. 1125

(JJ) "Designated homicide, assault, or kidnapping offense," 1126
"violent sex offense," "sexual motivation specification," 1127
"sexually violent offense," "sexually violent predator," and 1128
"sexually violent predator specification" have the same meanings 1129
as in section 2971.01 of the Revised Code. 1130

(KK) "Sexually oriented offense," "child-victim oriented 1131
offense," and "tier III sex offender/child-victim offender," have 1132
the same meanings as in section 2950.01 of the Revised Code. 1133

(LL) An offense is "committed in the vicinity of a child" if 1134
the offender commits the offense within thirty feet of or within 1135
the same residential unit as a child who is under eighteen years 1136
of age, regardless of whether the offender knows the age of the 1137
child or whether the offender knows the offense is being committed 1138
within thirty feet of or within the same residential unit as the 1139
child and regardless of whether the child actually views the 1140
commission of the offense. 1141

(MM) "Family or household member" has the same meaning as in 1142
section 2919.25 of the Revised Code. 1143

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code. 1144
1145

(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code. 1146
1147

(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree. 1148
1149
1150

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code. 1151
1152

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code. 1153
1154

(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code. 1155
1156

(TT) "Electronic monitoring" means monitoring through the use of an electronic monitoring device. 1157
1158

(UU) "Electronic monitoring device" means any of the following: 1159
1160

(1) Any device that can be operated by electrical or battery power and that conforms with all of the following: 1161
1162

(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an 1163
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appropriate signal to that receiver if the person to whom it is 1174
attached travels a specified distance from that receiver. 1175

(b) The device has a receiver that can receive continuously 1176
the signals transmitted by a transmitter of the type described in 1177
division (UU)(1)(a) of this section, can transmit continuously 1178
those signals by a wireless or landline telephone connection to a 1179
central monitoring computer of the type described in division 1180
(UU)(1)(c) of this section, and can transmit continuously an 1181
appropriate signal to that central monitoring computer if the 1182
device has been turned off or altered without prior court approval 1183
or otherwise tampered with. The device is designed specifically 1184
for use in electronic monitoring, is not a converted wireless 1185
phone or another tracking device that is clearly not designed for 1186
electronic monitoring, and provides a means of text-based or voice 1187
communication with the person. 1188

(c) The device has a central monitoring computer that can 1189
receive continuously the signals transmitted by a wireless or 1190
landline telephone connection by a receiver of the type described 1191
in division (UU)(1)(b) of this section and can monitor 1192
continuously the person to whom an electronic monitoring device of 1193
the type described in division (UU)(1)(a) of this section is 1194
attached. 1195

(2) Any device that is not a device of the type described in 1196
division (UU)(1) of this section and that conforms with all of the 1197
following: 1198

(a) The device includes a transmitter and receiver that can 1199
monitor and determine the location of a subject person at any 1200
time, or at a designated point in time, through the use of a 1201
central monitoring computer or through other electronic means. 1202

(b) The device includes a transmitter and receiver that can 1203
determine at any time, or at a designated point in time, through 1204

the use of a central monitoring computer or other electronic means 1205
the fact that the transmitter is turned off or altered in any 1206
manner without prior approval of the court in relation to the 1207
electronic monitoring or without prior approval of the department 1208
of rehabilitation and correction in relation to the use of an 1209
electronic monitoring device for an inmate on transitional control 1210
or otherwise is tampered with. 1211

(3) Any type of technology that can adequately track or 1212
determine the location of a subject person at any time and that is 1213
approved by the director of rehabilitation and correction, 1214
including, but not limited to, any satellite technology, voice 1215
tracking system, or retinal scanning system that is so approved. 1216

(VV) "Non-economic loss" means nonpecuniary harm suffered by 1217
a victim of an offense as a result of or related to the commission 1218
of the offense, including, but not limited to, pain and suffering; 1219
loss of society, consortium, companionship, care, assistance, 1220
attention, protection, advice, guidance, counsel, instruction, 1221
training, or education; mental anguish; and any other intangible 1222
loss. 1223

(WW) "Prosecutor" has the same meaning as in section 2935.01 1224
of the Revised Code. 1225

(XX) "Continuous alcohol monitoring" means the ability to 1226
automatically test and periodically transmit alcohol consumption 1227
levels and tamper attempts at least every hour, regardless of the 1228
location of the person who is being monitored. 1229

(YY) A person is "adjudicated a sexually violent predator" if 1230
the person is convicted of or pleads guilty to a violent sex 1231
offense and also is convicted of or pleads guilty to a sexually 1232
violent predator specification that was included in the 1233
indictment, count in the indictment, or information charging that 1234
violent sex offense or if the person is convicted of or pleads 1235

guilty to a designated homicide, assault, or kidnapping offense 1236
and also is convicted of or pleads guilty to both a sexual 1237
motivation specification and a sexually violent predator 1238
specification that were included in the indictment, count in the 1239
indictment, or information charging that designated homicide, 1240
assault, or kidnapping offense. 1241

(ZZ) An offense is "committed in proximity to a school" if 1242
the offender commits the offense in a school safety zone or within 1243
five hundred feet of any school building or the boundaries of any 1244
school premises, regardless of whether the offender knows the 1245
offense is being committed in a school safety zone or within five 1246
hundred feet of any school building or the boundaries of any 1247
school premises. 1248

(AAA) "Human trafficking" means a scheme or plan to which all 1249
of the following apply: 1250

(1) Its object is to subject a victim or victims to 1251
involuntary servitude, as defined in section 2905.31 of the 1252
Revised Code, to compel a victim or victims to engage in sexual 1253
activity for hire, to engage in a performance that is obscene, 1254
sexually oriented, or nudity oriented, or to be a model or 1255
participant in the production of material that is obscene, 1256
sexually oriented, or nudity oriented. 1257

(2) It involves at least two felony offenses, whether or not 1258
there has been a prior conviction for any of the felony offenses, 1259
to which all of the following apply: 1260

(a) Each of the felony offenses is a violation of section 1261
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 1262
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 1263
(4), or (5) of section 2919.22 of the Revised Code or is a 1264
violation of a law of any state other than this state that is 1265
substantially similar to any of the sections or divisions of the 1266

Revised Code identified in this division. 1267

(b) At least one of the felony offenses was committed in this 1268
state. 1269

(c) The felony offenses are related to the same scheme or 1270
plan, and are not isolated instances, ~~and are not so closely~~ 1271
~~related to each other and connected in time and place that they~~ 1272
~~constitute a single event or transaction.~~ 1273

(BBB) "Material," "nudity," "obscene," "performance," and 1274
"sexual activity" have the same meanings as in section 2907.01 of 1275
the Revised Code. 1276

(CCC) "Material that is obscene, sexually oriented, or nudity 1277
oriented" means any material that is obscene, that shows a person 1278
participating or engaging in sexual activity, masturbation, or 1279
bestiality, or that shows a person in a state of nudity. 1280

(DDD) "Performance that is obscene, sexually oriented, or 1281
nudity oriented" means any performance that is obscene, that shows 1282
a person participating or engaging in sexual activity, 1283
masturbation, or bestiality, or that shows a person in a state of 1284
nudity. 1285

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of the 1286
Revised Code: 1287

(A) "Wire communication" means an aural transfer that is made 1288
in whole or in part through the use of facilities for the 1289
transmission of communications by the aid of wires or similar 1290
methods of connecting the point of origin of the communication and 1291
the point of reception of the communication, including the use of 1292
a method of connecting the point of origin and the point of 1293
reception of the communication in a switching station, if the 1294
facilities are furnished or operated by a person engaged in 1295
providing or operating the facilities for the transmission of 1296

communications. "Wire communication" includes an electronic 1297
storage of a wire communication. 1298

(B) "Oral communication" means an oral communication uttered 1299
by a person exhibiting an expectation that the communication is 1300
not subject to interception under circumstances justifying that 1301
expectation. "Oral communication" does not include an electronic 1302
communication. 1303

(C) "Intercept" means the aural or other acquisition of the 1304
contents of any wire, oral, or electronic communication through 1305
the use of an interception device. 1306

(D) "Interception device" means an electronic, mechanical, or 1307
other device or apparatus that can be used to intercept a wire, 1308
oral, or electronic communication. "Interception device" does not 1309
mean any of the following: 1310

(1) A telephone or telegraph instrument, equipment, or 1311
facility, or any of its components, if the instrument, equipment, 1312
facility, or component is any of the following: 1313

(a) Furnished to the subscriber or user by a provider of wire 1314
or electronic communication service in the ordinary course of its 1315
business and being used by the subscriber or user in the ordinary 1316
course of its business; 1317

(b) Furnished by a subscriber or user for connection to the 1318
facilities of a provider of wire or electronic communication 1319
service and used in the ordinary course of that subscriber's or 1320
user's business; 1321

(c) Being used by a provider of wire or electronic 1322
communication service in the ordinary course of its business or by 1323
an investigative or law enforcement officer in the ordinary course 1324
of the officer's duties that do not involve the interception of 1325
wire, oral, or electronic communications. 1326

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.	1327 1328
(E) "Investigative officer" means any of the following:	1329
(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;	1330 1331 1332
(2) A person described in divisions (A)(11)(a) and (b) of section 2901.01 of the Revised Code;	1333 1334
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	1335 1336
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	1337 1338
(5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended.	1339 1340 1341 1342
(F) "Interception warrant" means a court order that authorizes the interception of wire, oral, or electronic communications and that is issued pursuant to sections 2933.53 to 2933.56 of the Revised Code.	1343 1344 1345 1346
(G) "Contents," when used with respect to a wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of the communication.	1347 1348 1349
(H) "Communications common carrier" means a person who is engaged as a common carrier for hire in intrastate, interstate, or foreign communications by wire, radio, or radio transmission of energy. "Communications common carrier" does not include, to the extent that the person is engaged in radio broadcasting, a person engaged in radio broadcasting.	1350 1351 1352 1353 1354 1355
(I) "Designated offense" means any of the following:	1356

(1) A felony violation of section 1315.53, 1315.55, 2903.01, 1357
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32, 1358
2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 1359
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 1360
2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 1361
2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 1362
2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 1363
2925.06 or of division (B) of section 2915.05 of the Revised Code; 1364

(2) A violation of section 2919.23 of the Revised Code that, 1365
had it occurred prior to July 1, 1996, would have been a violation 1366
of section 2905.04 of the Revised Code as it existed prior to that 1367
date; 1368

(3) A felony violation of section 2925.11 of the Revised Code 1369
that is not a minor drug possession offense, as defined in section 1370
2925.01 of the Revised Code; 1371

(4) Complicity in the commission of a felony violation of a 1372
section listed in division (I)(1), (2), or (3) of this section; 1373

(5) An attempt to commit, or conspiracy in the commission of, 1374
a felony violation of a section listed in division (I)(1), (2), or 1375
(3) of this section, if the attempt or conspiracy is punishable by 1376
a term of imprisonment of more than one year. 1377

(J) "Aggrieved person" means a person who was a party to an 1378
intercepted wire, oral, or electronic communication or a person 1379
against whom the interception of the communication was directed. 1380

(K) "Person" means a person, as defined in section 1.59 of 1381
the Revised Code, or a governmental officer, employee, or entity. 1382

(L) "Special need" means a showing that a licensed physician, 1383
licensed practicing psychologist, attorney, practicing cleric, 1384
journalist, or either spouse is personally engaging in continuing 1385
criminal activity, was engaged in continuing criminal activity 1386
over a period of time, or is committing, has committed, or is 1387

about to commit, a designated offense, or a showing that specified 1388
public facilities are being regularly used by someone who is 1389
personally engaging in continuing criminal activity, was engaged 1390
in continuing criminal activity over a period of time, or is 1391
committing, has committed, or is about to commit, a designated 1392
offense. 1393

(M) "Journalist" means a person engaged in, connected with, 1394
or employed by, any news media, including a newspaper, magazine, 1395
press association, news agency, or wire service, a radio or 1396
television station, or a similar media, for the purpose of 1397
gathering, processing, transmitting, compiling, editing, or 1398
disseminating news for the general public. 1399

(N) "Electronic communication" means a transfer of a sign, 1400
signal, writing, image, sound, datum, or intelligence of any 1401
nature that is transmitted in whole or in part by a wire, radio, 1402
electromagnetic, photoelectronic, or photo-optical system. 1403
"Electronic communication" does not mean any of the following: 1404

(1) A wire or oral communication; 1405

(2) A communication made through a tone-only paging device; 1406

(3) A communication from an electronic or mechanical tracking 1407
device that permits the tracking of the movement of a person or 1408
object. 1409

(O) "User" means a person or entity that uses an electronic 1410
communication service and is duly authorized by the provider of 1411
the service to engage in the use of the electronic communication 1412
service. 1413

(P) "Electronic communications system" means a wire, radio, 1414
electromagnetic, photoelectronic, or photo-optical facility for 1415
the transmission of electronic communications, and a computer 1416
facility or related electronic equipment for the electronic 1417
storage of electronic communications. 1418

(Q) "Electronic communication service" means a service that provides to users of the service the ability to send or receive wire or electronic communications.

(R) "Readily accessible to the general public" means, with respect to a radio communication, that the communication is none of the following:

(1) Scrambled or encrypted;

(2) Transmitted using a modulation technique, the essential parameters of which have been withheld from the public with the intention of preserving the privacy of the communication;

(3) Carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) Transmitted over a communications system provided by a communications common carrier, unless the communication is a tone-only paging system communication;

(5) Transmitted on a frequency allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, as those provisions existed on July 1, 1996, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

(S) "Electronic storage" means a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication, and a storage of a wire or electronic communication by an electronic communication service for the purpose of backup protection of the communication.

(T) "Aural transfer" means a transfer containing the human voice at a point between and including the point of origin and the

point of reception. 1449

(U) "Pen register" means a device that records or decodes 1450
electronic impulses that identify the numbers dialed, pulsed, or 1451
otherwise transmitted on telephone lines to which the device is 1452
attached. 1453

(V) "Trap and trace device" means a device that captures the 1454
incoming electronic or other impulses that identify the 1455
originating number of an instrument or device from which a wire 1456
communication or electronic communication was transmitted but that 1457
does not intercept the contents of the wire communication or 1458
electronic communication. 1459

(W) "Judge of a court of common pleas" means a judge of that 1460
court who is elected or appointed as a judge of general 1461
jurisdiction or as a judge who exercises both general jurisdiction 1462
and probate, domestic relations, or juvenile jurisdiction. "Judge 1463
of a court of common pleas" does not mean a judge of that court 1464
who is elected or appointed specifically as a probate, domestic 1465
relations, or juvenile judge. 1466

Section 2. That existing sections 2901.01, 2905.01, 2905.02, 1467
2907.21, 2923.01, 2923.31, 2929.01, and 2933.51 of the Revised 1468
Code are hereby repealed. 1469