

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 63

Senator Hughes

Cosponsors: Senators Patton, Schaffer

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A B I L L

To amend section 2913.02 and to enact section 2913.08 1
of the Revised Code to establish penalties for 2
theft of a computer or telecommunications device, 3
to prohibit the use of a computer or 4
telecommunications device to intercept information 5
relating to the transfer of funds, and to prohibit 6
the use of intercepted information to obtain or 7
exert control over the property of another. 8

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

Section 1. That section 2913.02 be amended and section 9
2913.08 of the Revised Code be enacted to read as follows: 10

Sec. 2913.02. (A) No person, with purpose to deprive the 11
owner of property or services, shall knowingly obtain or exert 12
control over either the property or services in any of the 13
following ways: 14

(1) Without the consent of the owner or person authorized to 15
give consent; 16

(2) Beyond the scope of the express or implied consent of the 17
owner or person authorized to give consent; 18

(3) By deception;	19
(4) By threat;	20
(5) By intimidation.	21
(B)(1) Whoever violates this section is guilty of theft.	22
(2) Except as otherwise provided in this division or division	23
(B)(3), (4), (5), (6), (7), or (8) , <u>or (9)</u> of this section, a	24
violation of this section is petty theft, a misdemeanor of the	25
first degree. If the value of the property or services stolen is	26
one thousand dollars or more and is less than seven thousand five	27
hundred dollars or if the property stolen is any of the property	28
listed in section 2913.71 of the Revised Code, a violation of this	29
section is theft, a felony of the fifth degree. If the value of	30
the property or services stolen is seven thousand five hundred	31
dollars or more and is less than one hundred fifty thousand	32
dollars, a violation of this section is grand theft, a felony of	33
the fourth degree. If the value of the property or services stolen	34
is one hundred fifty thousand dollars or more and is less than	35
seven hundred fifty thousand dollars, a violation of this section	36
is aggravated theft, a felony of the third degree. If the value of	37
the property or services is seven hundred fifty thousand dollars	38
or more and is less than one million five hundred thousand	39
dollars, a violation of this section is aggravated theft, a felony	40
of the second degree. If the value of the property or services	41
stolen is one million five hundred thousand dollars or more, a	42
violation of this section is aggravated theft of one million five	43
hundred thousand dollars or more, a felony of the first degree.	44
(3) Except as otherwise provided in division (B)(4), (5),	45
(6), (7), or (8) of this section, if the victim of the offense is	46
an elderly person or disabled adult, a violation of this section	47
is theft from an elderly person or disabled adult, and division	48
(B)(3) of this section applies. Except as otherwise provided in	49

this division, theft from an elderly person or disabled adult is a 50
felony of the fifth degree. If the value of the property or 51
services stolen is one thousand dollars or more and is less than 52
seven thousand five hundred dollars, theft from an elderly person 53
or disabled adult is a felony of the fourth degree. If the value 54
of the property or services stolen is seven thousand five hundred 55
dollars or more and is less than thirty-seven thousand five 56
hundred dollars or, if the property stolen is a computer or 57
telecommunications device having a value of less than one thousand 58
dollars, theft from an elderly person or disabled adult is a 59
felony of the third degree. If the value of the property or 60
services stolen is thirty-seven thousand five hundred dollars or 61
more and is less than one hundred fifty thousand dollars, theft 62
from an elderly person or disabled adult is a felony of the second 63
degree. If the value of the property or services stolen is one 64
hundred fifty thousand dollars or more, theft from an elderly 65
person or disabled adult is a felony of the first degree. 66

(4) If the property stolen is a firearm or dangerous 67
ordnance, a violation of this section is grand theft. Except as 68
otherwise provided in this division, grand theft when the property 69
stolen is a firearm or dangerous ordnance is a felony of the third 70
degree, and there is a presumption in favor of the court imposing 71
a prison term for the offense. If the firearm or dangerous 72
ordnance was stolen from a federally licensed firearms dealer, 73
grand theft when the property stolen is a firearm or dangerous 74
ordnance is a felony of the first degree. The offender shall serve 75
a prison term imposed for grand theft when the property stolen is 76
a firearm or dangerous ordnance consecutively to any other prison 77
term or mandatory prison term previously or subsequently imposed 78
upon the offender. 79

(5) If the property stolen is a motor vehicle, a violation of 80
this section is grand theft of a motor vehicle, a felony of the 81

fourth degree. 82

(6) If the property stolen is any dangerous drug, a violation 83
of this section is theft of drugs, a felony of the fourth degree, 84
or, if the offender previously has been convicted of a felony drug 85
abuse offense, a felony of the third degree. 86

(7) If the property stolen is a police dog or horse or an 87
assistance dog and the offender knows or should know that the 88
property stolen is a police dog or horse or an assistance dog, a 89
violation of this section is theft of a police dog or horse or an 90
assistance dog, a felony of the third degree. 91

(8) If the property stolen is anhydrous ammonia, a violation 92
of this section is theft of anhydrous ammonia, a felony of the 93
third degree. 94

(9) Except as otherwise provided in division (B)(3) of this 95
section, if the property stolen is a computer or 96
telecommunications device, a violation of this section is one of 97
the following: 98

(a) If the value of the property stolen is less than one 99
hundred fifty thousand dollars, a felony of the fourth degree; 100

(b) If the value of the property stolen is one hundred fifty 101
thousand dollars or more but less than seven hundred fifty 102
thousand dollars, a felony of the third degree; 103

(c) If the value of the property stolen is seven hundred 104
fifty thousand dollars or more but less than one million five 105
hundred thousand dollars, a felony of the second degree; 106

(d) If the value of the property stolen is one million five 107
hundred thousand dollars or more, a felony of the first degree. 108

(10) In addition to the penalties described in division 109
(B)(2) of this section, if the offender committed the violation by 110
causing a motor vehicle to leave the premises of an establishment 111

at which gasoline is offered for retail sale without the offender 112
making full payment for gasoline that was dispensed into the fuel 113
tank of the motor vehicle or into another container, the court may 114
do one of the following: 115

(a) Unless division (B)~~(9)~~(10)(b) of this section applies, 116
suspend for not more than six months the offender's driver's 117
license, probationary driver's license, commercial driver's 118
license, temporary instruction permit, or nonresident operating 119
privilege; 120

(b) If the offender's driver's license, probationary driver's 121
license, commercial driver's license, temporary instruction 122
permit, or nonresident operating privilege has previously been 123
suspended pursuant to division (B)~~(9)~~(10)(a) of this section, 124
impose a class seven suspension of the offender's license, permit, 125
or privilege from the range specified in division (A)(7) of 126
section 4510.02 of the Revised Code, provided that the suspension 127
shall be for at least six months. 128

(c) The court, in lieu of suspending the offender's driver's 129
or commercial driver's license, probationary driver's license, 130
temporary instruction permit, or nonresident operating privilege 131
pursuant to division (B)~~(9)~~(10)(a) or (b) of this section, instead 132
may require the offender to perform community service for a number 133
of hours determined by the court. 134

~~(10)~~(11) In addition to the penalties described in division 135
(B)(2) of this section, if the offender committed the violation by 136
stealing rented property or rental services, the court may order 137
that the offender make restitution pursuant to section 2929.18 or 138
2929.28 of the Revised Code. Restitution may include, but is not 139
limited to, the cost of repairing or replacing the stolen 140
property, or the cost of repairing the stolen property and any 141
loss of revenue resulting from deprivation of the property due to 142
theft of rental services that is less than or equal to the actual 143

value of the property at the time it was rented. Evidence of 144
intent to commit theft of rented property or rental services shall 145
be determined pursuant to the provisions of section 2913.72 of the 146
Revised Code. 147

(C) The sentencing court that suspends an offender's license, 148
permit, or nonresident operating privilege under division 149
(B)~~(9)~~(10) of this section may grant the offender limited driving 150
privileges during the period of the suspension in accordance with 151
Chapter 4510. of the Revised Code. 152

Sec. 2913.08. (A) No person, without privilege to do so, 153
knowingly shall use a computer or telecommunications device to 154
intercept any information or computer program or application that 155
is used, intended to be used, or capable of being used for the 156
transfer of funds. 157

(B) No person knowingly shall use any information or computer 158
program or application that is intercepted in violation of 159
division (A) of this section to obtain or exert control over the 160
property of another. 161

(C) Nothing in this section shall be construed to prohibit a 162
merchant, processor, or payment network from processing a lawful 163
payment card transaction, including a recurring payment card 164
transaction, that has been requested, initiated, or otherwise 165
authorized by a consumer or that is processed in connection with a 166
consumer's purchase of a product or service. 167

(D)(1) Whoever violates division (A) of this section is 168
guilty of theft of information, a felony of the fourth degree. 169

(2) Whoever violates division (B) of this section is guilty 170
of unlawful use of intercepted information. Except as otherwise 171
provided in this division, unlawful use of intercepted information 172
is a felony of the fifth degree. If the value of the benefit 173

obtained by the offender or of the detriment to the victim is one 174
thousand dollars or more but less than seven thousand five hundred 175
dollars, unlawful use of intercepted information is a felony of 176
the fourth degree. If the value of the benefit obtained by the 177
offender or of the detriment to the victim is seven thousand five 178
hundred dollars or more but less than one hundred fifty thousand 179
dollars, unlawful use of intercepted information is a felony of 180
the third degree. If the value of the benefit obtained by the 181
offender or of the detriment to the victim is one hundred fifty 182
thousand dollars or more but less than one million dollars, 183
unlawful use of intercepted information is a felony of the second 184
degree. If the value of the benefit obtained by the offender or of 185
the detriment to the victim is one million dollars or more, 186
unlawful use of intercepted information is a felony of the first 187
degree. 188

Section 2. That existing section 2913.02 of the Revised Code 189
is hereby repealed. 190