A BILL

To amend section 2923.31 and to enact section 2907.251 of the Revised Code to prohibit a person from receiving proceeds of prostitution.

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

Section 1. That section 2923.31 be amended and section 2907.251 of the Revised Code be enacted to read as follows:

Sec. 2907.251. (A) As used in this section, "sexual activity for hire" has the same meaning as in section 2907.24 of the Revised Code.

(B) No person shall knowingly receive or acquire money or any other thing of value from a prostitute earned from sexual activity for hire.

(C)(1) Whoever violates this section is guilty of receiving proceeds of prostitution. Except as provided in division (C)(2) of this section, receiving proceeds of prostitution is a felony of the third degree.

(2) If a person violates this section by knowingly
receiving or acquiring money or any other thing of value from a
prostitute under division (B) of this section and the prostitute
is under eighteen years of age, receiving proceeds of
prostitution is a felony of the second degree.

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
propietorship, 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 criminal offense under the law of this state if
committed in this state.

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

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

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

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

(1) Conduct defined as "racketeering activity" under the
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended;

(2) Conduct constituting any of the following:

(a) A violation of section 1315.55, 1322.07, 2903.01,
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02,
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of this section, 2907.251, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), or (F) of section 1707.44; division (A)(1) or (2) of section 2923.20; division (E) or (G) of section 3772.99; division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 4719.06; division (C), (D), or (E) of section 4719.07; section 4719.08; or division (A) of section 4719.09 of the Revised Code.

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

(c) Any violation of section 2907.21, 2907.22, 2907.31, 2913.02, 2913.11, 2913.21, 2913.31, 2913.34, 2913.42, 2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 of the Revised Code, any violation of section 2925.11 of the Revised Code that is a felony of the first, second, third, or fourth degree and that occurs on or after July 1, 1996, any violation of section 2915.02 of the Revised Code that occurred prior to July 1, 1996, any violation of section 2915.02 of the
Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would not have been a violation of section 3769.11 of the Revised Code as it existed prior to that date, any violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996, or any violation of division (B) of section 2915.05 of the Revised Code as it exists on and after July 1, 1996, when the proceeds of the violation, the payments made in the violation, the amount of a claim for payment or for any other benefit that is false or deceptive and that is involved in the violation, or the value of the contraband or other property illegally possessed, sold, or purchased in the violation exceeds one thousand dollars, or any combination of violations described in division (I)(2)(c) of this section when the total proceeds of the combination of violations, payments made in the combination of violations, amount of the claims for payment or for other benefits that is false or deceptive and that is involved in the combination of violations, or value of the contraband or other property illegally possessed, sold, or purchased in the combination of violations exceeds one thousand dollars;

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

(e) Any violation or combination of violations of section 2907.32 of the Revised Code involving any material or performance containing a display of bestiality or of sexual conduct, as defined in section 2907.01 of the Revised Code, that is explicit and depicted with clearly visible penetration of the genitals or clearly visible penetration by the penis of any orifice when the total proceeds of the violation or combination of violations, the payments made in the violation or combination of violations, or the value of the contraband or other property
illegally possessed, sold, or purchased in the violation or combination of violations exceeds one thousand dollars;

(f) Any combination of violations described in division (I)(2)(c) of this section and violations of section 2907.32 of the Revised Code involving any material or performance containing a display of bestiality or of sexual conduct, as defined in section 2907.01 of the Revised Code, that is explicit and depicted with clearly visible penetration of the genitals or clearly visible penetration by the penis of any orifice when the total proceeds of the combination of violations, payments made in the combination of violations, amount of the claims for payment or for other benefits that is false or deceptive and that is involved in the combination of violations, or value of the contraband or other property illegally possessed, sold, or purchased in the combination of violations exceeds one thousand dollars;

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

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

(4) Animal or ecological terrorism;

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

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

(b) By enacting division (I)(5)(a) of this section, it is the intent of the general assembly to add organized retail theft and the conduct described in division (I)(5)(a)(ii) of this section as conduct constituting corrupt activity. The enactment of division (I)(5)(a) of this section and the addition by division (I)(5)(a) of this section of organized retail theft and the conduct described in division (I)(5)(a)(ii) of this section as conduct constituting corrupt activity does not limit or preclude, and shall not be construed as limiting or precluding, any prosecution for a violation of section 2923.32 of the Revised Code that is based on one or more violations of section 2913.02 or 2913.51 of the Revised Code, one or more similar offenses under the laws of this state or any other state, or any combination of any of those violations or similar offenses, even though the conduct constituting the basis for those violations or offenses could be construed as also constituting organized retail theft or conduct of the type described in division (I)(5)(a)(ii) of this section.

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

(K) "Trustee" means any of the following:
(1) Any person acting as trustee under a trust in which
the trustee holds title to personal or real property;

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

(3) Any successor trustee.

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

(L) "Unlawful debt" means any money or other thing of
value constituting principal or interest of a debt that is
legally unenforceable in this state in whole or in part because
the debt was incurred or contracted in violation of any federal
or state law relating to the business of gambling activity or
relating to the business of lending money at an usurious rate
unless the creditor proves, by a preponderance of the evidence,
that the usurious rate was not intentionally set and that it
resulted from a good faith error by the creditor,
notwithstanding the maintenance of procedures that were adopted
by the creditor to avoid an error of that nature.

(M) "Animal activity" means any activity that involves the
use of animals or animal parts, including, but not limited to,
hunting, fishing, trapping, traveling, camping, the production,
preparation, or processing of food or food products, clothing or
garment manufacturing, medical research, other research,
entertainment, recreation, agriculture, biotechnology, or
service activity that involves the use of animals or animal
parts.
(N) "Animal facility" means a vehicle, building, structure, nature preserve, or other premises in which an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, including, but not limited to, a zoo, rodeo, circus, amusement park, hunting preserve, or premises in which a horse or dog event is held.

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

(P) "Research facility" means a place, laboratory, institution, medical care facility, government facility, or public or private educational institution in which a scientific test, experiment, or investigation involving the use of animals or other living organisms is lawfully carried out, conducted, or attempted.

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

(R) "Retail property" means any tangible personal property displayed, held, stored, or offered for sale in or by a retail establishment.
(S) "Retail property fence" means a person who possesses, procures, receives, or conceals retail property that was represented to the person as being stolen or that the person knows or believes to be stolen.

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

Section 2. That existing section 2923.31 of the Revised Code is hereby repealed.

Section 3. Section 2923.31 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 199 and H.B. 405 of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.