

**As Reported by the House Criminal Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 366**

**Representative Ghanbari**

**Cosponsors: Representatives Abrams, Miller, K.**

---

**A BILL**

To amend sections 177.011, 177.02, 2909.07, 1  
2913.01, 2913.02, 2913.30, 2923.31, 2923.32, and 2  
5739.17 and to enact sections 177.04, 2913.021,  
3 and 2913.08 of the Revised Code to enact the  
4 Fight Organized Retail Crime and Empower Law  
5 Enforcement (FORCE) Act to create the Organized  
6 Retail Theft Advisory Council and an  
7 investigative task force, to create the crime of  
8 theft of mail, to modify theft offenses and  
9 penalties related to retail property. 10

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

**Section 1.** That sections 177.011, 177.02, 2909.07, 11  
2913.01, 2913.02, 2913.30, 2923.31, 2923.32, and 5739.17 be 12  
amended and sections 177.04, 2913.021, and 2913.08 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 177.011.** (A) There is hereby created in the state 15  
treasury the organized crime commission fund. The fund shall 16  
consist of ~~moneys~~the following: 17

(1) Money paid to the treasurer of state pursuant to the 18

judgment of a court in a criminal case as reimbursement of 19  
expenses that the organized crime investigations commission or 20  
an organized crime task force established by the commission 21  
incurred in the investigation of the criminal activity upon 22  
which the prosecution of the criminal case was based. 23

(2) Money paid to the treasurer of state pursuant to 24  
section 5739.17 of the Revised Code. 25

(B) All investment earnings on moneys in of the fund shall 26  
be credited to the fund. 27

(C) The organized crime investigations commission shall 28  
use the ~~moneys in the fund~~ money described in division (A) (1) of 29  
this section to reimburse political subdivisions for the 30  
expenses the political subdivisions incur when their law 31  
enforcement officers participate in an organized crime task 32  
force. 33

(D) The organized crime investigations commission shall 34  
use the money described in division (A) (2) of this section 35  
exclusively to support the operations of the organized retail 36  
theft task force, except that five per cent of the money may be 37  
used for the administrative expenses of the organized retail 38  
theft advisory council and the operation of the retail theft web 39  
portal described in section 177.04 of the Revised Code. 40

**Sec. 177.02.** ~~(A)~~ (A) (1) As used in this section, "cargo 41  
theft" means the unlawful taking of any cargo including goods, 42  
chattels, money, or baggage that constitutes a commercial 43  
shipment of freight moving in any of the following: 44

(a) Commerce; 45

(b) A pipeline system; 46

<u>(c) A railroad car;</u>	47
<u>(d) A motor truck or other vehicle;</u>	48
<u>(e) A tank or storage facility;</u>	49
<u>(f) A station house, platform, or depot;</u>	50
<u>(g) A vessel or wharf;</u>	51
<u>(h) An aircraft, airport terminal, airport, aircraft terminal, or air navigation facility;</u>	52 53
<u>(i) An intermodal container, intermodal chassis, trailer, container freight station, warehouse, freight distribution facility, or freight consolidation facility.</u>	54 55 56
<u>(2) Any person may file with the organized crime investigations commission a complaint that alleges that organized criminal activity has occurred in a county. A person who files a complaint under this division also may file with the commission information relative to the complaint.</u>	57 58 59 60 61
<del>(B)</del> <u>(B) (1) Upon the filing of a complaint under division (A) of this section or upon its own initiative, the commission may establish an organized crime task force to investigate organized criminal activity in a single county or in two or more counties if it determines, based upon the complaint filed and the information relative to it or based upon any information that it may have received, that there is reason to believe that organized criminal activity has occurred and continues to occur in that county or in each of those counties. The commission shall not establish an organized crime task force to investigate organized criminal activity in any single county unless it makes the determination required under this division relative to that county and shall not establish an organized crime task force to</u>	62 63 64 65 66 67 68 69 70 71 72 73 74

investigate organized criminal activity in two or more counties 75  
unless it makes the determination required under this division 76  
relative to each of those counties. The commission, at any time, 77  
may terminate an organized crime task force it has established 78  
under this section. 79

(2) An organized retail theft task force is established 80  
within the commission to investigate organized retail theft 81  
activity, including cargo theft. The task force may investigate 82  
based on any complaint filed or information the task force 83  
receives that gives reason to believe organized retail theft has 84  
occurred and continues to occur in one or more counties. 85

(3) The task force director and members of the organized 86  
retail theft task force shall be appointed in the same manner as 87  
an organized crime task force under division (C) of this 88  
section. In addition to the task force members referenced in 89  
that division, the president or chief executive officer of the 90  
Ohio council of retail merchants shall be a member of the 91  
organized retail theft task force. 92

(C) (1) If the commission establishes an organized crime 93  
task force to investigate organized criminal activity in a 94  
single county or in two or more counties pursuant to division 95  
(B) of this section, the commission initially shall appoint a 96  
task force director to directly supervise the investigation. The 97  
task force director shall be either the sheriff or a deputy 98  
sheriff of any county in the state, the chief law enforcement 99  
officer or a member of a law enforcement agency of any municipal 100  
corporation or township in the state, or an agent of the bureau 101  
of criminal identification and investigation. No person shall be 102  
appointed as task force director without the person's consent 103  
and, if applicable, the consent of the person's employing 104

sheriff or law enforcement agency or of the superintendent of 105  
the bureau of criminal identification and investigation if the 106  
person is an employee of the bureau. Upon appointment of a task 107  
force director, the commission shall meet with the director and 108  
establish the scope and limits of the investigation to be 109  
conducted by the task force and the size of the task force 110  
investigatory staff to be appointed by the task force director. 111  
The commission, at any time, may remove a task force director 112  
appointed under this division and may replace any director so 113  
removed according to the guidelines for the initial appointment 114  
of a director. 115

(2) A task force director appointed under this section 116  
shall assemble a task force investigatory staff, of a size 117  
determined by the commission and the director, to conduct the 118  
investigation. Unless it appears to the commission and the 119  
director, based upon the complaint filed and any information 120  
relative to it or based upon any information that the commission 121  
may have received, that there is reason to believe that the 122  
office of the prosecuting attorney of the county or one of the 123  
counties served by the task force is implicated in the organized 124  
criminal activity to be investigated, one member of the 125  
investigatory staff shall be the prosecuting attorney or an 126  
assistant prosecuting attorney of the county or one of the 127  
counties served by the task force. If a prosecuting attorney or 128  
assistant prosecuting attorney is not a participating member of 129  
the task force, the office of the attorney general shall provide 130  
legal assistance to the task force upon request. Each of the 131  
other members of the investigatory staff shall be either the 132  
sheriff or a deputy sheriff of any county in the state, the 133  
chief law enforcement officer or a member of a law enforcement 134  
agency of any municipal corporation or township in the state, or 135

an agent of the bureau of criminal identification and 136  
investigation. No person shall be appointed to the investigatory 137  
staff without the person's consent and, if applicable, the 138  
consent of the person's employing sheriff or law enforcement 139  
agency or the superintendent of the bureau of criminal 140  
identification and investigation if the person is an employee of 141  
the bureau. To the extent possible, the investigatory staff 142  
shall be composed of persons familiar with investigatory 143  
techniques that generally would be utilized in an investigation 144  
of organized criminal activity. To the extent practicable, the 145  
investigatory staff shall be assembled in such a manner that 146  
numerous law enforcement agencies within the county or the 147  
counties served by the task force are represented on the 148  
investigatory staff. The investigatory staff shall be assembled 149  
in such a manner that at least one sheriff, deputy sheriff, 150  
municipal corporation law enforcement officer, or township law 151  
enforcement officer from each of the counties served by the task 152  
force is represented on the investigatory staff. A task force 153  
director, at any time, may remove any member of the 154  
investigatory staff the task force director has assembled under 155  
this division and may replace any member so removed according to 156  
the guidelines for the initial assembly of the investigatory 157  
staff. 158

(3) The commission may provide an organized crime task 159  
force established under this section with technical and clerical 160  
employees and with equipment necessary to efficiently conduct 161  
its investigation into organized criminal activity. 162

(4) Upon the establishment of a task force, the commission 163  
shall issue to the task force director and each member of the 164  
task force investigatory staff appropriate credentials stating 165  
the person's identity, position, and authority. 166

(D) (1) A task force investigatory staff, during the period 167  
of the investigation for which it is assembled, is responsible 168  
only to the task force director and shall operate under the 169  
direction and control of the task force director. Any necessary 170  
and actual expenses incurred by a task force director or 171  
investigatory staff, including any such expenses incurred for 172  
food, lodging, or travel, and any other necessary and actual 173  
expenses of an investigation into organized criminal activity 174  
conducted by a task force, shall be paid by the commission. 175

(2) For purposes of workers' compensation and the 176  
allocation of liability for any death, injury, or damage they 177  
may cause in the performance of their duties, a task force 178  
director and investigatory staff, during the period of the 179  
investigation for which the task force is assembled, shall be 180  
considered to be employees of the commission and of the state. 181

(3) For purposes of compensation, pension or indemnity 182  
fund rights, and other rights and benefits to which they may be 183  
entitled, a task force director and investigatory staff, during 184  
the period of the performance of their duties as director and 185  
investigatory staff, shall be considered to be performing their 186  
duties in their normal capacity as prosecuting attorney, 187  
assistant prosecuting attorney, sheriff, deputy sheriff, chief 188  
law enforcement officer or member of a law enforcement agency of 189  
a municipal corporation or township, or agent of the bureau of 190  
criminal identification and investigation. 191

(4) The commission may reimburse a political subdivision 192  
for any costs incurred under division (D) (3) of this section 193  
resulting from the payment of any compensation, rights, or 194  
benefits as described in that division from the organized crime 195  
commission fund created in section 177.011 of the Revised Code. 196

Reimbursement related to service on an organized crime task 197  
force shall derive from the funding described in division (A) (1) 198  
of that section. Reimbursement related to service on the 199  
organized retail theft task force shall derive from the funding 200  
described in division (A) (2) of that section. 201

(E) Except as provided in this division, upon the 202  
establishment of a task force, the commission shall provide the 203  
prosecuting attorney of each of the counties served by the task 204  
force with written notice that the task force has been 205  
established to investigate organized criminal activity in that 206  
county. Such notice shall not be provided to a prosecuting 207  
attorney if it appears to the commission, based upon the 208  
complaint filed and any information relative to it or based upon 209  
any information that the commission may have received, that 210  
there is reason to believe that the office of that prosecuting 211  
attorney is implicated in the organized criminal activity to be 212  
investigated. 213

(F) The filing of a complaint alleging organized criminal 214  
activity, the establishment of an organized crime task force, 215  
the appointment of a task force director and the identity of the 216  
task force director, the assembly of an investigatory staff and 217  
the identity of its members, the conduct of an investigation 218  
into organized criminal activity, and the identity of any person 219  
who is being or is expected to be investigated by the task force 220  
shall be kept confidential by the commission and its director 221  
and employees, and by the task force and its director, 222  
investigatory staff, and employees until an indictment is 223  
returned or a criminal action or proceeding is initiated in a 224  
court of proper jurisdiction. 225

(G) For purposes of divisions (C) and (E) of this section, 226



the office of a prosecuting attorney shall be considered as 227  
being implicated in organized criminal activity only if the 228  
prosecuting attorney, one or more of the prosecuting attorney's 229  
assistants, or one or more of the prosecuting attorney's 230  
employees has committed or attempted or conspired to commit, is 231  
committing or attempting or conspiring to commit, or has engaged 232  
in or is engaging in complicity in the commission of, organized 233  
criminal activity. 234

Sec. 177.04. (A) The organized retail theft advisory 235  
council is created within the office of the attorney general. 236  
The council consists of the following members: 237

(1) The attorney general or the attorney general's 238  
designee; 239

(2) An assistant attorney general appointed by the 240  
attorney general; 241

(3) The president or chief executive officer of the Ohio 242  
council of retail merchants; 243

(4) Two loss prevention representatives from retail 244  
businesses with more than two hundred fifty employees and two 245  
loss prevention representatives from retail businesses with less 246  
than two hundred fifty employees; 247

(5) A member of the Ohio prosecuting attorneys 248  
association; 249

(6) A member of the Ohio grocers association. 250

(B) The attorney general shall appoint loss prevention 251  
representatives to the council after consulting with statewide 252  
trade and professional organizations that represent the 253  
interests of retail businesses and loss prevention. The 254

organizations may nominate persons to be considered for 255  
appointment as council members. 256

(C) (1) The council shall advise the organized crime 257  
investigations commission on organized retail theft and 258  
recommend actions for the commission to detect, deter, prevent, 259  
and prosecute organized retail theft. The council shall meet at 260  
least quarterly, and the attorney general or the attorney 261  
general's designee shall serve as chairperson. 262

(2) The assistant attorney general appointed to the 263  
council shall serve as liaison to the organized retail theft 264  
task force established in section 177.02 of the Revised Code. 265

(D) The council shall operate a secure retail theft web 266  
portal, compliant with applicable data privacy laws, to share 267  
real time crime information and intelligence on organized retail 268  
theft between retail businesses and law enforcement agencies to 269  
enhance identification of offenders and the targeting of 270  
criminal enterprises. The council may utilize, or coordinate 271  
operations with, commercially operated retail theft information 272  
sharing services. 273

(E) In addition to other duties described in this section, 274  
the council may engage in the following activities: 275

(1) Compiling and disseminating to retail businesses and 276  
law enforcement agencies innovative methods of detecting, 277  
detering, preventing, and prosecuting organized retail theft; 278

(2) Conducting training conferences to educate retail 279  
businesses and law enforcement agencies regarding current and 280  
emerging crime trends; 281

(3) Consulting with national, state, and local law 282  
enforcement agencies and retail associations concerning 283

<u>organized retail theft;</u>	284
<u>(4) Educating the public on the problems associated with organized retail theft.</u>	285
<u>(F) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. The organized crime investigations commission may provide the council with technical and clerical employees as necessary to accomplish its responsibilities under this section.</u>	286
<u>(F) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. The organized crime investigations commission may provide the council with technical and clerical employees as necessary to accomplish its responsibilities under this section.</u>	287
<u>(F) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. The organized crime investigations commission may provide the council with technical and clerical employees as necessary to accomplish its responsibilities under this section.</u>	288
<u>(F) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. The organized crime investigations commission may provide the council with technical and clerical employees as necessary to accomplish its responsibilities under this section.</u>	289
<u>(F) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. The organized crime investigations commission may provide the council with technical and clerical employees as necessary to accomplish its responsibilities under this section.</u>	290
<u>(F) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. The organized crime investigations commission may provide the council with technical and clerical employees as necessary to accomplish its responsibilities under this section.</u>	291
<u>(F) Members of the council shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. The organized crime investigations commission may provide the council with technical and clerical employees as necessary to accomplish its responsibilities under this section.</u>	292
<b>Sec. 2909.07.</b> (A) No person shall:	293
(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with either of the following:	294
(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with either of the following:	295
(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with either of the following:	296
(a) The property of another;	297
(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:	298
(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:	299
(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:	300
(i) The residential real property is subject to a mortgage.	301
(i) The residential real property is subject to a mortgage.	302
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	303
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	304
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	305
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	306
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	307
(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public	308
(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public	309
(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public	310
(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public	311

alarm;	312
(3) Without privilege to do so, knowingly move, deface,	313
damage, destroy, or otherwise improperly tamper with a bench	314
mark, triangulation station, boundary marker, or other survey	315
station, monument, or marker;	316
(4) Without privilege to do so, knowingly move, deface,	317
damage, destroy, or otherwise improperly tamper with any safety	318
device, the property of another, or the property of the offender	319
when required or placed for the safety of others, so as to	320
destroy or diminish its effectiveness or availability for its	321
intended purpose;	322
(5) With purpose to interfere with the use or enjoyment of	323
the property of another, set a fire on the land of another or	324
place personal property that has been set on fire on the land of	325
another, which fire or personal property is outside and apart	326
from any building, other structure, or personal property that is	327
on that land;	328
(6) Without privilege to do so, and with intent to impair	329
the functioning of any computer, computer system, computer	330
network, computer software, or computer program, knowingly do	331
any of the following:	332
(a) In any manner or by any means, including, but not	333
limited to, computer hacking, alter, damage, destroy, or modify	334
a computer, computer system, computer network, computer	335
software, or computer program or data contained in a computer,	336
computer system, computer network, computer software, or	337
computer program;	338
(b) Introduce a computer contaminant into a computer,	339
computer system, computer network, computer software, or	340

computer program.	341
(7) Without privilege to do so, knowingly destroy or	342
improperly tamper with a critical infrastructure facility.	343
(B) As used in this section:	344
(1) "Safety device" means any fire extinguisher, fire	345
hose, or fire axe, or any fire escape, emergency exit, or	346
emergency escape equipment, or any life line, life-saving ring,	347
life preserver, or life boat or raft, or any alarm, light,	348
flare, signal, sign, or notice intended to warn of danger or	349
emergency, or intended for other safety purposes, or any guard	350
railing or safety barricade, or any traffic sign or signal, or	351
any railroad grade crossing sign, signal, or gate, or any first	352
aid or survival equipment, or any other device, apparatus, or	353
equipment intended for protecting or preserving the safety of	354
persons or property.	355
(2) "Critical infrastructure facility" has the same	356
meaning as in section 2911.21 of the Revised Code.	357
(3) "Improperly tamper" means to change the physical	358
location or the physical condition of the property.	359
(C) (1) Whoever violates this section is guilty of criminal	360
mischief, and shall be punished as provided in division (C) (2),	361
(3), or (4) of this section.	362
(2) Except as otherwise provided in this division,	363
criminal mischief committed in violation of division (A) (1),	364
(2), (3), (4), or (5) of this section is a misdemeanor of the	365
third degree. Except as otherwise provided in this division, if	366
the violation of division (A) (1), (2), (3), (4), or (5) of this	367
section creates a risk of physical harm to any person, criminal	368
mischief committed in violation of division (A) (1), (2), (3),	369

(4), or (5) of this section is a misdemeanor of the first 370  
degree. If the property involved is a retail pump or meter of an 371  
electric vehicle charging station, criminal mischief committed 372  
in violation of division (A)(1)(a) of this section is a felony 373  
of the third degree. If the property involved in the violation 374  
of division (A)(1), (2), (3), (4), or (5) of this section is an 375  
aircraft, an aircraft engine, propeller, appliance, spare part, 376  
fuel, lubricant, hydraulic fluid, any other equipment, 377  
implement, or material used or intended to be used in the 378  
operation of an aircraft, or any cargo carried or intended to be 379  
carried in an aircraft, criminal mischief committed in violation 380  
of division (A)(1), (2), (3), (4), or (5) of this section is one 381  
of the following: 382

(a) If the violation creates a risk of physical harm to 383  
any person, except as otherwise provided in division (C)(2)(b) 384  
of this section, criminal mischief committed in violation of 385  
division (A)(1), (2), (3), (4), or (5) of this section is a 386  
felony of the fifth degree. 387

(b) If the violation creates a substantial risk of 388  
physical harm to any person or if the property involved in a 389  
violation of this section is an occupied aircraft, criminal 390  
mischief committed in violation of division (A)(1), (2), (3), 391  
(4), or (5) of this section is a felony of the fourth degree. 392

(3) Except as otherwise provided in this division, 393  
criminal mischief committed in violation of division (A)(6) of 394  
this section is a misdemeanor of the first degree. Except as 395  
otherwise provided in this division, if the value of the 396  
computer, computer system, computer network, computer software, 397  
computer program, or data involved in the violation of division 398  
(A)(6) of this section or the loss to the victim resulting from 399

the violation is one thousand dollars or more and less than ten 400  
thousand dollars, or if the computer, computer system, computer 401  
network, computer software, computer program, or data involved 402  
in the violation of division (A) (6) of this section is used or 403  
intended to be used in the operation of an aircraft and the 404  
violation creates a risk of physical harm to any person, 405  
criminal mischief committed in violation of division (A) (6) of 406  
this section is a felony of the fifth degree. If the value of 407  
the computer, computer system, computer network, computer 408  
software, computer program, or data involved in the violation of 409  
division (A) (6) of this section or the loss to the victim 410  
resulting from the violation is ten thousand dollars or more, or 411  
if the computer, computer system, computer network, computer 412  
software, computer program, or data involved in the violation of 413  
division (A) (6) of this section is used or intended to be used 414  
in the operation of an aircraft and the violation creates a 415  
substantial risk of physical harm to any person or the aircraft 416  
in question is an occupied aircraft, criminal mischief committed 417  
in violation of division (A) (6) of this section is a felony of 418  
the fourth degree. 419

(4) Criminal mischief committed in violation of division 420  
(A) (7) of this section is a felony of the third degree. 421

**Sec. 2913.01.** As used in this chapter, unless the context 422  
requires that a term be given a different meaning: 423

(A) "Deception" means knowingly deceiving another or 424  
causing another to be deceived by any false or misleading 425  
representation, by withholding information, by preventing 426  
another from acquiring information, or by any other conduct, 427  
act, or omission that creates, confirms, or perpetuates a false 428  
impression in another, including a false impression as to law, 429

value, state of mind, or other objective or subjective fact. 430

(B) "Defraud" means to knowingly obtain, by deception, 431  
some benefit for oneself or another, or to knowingly cause, by 432  
deception, some detriment to another. 433

(C) "Deprive" means to do any of the following: 434

(1) Withhold property of another permanently, or for a 435  
period that appropriates a substantial portion of its value or 436  
use, or with purpose to restore it only upon payment of a reward 437  
or other consideration; 438

(2) Dispose of property so as to make it unlikely that the 439  
owner will recover it; 440

(3) Accept, use, or appropriate money, property, or 441  
services, with purpose not to give proper consideration in 442  
return for the money, property, or services, and without 443  
reasonable justification or excuse for not giving proper 444  
consideration. 445

(D) "Owner" means, unless the context requires a different 446  
meaning, any person, other than the actor, who is the owner of, 447  
who has possession or control of, or who has any license or 448  
interest in property or services, even though the ownership, 449  
possession, control, license, or interest is unlawful. 450

(E) "Services" include labor, personal services, 451  
professional services, rental services, public utility services 452  
including wireless service as defined in division (F) (1) of 453  
section 128.01 of the Revised Code, common carrier services, and 454  
food, drink, transportation, entertainment, and cable television 455  
services and, for purposes of section 2913.04 of the Revised 456  
Code, include cable services as defined in that section. 457



(F) "Writing" means any computer software, document, 458  
letter, memorandum, note, paper, plate, data, film, or other 459  
thing having in or upon it any written, typewritten, or printed 460  
matter, and any token, stamp, seal, credit card, badge, 461  
trademark, label, or other symbol of value, right, privilege, 462  
license, or identification. 463

(G) "Forge" means to fabricate or create, in whole or in 464  
part and by any means, any spurious writing, or to make, 465  
execute, alter, complete, reproduce, or otherwise purport to 466  
authenticate any writing, when the writing in fact is not 467  
authenticated by that conduct. 468

(H) "Utter" means to issue, publish, transfer, use, put or 469  
send into circulation, deliver, or display. 470

(I) "Coin machine" means any mechanical or electronic 471  
device designed to do both of the following: 472

(1) Receive a coin, bill, or token made for that purpose; 473

(2) In return for the insertion or deposit of a coin, 474  
bill, or token, automatically dispense property, provide a 475  
service, or grant a license. 476

(J) "Slug" means an object that, by virtue of its size, 477  
shape, composition, or other quality, is capable of being 478  
inserted or deposited in a coin machine as an improper 479  
substitute for a genuine coin, bill, or token made for that 480  
purpose. 481

(K) "Theft offense" means any of the following: 482

(1) A violation of section 2911.01, 2911.02, 2911.11, 483  
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 484  
2913.041, 2913.05, 2913.06, 2913.08, 2913.11, 2913.21, 2913.31, 485

2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 486  
2913.45, 2913.47, 2913.48, former section 2913.47 or 2913.48, or 487  
section 2913.51, 2915.05, or 2921.41 of the Revised Code; 488

(2) A violation of an existing or former municipal 489  
ordinance or law of this or any other state, or of the United 490  
States, substantially equivalent to any section listed in 491  
division (K) (1) of this section or a violation of section 492  
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed 493  
prior to July 1, 1996; 494

(3) An offense under an existing or former municipal 495  
ordinance or law of this or any other state, or of the United 496  
States, involving robbery, burglary, breaking and entering, 497  
theft, embezzlement, wrongful conversion, forgery, 498  
counterfeiting, deceit, or fraud; 499

(4) A conspiracy or attempt to commit, or complicity in 500  
committing, any offense under division (K) (1), (2), or (3) of 501  
this section. 502

(L) "Computer services" includes, but is not limited to, 503  
the use of a computer system, computer network, computer 504  
program, data that is prepared for computer use, or data that is 505  
contained within a computer system or computer network. 506

(M) "Computer" means an electronic device that performs 507  
logical, arithmetic, and memory functions by the manipulation of 508  
electronic or magnetic impulses. "Computer" includes, but is not 509  
limited to, all input, output, processing, storage, computer 510  
program, or communication facilities that are connected, or 511  
related, in a computer system or network to an electronic device 512  
of that nature. 513

(N) "Computer system" means a computer and related 514

devices, whether connected or unconnected, including, but not 515  
limited to, data input, output, and storage devices, data 516  
communications links, and computer programs and data that make 517  
the system capable of performing specified special purpose data 518  
processing tasks. 519

(O) "Computer network" means a set of related and remotely 520  
connected computers and communication facilities that includes 521  
more than one computer system that has the capability to 522  
transmit among the connected computers and communication 523  
facilities through the use of computer facilities. 524

(P) "Computer program" means an ordered set of data 525  
representing coded instructions or statements that, when 526  
executed by a computer, cause the computer to process data. 527

(Q) "Computer software" means computer programs, 528  
procedures, and other documentation associated with the 529  
operation of a computer system. 530

(R) "Data" means a representation of information, 531  
knowledge, facts, concepts, or instructions that are being or 532  
have been prepared in a formalized manner and that are intended 533  
for use in a computer, computer system, or computer network. For 534  
purposes of section 2913.47 of the Revised Code, "data" has the 535  
additional meaning set forth in division (A) of that section. 536

(S) "Cable television service" means any services provided 537  
by or through the facilities of any cable television system or 538  
other similar closed circuit coaxial cable communications 539  
system, or any microwave or similar transmission service used in 540  
connection with any cable television system or other similar 541  
closed circuit coaxial cable communications system. 542

(T) "Gain access" means to approach, instruct, communicate 543

with, store data in, retrieve data from, or otherwise make use 544  
of any resources of a computer, computer system, or computer 545  
network, or any cable service or cable system both as defined in 546  
section 2913.04 of the Revised Code. 547

(U) "Credit card" includes, but is not limited to, a card, 548  
code, device, or other means of access to a customer's account 549  
for the purpose of obtaining money, property, labor, or services 550  
on credit, or for initiating an electronic fund transfer at a 551  
point-of-sale terminal, an automated teller machine, or a cash 552  
dispensing machine. It also includes a county procurement card 553  
issued under section 301.29 of the Revised Code. 554

(V) "Electronic fund transfer" has the same meaning as in 555  
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 556

(W) "Rented property" means personal property in which the 557  
right of possession and use of the property is for a short and 558  
possibly indeterminate term in return for consideration; the 559  
rentee generally controls the duration of possession of the 560  
property, within any applicable minimum or maximum term; and the 561  
amount of consideration generally is determined by the duration 562  
of possession of the property. 563

(X) "Telecommunication" means the origination, emission, 564  
dissemination, transmission, or reception of data, images, 565  
signals, sounds, or other intelligence or equivalence of 566  
intelligence of any nature over any communications system by any 567  
method, including, but not limited to, a fiber optic, 568  
electronic, magnetic, optical, digital, or analog method. 569

(Y) "Telecommunications device" means any instrument, 570  
equipment, machine, or other device that facilitates 571  
telecommunication, including, but not limited to, a computer, 572

computer network, computer chip, computer circuit, scanner, 573  
telephone, cellular telephone, pager, personal communications 574  
device, transponder, receiver, radio, modem, or device that 575  
enables the use of a modem. 576

(Z) "Telecommunications service" means the providing, 577  
allowing, facilitating, or generating of any form of 578  
telecommunication through the use of a telecommunications device 579  
over a telecommunications system. 580

(AA) "Counterfeit telecommunications device" means a 581  
telecommunications device that, alone or with another 582  
telecommunications device, has been altered, constructed, 583  
manufactured, or programmed to acquire, intercept, receive, or 584  
otherwise facilitate the use of a telecommunications service or 585  
information service without the authority or consent of the 586  
provider of the telecommunications service or information 587  
service. "Counterfeit telecommunications device" includes, but 588  
is not limited to, a clone telephone, clone microchip, tumbler 589  
telephone, or tumbler microchip; a wireless scanning device 590  
capable of acquiring, intercepting, receiving, or otherwise 591  
facilitating the use of telecommunications service or 592  
information service without immediate detection; or a device, 593  
equipment, hardware, or software designed for, or capable of, 594  
altering or changing the electronic serial number in a wireless 595  
telephone. 596

(BB) (1) "Information service" means, subject to division 597  
(BB) (2) of this section, the offering of a capability for 598  
generating, acquiring, storing, transforming, processing, 599  
retrieving, utilizing, or making available information via 600  
telecommunications, including, but not limited to, electronic 601  
publishing. 602

(2) "Information service" does not include any use of a 603  
capability of a type described in division (BB)(1) of this 604  
section for the management, control, or operation of a 605  
telecommunications system or the management of a 606  
telecommunications service. 607

(CC) "Elderly person" means a person who is sixty-five 608  
years of age or older. 609

(DD) "Disabled adult" means a person who is eighteen years 610  
of age or older and has some impairment of body or mind that 611  
makes the person unable to work at any substantially 612  
remunerative employment that the person otherwise would be able 613  
to perform and that will, with reasonable probability, continue 614  
for a period of at least twelve months without any present 615  
indication of recovery from the impairment, or who is eighteen 616  
years of age or older and has been certified as permanently and 617  
totally disabled by an agency of this state or the United States 618  
that has the function of so classifying persons. 619

(EE) "Firearm" and "dangerous ordnance" have the same 620  
meanings as in section 2923.11 of the Revised Code. 621

(FF) "Motor vehicle" has the same meaning as in section 622  
4501.01 of the Revised Code. 623

(GG) "Dangerous drug" has the same meaning as in section 624  
4729.01 of the Revised Code. 625

(HH) "Drug abuse offense" has the same meaning as in 626  
section 2925.01 of the Revised Code. 627

(II)(1) "Computer hacking" means any of the following: 628

(a) Gaining access or attempting to gain access to all or 629  
part of a computer, computer system, or a computer network 630

without express or implied authorization with the intent to 631  
defraud or with intent to commit a crime; 632

(b) Misusing computer or network services including, but 633  
not limited to, mail transfer programs, file transfer programs, 634  
proxy servers, and web servers by performing functions not 635  
authorized by the owner of the computer, computer system, or 636  
computer network or other person authorized to give consent. As 637  
used in this division, "misuse of computer and network services" 638  
includes, but is not limited to, the unauthorized use of any of 639  
the following: 640

(i) Mail transfer programs to send mail to persons other 641  
than the authorized users of that computer or computer network; 642

(ii) File transfer program proxy services or proxy servers 643  
to access other computers, computer systems, or computer 644  
networks; 645

(iii) Web servers to redirect users to other web pages or 646  
web servers. 647

(c) (i) Subject to division (II) (1) (c) (ii) of this section, 648  
using a group of computer programs commonly known as "port 649  
scanners" or "probes" to intentionally access any computer, 650  
computer system, or computer network without the permission of 651  
the owner of the computer, computer system, or computer network 652  
or other person authorized to give consent. The group of 653  
computer programs referred to in this division includes, but is 654  
not limited to, those computer programs that use a computer 655  
network to access a computer, computer system, or another 656  
computer network to determine any of the following: the presence 657  
or types of computers or computer systems on a network; the 658  
computer network's facilities and capabilities; the availability 659

of computer or network services; the presence or versions of 660  
computer software including, but not limited to, operating 661  
systems, computer services, or computer contaminants; the 662  
presence of a known computer software deficiency that can be 663  
used to gain unauthorized access to a computer, computer system, 664  
or computer network; or any other information about a computer, 665  
computer system, or computer network not necessary for the 666  
normal and lawful operation of the computer initiating the 667  
access. 668

(ii) The group of computer programs referred to in 669  
division (II) (1) (c) (i) of this section does not include standard 670  
computer software used for the normal operation, administration, 671  
management, and test of a computer, computer system, or computer 672  
network including, but not limited to, domain name services, 673  
mail transfer services, and other operating system services, 674  
computer programs commonly called "ping," "tcpdump," and 675  
"traceroute" and other network monitoring and management 676  
computer software, and computer programs commonly known as 677  
"nslookup" and "whois" and other systems administration computer 678  
software. 679

(d) The intentional use of a computer, computer system, or 680  
a computer network in a manner that exceeds any right or 681  
permission granted by the owner of the computer, computer 682  
system, or computer network or other person authorized to give 683  
consent. 684

(2) "Computer hacking" does not include the introduction 685  
of a computer contaminant, as defined in section 2909.01 of the 686  
Revised Code, into a computer, computer system, computer 687  
program, or computer network. 688

(JJ) "Police dog or horse" has the same meaning as in 689



section 2921.321 of the Revised Code. 690

(KK) "Anhydrous ammonia" is a compound formed by the 691  
combination of two gaseous elements, nitrogen and hydrogen, in 692  
the manner described in this division. Anhydrous ammonia is one 693  
part nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia 694  
by weight is fourteen parts nitrogen to three parts hydrogen, 695  
which is approximately eighty-two per cent nitrogen to eighteen 696  
per cent hydrogen. 697

(LL) "Assistance dog" has the same meaning as in section 698  
955.011 of the Revised Code. 699

(MM) "Federally licensed firearms dealer" has the same 700  
meaning as in section 5502.63 of the Revised Code. 701

(NN) "Active duty service member" means any member of the 702  
armed forces of the United States performing active duty under 703  
title 10 of the United States Code. 704

**Sec. 2913.02.** (A) No person, with purpose to deprive the 705  
owner of property or services, shall knowingly obtain or exert 706  
control over either the property or services in any of the 707  
following ways: 708

(1) Without the consent of the owner or person authorized 709  
to give consent; 710

(2) Beyond the scope of the express or implied consent of 711  
the owner or person authorized to give consent; 712

(3) By deception; 713

(4) By threat; 714

(5) By intimidation. 715

(B) (1) Whoever violates this section is guilty of theft. 716

(2) Except as otherwise provided in this division or 717  
division (B) (3), (4), (5), (6), (7), (8), or (9) of this 718  
section, a violation of this section is misdemeanor theft, a 719  
misdemeanor of the first degree. If the value of the property or 720  
services stolen is one thousand dollars or more and is less than 721  
seven thousand five hundred dollars or if the property stolen is 722  
any of the property listed in section 2913.71 of the Revised 723  
Code, a violation of this section is theft, a felony of the 724  
fifth degree. If the value of the property or services stolen is 725  
seven thousand five hundred dollars or more and is less than one 726  
hundred fifty thousand dollars, or if the offender previously 727  
has been convicted of or pleaded guilty to a theft offense, a 728  
violation of this section is grand theft, a felony of the fourth 729  
degree. If the value of the property or services stolen is one 730  
hundred fifty thousand dollars or more and is less than seven 731  
hundred fifty thousand dollars, or if the offender two or more 732  
times previously has been convicted of or pleaded guilty to a 733  
theft offense, a violation of this section is aggravated theft, 734  
a felony of the third degree. If the value of the property or 735  
services is seven hundred fifty thousand dollars or more and is 736  
less than one million five hundred thousand dollars, a violation 737  
of this section is aggravated theft, a felony of the second 738  
degree. If the value of the property or services stolen is one 739  
million five hundred thousand dollars or more, a violation of 740  
this section is aggravated theft of one million five hundred 741  
thousand dollars or more, a felony of the first degree. 742

(3) Except as otherwise provided in division (B) (4), (5), 743  
(6), (7), (8), or (9) of this section, if the victim of the 744  
offense is an elderly person, disabled adult, active duty 745  
service member, or spouse of an active duty service member, a 746  
violation of this section is theft from a person in a protected 747

class, and division (B) (3) of this section applies. Except as 748  
otherwise provided in this division, theft from a person in a 749  
protected class is a felony of the fifth degree. If the value of 750  
the property or services stolen is one thousand dollars or more 751  
and is less than seven thousand five hundred dollars, or if the 752  
offender previously has been convicted of or pleaded guilty to a 753  
theft offense, theft from a person in a protected class is a 754  
felony of the fourth degree. If the value of the property or 755  
services stolen is seven thousand five hundred dollars or more 756  
and is less than thirty-seven thousand five hundred dollars, or 757  
if the offender two or more times previously has been convicted 758  
of or pleaded guilty to a theft offense, theft from a person in 759  
a protected class is a felony of the third degree. If the value 760  
of the property or services stolen is thirty-seven thousand five 761  
hundred dollars or more and is less than one hundred fifty 762  
thousand dollars, theft from a person in a protected class is a 763  
felony of the second degree. If the value of the property or 764  
services stolen is one hundred fifty thousand dollars or more, 765  
theft from a person in a protected class is a felony of the 766  
first degree. If the victim of the offense is an elderly person, 767  
in addition to any other penalty imposed for the offense, the 768  
offender shall be required to pay full restitution to the victim 769  
and to pay a fine of up to fifty thousand dollars. The clerk of 770  
court shall forward all fines collected under division (B) (3) of 771  
this section to the county department of job and family services 772  
to be used for the reporting and investigation of elder abuse, 773  
neglect, and exploitation or for the provision or arrangement of 774  
protective services under sections 5101.61 to 5101.71 of the 775  
Revised Code. 776

(4) If the property stolen is a firearm or dangerous 777  
ordnance, a violation of this section is grand theft. Except as 778

otherwise provided in this division, grand theft when the 779  
property stolen is a firearm or dangerous ordnance is a felony 780  
of the third degree, and there is a presumption in favor of the 781  
court imposing a prison term for the offense. If the firearm or 782  
dangerous ordnance was stolen from a federally licensed firearms 783  
dealer, grand theft when the property stolen is a firearm or 784  
dangerous ordnance is a felony of the first degree. The offender 785  
shall serve a prison term imposed for grand theft when the 786  
property stolen is a firearm or dangerous ordnance consecutively 787  
to any other prison term or mandatory prison term previously or 788  
subsequently imposed upon the offender. 789

(5) If the property stolen is a motor vehicle, a violation 790  
of this section is grand theft of a motor vehicle, a felony of 791  
the fourth degree. 792

(6) If the property stolen is any dangerous drug, a 793  
violation of this section is theft of drugs, a felony of the 794  
fourth degree, or, if the offender previously has been convicted 795  
of a felony drug abuse offense, a felony of the third degree. 796

(7) If the property stolen is a police dog or horse or an 797  
assistance dog and the offender knows or should know that the 798  
property stolen is a police dog or horse or an assistance dog, a 799  
violation of this section is theft of a police dog or horse or 800  
an assistance dog, a felony of the third degree. 801

(8) If the property stolen is anhydrous ammonia, a 802  
violation of this section is theft of anhydrous ammonia, a 803  
felony of the third degree. 804

(9) Except as provided in division (B) (2) of this section 805  
with respect to property with a value of seven thousand five 806  
hundred dollars or more and division (B) (3) of this section with 807

respect to property with a value of one thousand dollars or 808  
more, if the property stolen is a special purpose article as 809  
defined in section 4737.04 of the Revised Code or is a bulk 810  
merchandise container as defined in section 4737.012 of the 811  
Revised Code, a violation of this section is theft of a special 812  
purpose article or articles or theft of a bulk merchandise 813  
container or containers, a felony of the fifth degree. 814

(10) In addition to the penalties described in division 815  
(B) (2) of this section, if the offender committed the violation 816  
by causing a motor vehicle to leave the premises of an 817  
establishment at which gasoline is offered for retail sale 818  
without the offender making full payment for gasoline that was 819  
dispensed into the fuel tank of the motor vehicle or into 820  
another container, the court may do one of the following: 821

(a) Unless division (B) (10) (b) of this section applies, 822  
suspend for not more than six months the offender's driver's 823  
license, probationary driver's license, commercial driver's 824  
license, temporary instruction permit, or nonresident operating 825  
privilege; 826

(b) If the offender's driver's license, probationary 827  
driver's license, commercial driver's license, temporary 828  
instruction permit, or nonresident operating privilege has 829  
previously been suspended pursuant to division (B) (10) (a) of 830  
this section, impose a class seven suspension of the offender's 831  
license, permit, or privilege from the range specified in 832  
division (A) (7) of section 4510.02 of the Revised Code, provided 833  
that the suspension shall be for at least six months. 834

(c) The court, in lieu of suspending the offender's 835  
driver's or commercial driver's license, probationary driver's 836  
license, temporary instruction permit, or nonresident operating 837

privilege pursuant to division (B)(10)(a) or (b) of this 838  
section, instead may require the offender to perform community 839  
service for a number of hours determined by the court. 840

(11) In addition to the penalties described in division 841  
(B)(2) of this section, if the offender committed the violation 842  
by stealing rented property or rental services, the court may 843  
order that the offender make restitution pursuant to section 844  
2929.18 or 2929.28 of the Revised Code. Restitution may include, 845  
but is not limited to, the cost of repairing or replacing the 846  
stolen property, or the cost of repairing the stolen property 847  
and any loss of revenue resulting from deprivation of the 848  
property due to theft of rental services that is less than or 849  
equal to the actual value of the property at the time it was 850  
rented. Evidence of intent to commit theft of rented property or 851  
rental services shall be determined pursuant to the provisions 852  
of section 2913.72 of the Revised Code. 853

(C) The sentencing court that suspends an offender's 854  
license, permit, or nonresident operating privilege under 855  
division (B)(10) of this section may grant the offender limited 856  
driving privileges during the period of the suspension in 857  
accordance with Chapter 4510. of the Revised Code. 858

Sec. 2913.021. (A) As used in this section, "mail" means 859  
any letter, card, parcel, or other material, along with its 860  
contents, that is received, accepted for delivery, delivered, or 861  
left for collection by a postal service, including the United 862  
States postal service, a common carrier, or a private delivery 863  
service. 864

(B) No person, with purpose to deprive the owner of mail, 865  
shall knowingly obtain or exert control over mail in any of the 866  
following ways: 867

<u>(1) Without the consent of the owner or person authorized</u>	868
<u>to give consent;</u>	869
<u>(2) Beyond the scope of the express or implied consent of</u>	870
<u>the owner or person authorized to give consent;</u>	871
<u>(3) By deception;</u>	872
<u>(4) By threat;</u>	873
<u>(5) By intimidation.</u>	874
<u>(C) Whoever violates this section is guilty of theft of</u>	875
<u>mail, a felony of the fifth degree except as provided in</u>	876
<u>division (B) (2) of section 2913.02 of the Revised Code with</u>	877
<u>respect to property with a value of seven thousand five hundred</u>	878
<u>dollars or more and division (B) (3) of section 2913.02 of the</u>	879
<u>Revised Code with respect to property with a value of one</u>	880
<u>thousand dollars or more.</u>	881
<u>(D) A prosecution for a violation of this section does not</u>	882
<u>preclude a prosecution of a violation of any other section of</u>	883
<u>the Revised Code. One or more acts, a series of acts, or a</u>	884
<u>course of behavior that can be prosecuted under this section or</u>	885
<u>any other section of the Revised Code may be prosecuted under</u>	886
<u>this section, the other section of the Revised Code, or both</u>	887
<u>sections. However, if an offender is convicted of or pleads</u>	888
<u>guilty to a violation of this section and also is convicted of</u>	889
<u>or pleads guilty to a violation of section 2913.02 of the</u>	890
<u>Revised Code based on the same conduct involving the same victim</u>	891
<u>that was the basis of the violation of this section, the two</u>	892
<u>offenses are allied offenses of similar import under section</u>	893
<u>2941.25 of the Revised Code.</u>	894
<b><u>Sec. 2913.08. (A) As used in this section:</u></b>	895

(1) "Enterprise" has the same meaning as in section 2923.31 of the Revised Code. 896  
897

(2) "Retail property" means any tangible personal property displayed, held, stored, transported, or offered for sale in or by a retail establishment, manufacturer, distributor, or an online marketplace as defined in section 1349.65 of the Revised Code. "Retail property" includes gift cards as defined in section 1349.61 of the Revised Code. 898  
899  
900  
901  
902  
903

(3) "Retail property fence" means an enterprise that possesses, procures, receives, or conceals retail property that was represented to the enterprise as being stolen or that the enterprise knows or believes to be stolen. 904  
905  
906  
907

(4) "Retail value" means the full retail value of the retail property, including all applicable taxes and shipping costs. 908  
909  
910

(5) "Theft" means conduct that would constitute a violation of section 2913.02 of the Revised Code. 911  
912

(B) No person shall knowingly commit theft of retail property with a retail value of one thousand dollars or more from a retail establishment, manufacturer, distributor, or cargo transportation unit for either of the following purposes: 913  
914  
915  
916

(1) To sell, deliver, or transfer that property to a retail property fence; 917  
918

(2) To sell, deliver, transfer, exchange, or return the retail property for value. 919  
920

(C) No person employed by, or associated with, an enterprise shall receive, purchase, or possess retail property with a retail value of one thousand dollars or more if the 921  
922  
923



person knows, believes, or has reasonable cause to believe that 924  
the property has been obtained by theft. 925

(D) No person shall knowingly act as an agent of an 926  
enterprise to steal retail property with a retail value of one 927  
thousand dollars or more from a retail establishment, 928  
manufacturer, distributor, or cargo transportation unit as part 929  
of an organized plan to commit theft. 930

(E) No person shall knowingly recruit, coordinate, 931  
organize, supervise, direct, manage, or finance an enterprise to 932  
undertake any of the acts described in division (B), (C), or (D) 933  
of this section. 934

(F) Whoever violates this section is guilty of organized 935  
theft of retail property. If the retail value is less than seven 936  
hundred fifty thousand dollars, organized theft of retail 937  
property is a felony of the third degree. If the retail value is 938  
seven hundred fifty thousand dollars or more but less than one 939  
million five hundred thousand dollars, organized theft of retail 940  
property is a felony of the second degree. If the retail value 941  
is one million five hundred thousand dollars or more, organized 942  
theft of retail property is a felony of the first degree. If 943  
organized theft of retail property is a felony of the third 944  
degree under this division and if the offender previously has 945  
been convicted of or pleaded guilty to a theft offense, there is 946  
a presumption of a prison term for the offense. If organized 947  
theft of retail property is a felony of the third degree under 948  
this division and if the offender two or more times previously 949  
has been convicted of or pleaded guilty to a theft offense, the 950  
court shall impose as a mandatory prison term one of the prison 951  
terms prescribed for a felony of the third degree. 952

(G) In determining whether the retail value of retail 953

property equals or exceeds one thousand dollars, the value of 954  
all retail property stolen from the retail establishment or 955  
retail establishments by the same person or persons within any 956  
twelve-month period shall be aggregated. 957

(H) A prosecution for a violation of this section does not 958  
preclude a prosecution for a violation of section 2913.02, 959  
2913.51, or 2913.32 of the Revised Code based on the same 960  
conduct. However, if an offender is convicted of or pleads 961  
guilty to a violation of this section and is also convicted of 962  
or pleads guilty to a violation of section 2913.02, 2913.51, or 963  
2913.32 of the Revised Code based on the same conduct that was 964  
the basis of the violation of this section, the two or more 965  
offenses are allied offenses of similar import under section 966  
2941.25 of the Revised Code. 967

**Sec. 2913.30.** (A) As used in this section: 968

(1) "Access device" means any debit or credit card 969  
representing a monetary security or retail amount by any 970  
financial institution, including a bank, savings bank, savings 971  
and loan association, credit union, or business entity. "Access 972  
device" includes a gift card as defined in section 1349.61 of 973  
the Revised Code. 974

(2) "Obligation or other security" means an instrument 975  
recognized as currency or legal tender or that is issued by the 976  
United States treasury, including bills, coins, bonds, or 977  
checks. 978

(3) "Encoding machine" means an electronic device that is 979  
used to encode information onto an access device. 980

(4) "Merchant" means an owner or operator of a retail 981  
establishment or an agent, employee, lessee, consignee, officer, 982

director, franchisee, or independent contractor of the owner or 983  
operator. 984

(5) "Scanning device" means a scanner, reader, wireless 985  
access device, radio frequency identification scanner, an 986  
electronic device that utilizes near field communication 987  
technology, or any other electronic device that is used to 988  
access, read, scan, obtain, memorize, or store, temporarily or 989  
permanently, information encoded on an access device. 990

(B) No person, with purpose to defraud or knowing that the 991  
person is facilitating a fraud, shall do any of the following: 992

(1) Falsely make, forge, counterfeit, or alter any 993  
obligation or other security of the United States; 994

(2) Pass, utter, sell, purchase, conceal, or transfer any 995  
counterfeit obligation or other security of the United States; 996

(3) Possess with the purpose to utter any obligation or 997  
other security of the United States, knowing that the obligation 998  
or other security has been counterfeited; 999

(4) Without authorization of the issuer, falsely make, 1000  
forge, counterfeit, alter, or knowingly possess any access 1001  
device-; 1002

(5) Directly or indirectly use a scanning device to 1003  
access, read, obtain, memorize, or store, temporarily or 1004  
permanently, information encoded on an access device without the 1005  
permission of the authorized user of the access device, the 1006  
financial institution issuing the authorized user's access 1007  
device, or a merchant; 1008

(6) Directly or indirectly use an encoding machine to 1009  
place information encoded on an access device onto a different 1010

access device without the permission of the authorized user of 1011  
the access device from which the information was obtained, the 1012  
financial institution issuing the authorized user's access 1013  
device, or a merchant. 1014

(C) Whoever violates this section is guilty of 1015  
counterfeiting. Except as otherwise provided in this division, 1016  
counterfeiting is a felony of the fourth degree, and in 1017  
addition, the court shall impose on the offender a fine from the 1018  
range of fines for a felony of the fourth degree that is not 1019  
less than five hundred dollars. 1020

(1) If the value of the counterfeited obligations or other 1021  
securities or access devices is five thousand dollars or more 1022  
and is less than one hundred thousand dollars, or if the offense 1023  
involves five or more access devices, counterfeiting is a felony 1024  
of the third degree. 1025

(2) If the value of the counterfeited obligations or other 1026  
securities or access devices is one hundred thousand dollars or 1027  
more and is less than one million dollars, counterfeiting is a 1028  
felony of the second degree. 1029

(3) If the value of the counterfeited obligations or other 1030  
securities or access devices is one million dollars or more, 1031  
counterfeiting is a felony of the first degree. 1032

(D) A prosecution for a violation of this section does not 1033  
preclude a prosecution for a violation of section 2913.02, 1034  
2913.31, or 2913.32 of the Revised Code based on the same 1035  
conduct. However, if an offender is convicted of or pleads 1036  
guilty to a violation of this section and is also convicted of 1037  
or pleads guilty to a violation of section 2913.02, 2913.31, or 1038  
2913.32 of the Revised Code based on the same conduct involving 1039

the same victim that was the basis of the violation of this 1040  
section, the two or more offenses are allied offenses of similar 1041  
import under section 2941.25 of the Revised Code. 1042

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of 1043  
the Revised Code: 1044

(A) "Beneficial interest" means any of the following: 1045

(1) The interest of a person as a beneficiary under a 1046  
trust in which the trustee holds title to personal or real 1047  
property; 1048

(2) The interest of a person as a beneficiary under any 1049  
other trust arrangement under which any other person holds title 1050  
to personal or real property for the benefit of such person; 1051

(3) The interest of a person under any other form of 1052  
express fiduciary arrangement under which any other person holds 1053  
title to personal or real property for the benefit of such 1054  
person. 1055

"Beneficial interest" does not include the interest of a 1056  
stockholder in a corporation or the interest of a partner in 1057  
either a general or limited partnership. 1058

(B) "Costs of investigation and prosecution" and "costs of 1059  
investigation and litigation" mean all of the costs incurred by 1060  
the state or a county or municipal corporation under sections 1061  
2923.31 to 2923.36 of the Revised Code in the prosecution and 1062  
investigation of any criminal action or in the litigation and 1063  
investigation of any civil action, and includes, but is not 1064  
limited to, the costs of resources and personnel. 1065

(C) "Enterprise" includes any individual, sole 1066  
proprietorship, partnership, limited partnership, corporation, 1067

trust, union, government agency, or other legal entity, or any 1068  
organization, association, or group of persons associated in 1069  
fact although not a legal entity. "Enterprise" includes illicit 1070  
as well as licit enterprises. 1071

(D) "Innocent person" includes any bona fide purchaser of 1072  
property that is allegedly involved in a violation of section 1073  
2923.32 of the Revised Code, including any person who 1074  
establishes a valid claim to or interest in the property in 1075  
accordance with division (E) of section 2981.04 of the Revised 1076  
Code, and any victim of an alleged violation of that section or 1077  
of any underlying offense involved in an alleged violation of 1078  
that section. 1079

(E) "Pattern of corrupt activity" means two or more 1080  
incidents of corrupt activity, whether or not there has been a 1081  
prior conviction, that are related to the affairs of the same 1082  
enterprise, are not isolated, and are not so closely related to 1083  
each other and connected in time and place that they constitute 1084  
a single event. 1085

At least one of the incidents forming the pattern shall 1086  
occur on or after January 1, 1986. Unless any incident was an 1087  
aggravated murder or murder, the last of the incidents forming 1088  
the pattern shall occur within six years after the commission of 1089  
any prior incident forming the pattern, excluding any period of 1090  
imprisonment served by any person engaging in the corrupt 1091  
activity. 1092

For the purposes of the criminal penalties that may be 1093  
imposed pursuant to section 2923.32 of the Revised Code, at 1094  
least one of the incidents forming the pattern shall constitute 1095  
a felony under the laws of this state in existence at the time 1096  
it was committed or, if committed in violation of the laws of 1097

the United States or of any other state, shall constitute a 1098  
felony under the law of the United States or the other state and 1099  
would be a criminal offense under the law of this state if 1100  
committed in this state. 1101

(F) "Pecuniary value" means money, a negotiable 1102  
instrument, a commercial interest, or anything of value, as 1103  
defined in section 1.03 of the Revised Code, or any other 1104  
property or service that has a value in excess of one hundred 1105  
dollars. 1106

(G) "Person" means any person, as defined in section 1.59 1107  
of the Revised Code, and any governmental officer, employee, or 1108  
entity. 1109

(H) "Personal property" means any personal property, any 1110  
interest in personal property, or any right, including, but not 1111  
limited to, bank accounts, debts, corporate stocks, patents, or 1112  
copyrights. Personal property and any beneficial interest in 1113  
personal property are deemed to be located where the trustee of 1114  
the property, the personal property, or the instrument 1115  
evidencing the right is located. 1116

(I) "Corrupt activity" means engaging in, attempting to 1117  
engage in, conspiring to engage in, or soliciting, coercing, or 1118  
intimidating another person to engage in any of the following: 1119

(1) Conduct defined as "racketeering activity" under the 1120  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1121  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 1122

(2) Conduct constituting any of the following: 1123

(a) A violation of section 1315.55, 1322.07, 2903.01, 1124  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 1125  
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 1126

this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1127  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 1128  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 1129  
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 1130  
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 1131  
division (F) (1) (a), (b), or (c) of section 1315.53; division (A) 1132  
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), 1133  
or (F) of section 1707.44; division (A) (1) or (2) of section 1134  
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 1135  
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 1136  
division (C), (D), or (E) of section 4719.07; section 4719.08; 1137  
or division (A) of section 4719.09 of the Revised Code. 1138

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 1139  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 1140  
any violation of section 2915.02 of the Revised Code that occurs 1141  
on or after July 1, 1996, and that, had it occurred prior to 1142  
that date, would have been a violation of section 3769.11 of the 1143  
Revised Code as it existed prior to that date, or any violation 1144  
of section 2915.05 of the Revised Code that occurs on or after 1145  
July 1, 1996, and that, had it occurred prior to that date, 1146  
would have been a violation of section 3769.15, 3769.16, or 1147  
3769.19 of the Revised Code as it existed prior to that date. 1148

(c) Any violation of section 2907.21, 2907.22, 2907.31, 1149  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 1150  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1151  
of the Revised Code, any violation of section 2925.11 of the 1152  
Revised Code that is a felony of the first, second, third, or 1153  
fourth degree and that occurs on or after July 1, 1996, any 1154  
violation of section 2915.02 of the Revised Code that occurred 1155  
prior to July 1, 1996, any violation of section 2915.02 of the 1156  
Revised Code that occurs on or after July 1, 1996, and that, had 1157



it occurred prior to that date, would not have been a violation 1158  
of section 3769.11 of the Revised Code as it existed prior to 1159  
that date, any violation of section 2915.06 of the Revised Code 1160  
as it existed prior to July 1, 1996, or any violation of 1161  
division (B) of section 2915.05 of the Revised Code as it exists 1162  
on and after July 1, 1996, when the proceeds of the violation, 1163  
the payments made in the violation, the amount of a claim for 1164  
payment or for any other benefit that is false or deceptive and 1165  
that is involved in the violation, or the value of the 1166  
contraband or other property illegally possessed, sold, or 1167  
purchased in the violation exceeds one thousand dollars, or any 1168  
combination of violations described in division (I) (2) (c) of 1169  
this section when the total proceeds of the combination of 1170  
violations, payments made in the combination of violations, 1171  
amount of the claims for payment or for other benefits that is 1172  
false or deceptive and that is involved in the combination of 1173  
violations, or value of the contraband or other property 1174  
illegally possessed, sold, or purchased in the combination of 1175  
violations exceeds one thousand dollars; 1176

(d) Any violation of section 5743.112 of the Revised Code 1177  
when the amount of unpaid tax exceeds one hundred dollars; 1178

(e) Any violation or combination of violations of section 1179  
2907.32 of the Revised Code involving any material or 1180  
performance containing a display of bestiality or of sexual 1181  
conduct, as defined in section 2907.01 of the Revised Code, that 1182  
is explicit and depicted with clearly visible penetration of the 1183  
genitals or clearly visible penetration by the penis of any 1184  
orifice when the total proceeds of the violation or combination 1185  
of violations, the payments made in the violation or combination 1186  
of violations, or the value of the contraband or other property 1187  
illegally possessed, sold, or purchased in the violation or 1188

combination of violations exceeds one thousand dollars;	1189
(f) Any combination of violations described in division	1190
(I) (2) (c) of this section and violations of section 2907.32 of	1191
the Revised Code involving any material or performance	1192
containing a display of bestiality or of sexual conduct, as	1193
defined in section 2907.01 of the Revised Code, that is explicit	1194
and depicted with clearly visible penetration of the genitals or	1195
clearly visible penetration by the penis of any orifice when the	1196
total proceeds of the combination of violations, payments made	1197
in the combination of violations, amount of the claims for	1198
payment or for other benefits that is false or deceptive and	1199
that is involved in the combination of violations, or value of	1200
the contraband or other property illegally possessed, sold, or	1201
purchased in the combination of violations exceeds one thousand	1202
dollars;	1203
(g) Any violation of section 2905.32 of the Revised Code	1204
to the extent the violation is not based solely on the same	1205
conduct that constitutes corrupt activity pursuant to division	1206
(I) (2) (c) of this section due to the conduct being in violation	1207
of section 2907.21 of the Revised Code.	1208
(3) Conduct constituting a violation of any law of any	1209
state other than this state that is substantially similar to the	1210
conduct described in division (I) (2) of this section, provided	1211
the defendant was convicted of the conduct in a criminal	1212
proceeding in the other state;	1213
(4) Animal or ecological terrorism;	1214
(5) (a) <del>Conduct constituting any of the following:</del>	1215
<del>(i) Organized retail theft;</del>	1216
<del>(ii) Conduct that constitutes one or more violations of</del>	1217

~~any law of any state other than this state, that is~~ 1218  
~~substantially similar to organized retail theft, and that if~~ 1219  
~~committed in this state would be organized retail theft, if the~~ 1220  
~~defendant was convicted of or pleaded guilty to the conduct in a~~ 1221  
~~criminal proceeding in the other state.~~ 1222

(b) By enacting division (I) (5) (a) of this section, it is 1223  
the intent of the general assembly to add organized retail theft 1224  
~~and the conduct described in division (I) (5) (a) (ii) of this~~ 1225  
~~section~~ as conduct constituting corrupt activity. The enactment 1226  
of division (I) (5) (a) of this section and the addition by 1227  
division (I) (5) (a) of this section of organized retail theft ~~and~~ 1228  
~~the conduct described in division (I) (5) (a) (ii) of this section~~ 1229  
as conduct constituting corrupt activity does not limit or 1230  
preclude, and shall not be construed as limiting or precluding, 1231  
any prosecution for a violation of section 2923.32 of the 1232  
Revised Code that is based on one or more violations of section 1233  
2913.02 or 2913.51 of the Revised Code, one or more similar 1234  
offenses under the laws of this state or any other state, or any 1235  
combination of any of those violations or similar offenses, even 1236  
though the conduct constituting the basis for those violations 1237  
or offenses could be construed as also constituting organized 1238  
retail theft ~~or conduct of the type described in division (I) (5)~~ 1239  
~~(a) (ii) of this section.~~ 1240

(J) "Real property" means any real property or any 1241  
interest in real property, including, but not limited to, any 1242  
lease of, or mortgage upon, real property. Real property and any 1243  
beneficial interest in it is deemed to be located where the real 1244  
property is located. 1245

(K) "Trustee" means any of the following: 1246

(1) Any person acting as trustee under a trust in which 1247

the trustee holds title to personal or real property;	1248
(2) Any person who holds title to personal or real	1249
property for which any other person has a beneficial interest;	1250
(3) Any successor trustee.	1251
"Trustee" does not include an assignee or trustee for an	1252
insolvent debtor or an executor, administrator, administrator	1253
with the will annexed, testamentary trustee, guardian, or	1254
committee, appointed by, under the control of, or accountable to	1255
a court.	1256
(L) "Unlawful debt" means any money or other thing of	1257
value constituting principal or interest of a debt that is	1258
legally unenforceable in this state in whole or in part because	1259
the debt was incurred or contracted in violation of any federal	1260
or state law relating to the business of gambling activity or	1261
relating to the business of lending money at an usurious rate	1262
unless the creditor proves, by a preponderance of the evidence,	1263
that the usurious rate was not intentionally set and that it	1264
resulted from a good faith error by the creditor,	1265
notwithstanding the maintenance of procedures that were adopted	1266
by the creditor to avoid an error of that nature.	1267
(M) "Animal activity" means any activity that involves the	1268
use of animals or animal parts, including, but not limited to,	1269
hunting, fishing, trapping, traveling, camping, the production,	1270
preparation, or processing of food or food products, clothing or	1271
garment manufacturing, medical research, other research,	1272
entertainment, recreation, agriculture, biotechnology, or	1273
service activity that involves the use of animals or animal	1274
parts.	1275
(N) "Animal facility" means a vehicle, building,	1276

structure, nature preserve, or other premises in which an animal 1277  
is lawfully kept, handled, housed, exhibited, bred, or offered 1278  
for sale, including, but not limited to, a zoo, rodeo, circus, 1279  
amusement park, hunting preserve, or premises in which a horse 1280  
or dog event is held. 1281

(O) "Animal or ecological terrorism" means the commission 1282  
of any felony that involves causing or creating a substantial 1283  
risk of physical harm to any property of another, the use of a 1284  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 1285  
recklessly causing serious physical harm to property and that 1286  
involves an intent to obstruct, impede, or deter any person from 1287  
participating in a lawful animal activity, from mining, 1288  
forestry, harvesting, gathering, or processing natural 1289  
resources, or from being lawfully present in or on an animal 1290  
facility or research facility. 1291

(P) "Research facility" means a place, laboratory, 1292  
institution, medical care facility, government facility, or 1293  
public or private educational institution in which a scientific 1294  
test, experiment, or investigation involving the use of animals 1295  
or other living organisms is lawfully carried out, conducted, or 1296  
attempted. 1297

(Q) "Organized retail theft" means ~~the theft of retail~~ 1298  
~~property with a retail value of one thousand dollars or more~~ 1299  
~~from one or more retail establishments with the intent to sell,~~ 1300  
~~deliver, or transfer that property to a retail property~~ 1301  
fence conduct constituting a violation of section 2913.08 of the 1302  
Revised Code or conduct that constitutes a violation of any law 1303  
of any state other than this state that is substantially similar 1304  
to section 2913.08 of the Revised Code, provided the defendant 1305  
was convicted of or pleaded guilty to the conduct in a criminal 1306

proceeding in the other state. 1307

~~(R) "Retail property" means any tangible personal property displayed, held, stored, or offered for sale in or by a retail establishment.~~ 1308  
1309  
1310

~~(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.~~ 1311  
1312  
1313  
1314

~~(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.~~ 1315  
1316  
1317  
1318  
1319  
1320  
1321

**Sec. 2923.32.** (A) (1) No person employed by, or associated with, any enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt. 1322  
1323  
1324  
1325

(2) No person, through a pattern of corrupt activity or the collection of an unlawful debt, shall acquire or maintain, directly or indirectly, any interest in, or control of, any enterprise or real property. 1326  
1327  
1328  
1329

(3) No person, who knowingly has received any proceeds derived, directly or indirectly, from a pattern of corrupt activity or the collection of any unlawful debt, shall use or invest, directly or indirectly, any part of those proceeds, or any proceeds derived from the use or investment of any of those proceeds, in the acquisition of any title to, or any right, 1330  
1331  
1332  
1333  
1334  
1335

interest, or equity in, real property or in the establishment or 1336  
operation of any enterprise. 1337

A purchase of securities on the open market with intent to 1338  
make an investment, without intent to control or participate in 1339  
the control of the issuer, and without intent to assist another 1340  
to do so is not a violation of this division, if the securities 1341  
of the issuer held after the purchase by the purchaser, the 1342  
members of the purchaser's immediate family, and the purchaser's 1343  
or the immediate family members' accomplices in any pattern of 1344  
corrupt activity or the collection of an unlawful debt do not 1345  
aggregate one per cent of the outstanding securities of any one 1346  
class of the issuer and do not confer, in law or in fact, the 1347  
power to elect one or more directors of the issuer. 1348

(B) (1) Whoever violates this section is guilty of engaging 1349  
in a pattern of corrupt activity. Except as otherwise provided 1350  
in this division, engaging in corrupt activity is a felony of 1351  
the second degree. Except as otherwise provided in this 1352  
division, if at least one of the incidents of corrupt activity 1353  
is a felony of the first, second, or third degree, aggravated 1354  
murder, or murder, if at least one of the incidents was a felony 1355  
under the law of this state that was committed prior to July 1, 1356  
1996, and that would constitute a felony of the first, second, 1357  
or third degree, aggravated murder, or murder if committed on or 1358  
after July 1, 1996, or if at least one of the incidents of 1359  
corrupt activity is a felony under the law of the United States 1360  
or of another state that, if committed in this state on or after 1361  
July 1, 1996, would constitute a felony of the first, second, or 1362  
third degree, aggravated murder, or murder under the law of this 1363  
state, engaging in a pattern of corrupt activity is a felony of 1364  
the first degree. If the offender also is convicted of or pleads 1365  
guilty to a specification as described in section 2941.1422 of 1366

the Revised Code that was included in the indictment, count in 1367  
the indictment, or information charging the offense, engaging in 1368  
a pattern of corrupt activity is a felony of the first degree, 1369  
and the court shall sentence the offender to a mandatory prison 1370  
term as provided in division (B) (7) of section 2929.14 of the 1371  
Revised Code and shall order the offender to make restitution as 1372  
provided in division (B) (8) of section 2929.18 of the Revised 1373  
Code. Notwithstanding any other provision of law, a person may 1374  
be convicted of violating the provisions of this section as well 1375  
as of a conspiracy to violate one or more of those provisions 1376  
under section 2923.01 of the Revised Code. 1377

(2) Notwithstanding the financial sanctions authorized by 1378  
section 2929.18 of the Revised Code, the court may do all of the 1379  
following with respect to any person who derives pecuniary value 1380  
or causes property damage, personal injury other than pain and 1381  
suffering, or other loss through or by the violation of this 1382  
section: 1383

(a) In lieu of the fine authorized by that section, impose 1384  
a fine not exceeding the greater of three times the gross value 1385  
gained or three times the gross loss caused and order the clerk 1386  
of the court to pay the fine into the state treasury to the 1387  
credit of the corrupt activity investigation and prosecution 1388  
fund, which is hereby created; 1389

(b) In addition to the fine described in division (B) (2) 1390  
(a) of this section and the financial sanctions authorized by 1391  
section 2929.18 of the Revised Code, order the person to pay 1392  
court costs; 1393

(c) In addition to the fine described in division (B) (2) 1394  
(a) of this section and the financial sanctions authorized by 1395  
section 2929.18 of the Revised Code, order the person to pay to 1396



the state, municipal, or county law enforcement agencies that 1397  
handled the investigation and prosecution the costs of 1398  
investigation and prosecution that are reasonably incurred. 1399

The court shall hold a hearing to determine the amount of 1400  
fine, court costs, and other costs to be imposed under this 1401  
division. 1402

(3) In addition to any other penalty or disposition 1403  
authorized or required by law, the court shall order any person 1404  
who is convicted of or pleads guilty to a violation of this 1405  
section or who is adjudicated delinquent by reason of a 1406  
violation of this section to criminally forfeit to the state 1407  
under Chapter 2981. of the Revised Code any personal or real 1408  
property in which the person has an interest and that was used 1409  
in the course of or intended for use in the course of a 1410  
violation of this section, or that was derived from or realized 1411  
through conduct in violation of this section, including any 1412  
property constituting an interest in, means of control over, or 1413  
influence over the enterprise involved in the violation and any 1414  
property constituting proceeds derived from the violation, 1415  
including all of the following: 1416

(a) Any position, office, appointment, tenure, commission, 1417  
or employment contract of any kind acquired or maintained by the 1418  
person in violation of this section, through which the person, 1419  
in violation of this section, conducted or participated in the 1420  
conduct of an enterprise, or that afforded the person a source 1421  
of influence or control over an enterprise that the person 1422  
exercised in violation of this section; 1423

(b) Any compensation, right, or benefit derived from a 1424  
position, office, appointment, tenure, commission, or employment 1425  
contract described in division (B) (3) (a) of this section that 1426

accrued to the person in violation of this section during the 1427  
period of the pattern of corrupt activity; 1428

(c) Any interest in, security of, claim against, or 1429  
property or contractual right affording the person a source of 1430  
influence or control over the affairs of an enterprise that the 1431  
person exercised in violation of this section; 1432

(d) Any amount payable or paid under any contract for 1433  
goods or services that was awarded or performed in violation of 1434  
this section. 1435

(C) If a pattern of corrupt activity involves one or more 1436  
incidents of organized retail theft, the retail establishment, 1437  
manufacturer, distributor, cargo transportation unit, online 1438  
marketplace, or group of those entities whose retail property is 1439  
alleged to have been stolen may contact the prosecuting attorney 1440  
and request that the charge be aggregated with other thefts of 1441  
retail property about which the retail establishment or group of 1442  
establishments is aware. If the prosecuting attorney declines 1443  
the request, the prosecuting attorney shall promptly inform the 1444  
retail establishment or group of establishments and provide the 1445  
basis for the prosecuting attorney's decision. 1446

In determining whether the retail value of stolen retail 1447  
property equals or exceeds one thousand dollars, the value of 1448  
all retail property stolen from the retail establishment or 1449  
group of establishments by the same person or persons within any 1450  
twelve-month period shall be aggregated. 1451

**Sec. 5739.17.** (A) No person shall engage in making retail 1452  
sales subject to a tax imposed by or pursuant to section 1453  
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code as 1454  
a business without having a license therefor, except as 1455

otherwise provided in divisions (A) (1), (2), and (3) of this section. 1456  
1457

(1) In the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership for a period of sixty days. 1458  
1459  
1460

(2) The heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy, appointed by any competent authority, may operate under the license of the person so succeeded in possession. 1461  
1462  
1463  
1464

(3) Two or more persons who are not partners may operate a single place of business under one license. In such case neither the retirement of any such person from business at that place of business, nor the entrance of any person, under an existing arrangement, shall affect the license or require the issuance of a new license, unless the person retiring from the business is the individual named on the vendor's license. 1465  
1466  
1467  
1468  
1469  
1470  
1471

Except as otherwise provided in this section, each applicant for a license shall make out and deliver to the county auditor of each county in which the applicant desires to engage in business, upon a blank to be furnished by such auditor for that purpose, a statement showing the name of the applicant, each place of business in the county where the applicant will make retail sales, the nature of the business, and any other information the tax commissioner reasonably prescribes in the form of a statement prescribed by the commissioner. 1472  
1473  
1474  
1475  
1476  
1477  
1478  
1479  
1480

At the time of making the application, the applicant shall pay into the county treasury a license fee in the sum of ~~twenty-five~~ five-fifty dollars for each fixed place of business in the county that will be the situs of retail sales. Upon receipt of 1481  
1482  
1483  
1484

the application and exhibition of the county treasurer's 1485  
receipt, showing the payment of the license fee, the county 1486  
auditor shall issue to the applicant a license for each fixed 1487  
place of business designated in the application, authorizing the 1488  
applicant to engage in business at that location. The county 1489  
auditor shall transmit twenty-five dollars of each license fee 1490  
to the treasurer of state for deposit into the state treasury to 1491  
the credit of the organized crime commission fund for the 1492  
purposes specified in section 177.011 of the Revised Code. The 1493  
remaining twenty-five dollars of each license fee shall be 1494  
credited to the general fund of the county. 1495

(B) If a vendor's identity changes, the vendor shall apply 1496  
for a new license. If a vendor wishes to move an existing fixed 1497  
place of business to a new location within the same county, the 1498  
vendor shall obtain a new vendor's license or submit a request 1499  
to the commissioner to transfer the existing vendor's license to 1500  
the new location. When the new location has been verified as 1501  
being within the same county, the commissioner shall authorize 1502  
the transfer and notify the county auditor of the change of 1503  
location. If a vendor wishes to move an existing fixed place of 1504  
business to another county, the vendor's license shall not 1505  
transfer and the vendor shall obtain a new vendor's license from 1506  
the county in which the business is to be located. The form of 1507  
the license shall be prescribed by the commissioner. The fees 1508  
collected shall be credited ~~to the general fund of the county~~as 1509  
specified in division (A) (3) of this section. If a vendor fails 1510  
to notify the commissioner of a change of location of its fixed 1511  
place of business or that its business has closed, the 1512  
commissioner may cancel the vendor's license if ordinary mail 1513  
sent to the location shown on the license is returned because of 1514  
an undeliverable address. 1515

(C) The commissioner may establish or participate in a registration system whereby any vendor may obtain a vendor's license by submitting to the commissioner a vendor's license application and a license fee of ~~twenty-five~~ twenty-five ~~fifty~~ dollars for each fixed place of business at which the vendor intends to make retail sales. Under this registration system, the commissioner shall issue a vendor's license to the applicant on behalf of the county auditor of the county in which the applicant desires to engage in business, and shall forward a copy of the application and license fee to that county. All such Twenty-five dollars of each license fees-fee received by the commissioner for the issuance of vendor's licenses shall be deposited into the vendor's license application fund, which is hereby created in the state treasury. The remaining twenty-five dollars of each license fee shall be deposited into the organized crime commission fund for the purposes specified in section 177.011 of the Revised Code. The commissioner shall certify to the director of budget and management within ten business days after the close of a month the license fees to be transmitted to each county from the vendor's license application fund for vendor's license applications received by the commissioner during that month. License fees transmitted to a county for which payment was not received by the commissioner may be netted against a future distribution to that county, including distributions made pursuant to section 5739.21 of the Revised Code.

A vendor that makes retail sales subject to tax under Chapter 5739. of the Revised Code pursuant to a permit issued by the division of liquor control shall obtain a vendor's license in the identical name and for the identical address as shown on the permit.

Except as otherwise provided in this section, if a vendor

has no fixed place of business and sells from a vehicle, each 1547  
vehicle intended to be used within a county constitutes a place 1548  
of business for the purpose of this section. 1549

(D) As used in this section, "transient vendor" means any 1550  
person who makes sales of tangible personal property from 1551  
vending machines located on land owned by others, who leases 1552  
titled motor vehicles, titled watercraft, or titled outboard 1553  
motors, who effectuates leases that are taxed according to 1554  
division (A)(2) of section 5739.02 of the Revised Code, or who, 1555  
in the usual course of the person's business, transports 1556  
inventory, stock of goods, or similar tangible personal property 1557  
to a temporary place of business or temporary exhibition, show, 1558  
fair, flea market, or similar event in a county in which the 1559  
person has no fixed place of business, for the purpose of making 1560  
retail sales of such property. A "temporary place of business" 1561  
means any public or quasi-public place including, but not 1562  
limited to, a hotel, rooming house, storeroom, building, part of 1563  
a building, tent, vacant lot, railroad car, or motor vehicle 1564  
that is temporarily occupied for the purpose of making retail 1565  
sales of goods to the public. A place of business is not 1566  
temporary if the same person conducted business at the place 1567  
continuously for more than six months or occupied the premises 1568  
as the person's permanent residence for more than six months, or 1569  
if the person intends it to be a fixed place of business. 1570

Any transient vendor, in lieu of obtaining a vendor's 1571  
license under division (A) of this section for counties in which 1572  
the transient vendor has no fixed place of business, may apply 1573  
to the tax commissioner, on a form prescribed by the 1574  
commissioner, for a transient vendor's license. The transient 1575  
vendor's license authorizes the transient vendor to make retail 1576  
sales in any county in which the transient vendor does not 1577

maintain a fixed place of business. Any holder of a transient 1578  
vendor's license shall not be required to obtain a separate 1579  
vendor's license from the county auditor in that county. Upon 1580  
the commissioner's determination that an applicant is a 1581  
transient vendor, the applicant shall pay a license fee in the 1582  
amount of ~~twenty-five~~ fifty dollars, at which time the tax 1583  
commissioner shall issue the license. Twenty-five dollars of 1584  
that license fee shall be deposited into the organized crime 1585  
commission fund for the purposes specified in section 177.011 of 1586  
the Revised Code. The tax commissioner may require a vendor to 1587  
be licensed as a transient vendor if, in the opinion of the 1588  
commissioner, such licensing is necessary for the efficient 1589  
administration of the tax. 1590

Any holder of a valid transient vendor's license may make 1591  
retail sales at a temporary place of business or temporary 1592  
exhibition, show, fair, flea market, or similar event, held 1593  
anywhere in the state without complying with any provision of 1594  
section 311.37 of the Revised Code. Any holder of a valid 1595  
vendor's license may make retail sales as a transient vendor at 1596  
a temporary place of business or temporary exhibition, show, 1597  
fair, flea market, or similar event held in any county in which 1598  
the vendor maintains a fixed place of business for which the 1599  
vendor holds a vendor's license without obtaining a transient 1600  
vendor's license. 1601

(E) Any vendor who is issued a license pursuant to this 1602  
section shall display the license or a copy of it prominently, 1603  
in plain view, at every place of business of the vendor. 1604

(F) No owner, organizer, or promoter who operates a fair, 1605  
flea market, show, exhibition, convention, or similar event at 1606  
which transient vendors are present shall fail to keep a 1607

comprehensive record of all such vendors, listing the vendor's 1608  
name, permanent address, vendor's license number, and the type 1609  
of goods sold. Such records shall be kept for four years and 1610  
shall be open to inspection by the commissioner. 1611

(G) The commissioner may issue additional types of 1612  
licenses if required to efficiently administer the tax imposed 1613  
by this chapter. 1614

**Section 2.** That existing sections 177.011, 177.02, 1615  
2909.07, 2913.01, 2913.02, 2913.30, 2923.31, 2923.32, and 1616  
5739.17 of the Revised Code are hereby repealed. 1617

**Section 3.** This act shall be known as the Fight Organized 1618  
Retail Crime and Empower Law Enforcement (FORCE) Act. 1619

**Section 4.** Section 2923.31 of the Revised Code is 1620  
presented in this act as a composite of the section as amended 1621  
by both H.B. 199 and H.B. 405 of the 132nd General Assembly. The 1622  
General Assembly, applying the principle stated in division (B) 1623  
of section 1.52 of the Revised Code that amendments are to be 1624  
harmonized if reasonably capable of simultaneous operation, 1625  
finds that the composite is the resulting version of the section 1626  
in effect prior to the effective date of the section as 1627  
presented in this act. 1628