

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 223

**Senators Lang, Rulli
Cosponsor: Senator Schaffer**

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 109.831 and 3
2913.08 of the Revised Code to enact the Fight 4
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 modify theft 8
offenses and penalties related to retail 9
property, and to make an appropriation. 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 109.831 and 2913.08 of the Revised Code be 13
enacted to read as follows: 14

Sec. 109.831. (A) The organized retail theft advisory 15
council is created within the office of the attorney general. 16
The council consists of the following members: 17

(1) The attorney general or the attorney general's 18

<u>designee;</u>	19
<u>(2) An employee of the attorney general's office appointed</u>	20
<u>by the attorney general;</u>	21
<u>(3) The president or chief executive officer of the Ohio</u>	22
<u>council of retail merchants;</u>	23
<u>(4) A representative of the buckeye state sheriffs'</u>	24
<u>association;</u>	25
<u>(5) Two loss prevention representatives from retail</u>	26
<u>businesses with more than two hundred fifty employees and two</u>	27
<u>loss prevention representatives from retail businesses with less</u>	28
<u>than two hundred fifty employees.</u>	29
<u>(B) The attorney general shall appoint loss prevention</u>	30
<u>representatives to the council after consulting with statewide</u>	31
<u>trade and professional organizations that represent the</u>	32
<u>interests of retail businesses and loss prevention. The</u>	33
<u>organizations may nominate persons to be considered for</u>	34
<u>appointment as council members.</u>	35
<u>(C) (1) The council shall advise the organized crime</u>	36
<u>investigations commission on organized retail theft and</u>	37
<u>recommend actions for the commission to detect, deter, prevent,</u>	38
<u>and prosecute organized retail theft. The council shall meet at</u>	39
<u>least quarterly, and the attorney general or the attorney</u>	40
<u>general's designee shall serve as chairperson.</u>	41
<u>(2) An employee of the attorney general's office selected</u>	42
<u>by the attorney general shall serve as liaison to the organized</u>	43
<u>retail theft task force established in section 177.02 of the</u>	44
<u>Revised Code.</u>	45
<u>(D) The council shall operate a secure retail theft web</u>	46

portal, compliant with applicable data privacy laws, to share 47
real time crime information and intelligence on organized retail 48
theft between retail businesses and law enforcement agencies to 49
enhance identification of offenders and the targeting of 50
criminal enterprises. The council may utilize, or coordinate 51
operations with, commercially operated retail theft information 52
sharing services. 53

(E) In addition to other duties described in this section, 54
the council may engage in the following activities: 55

(1) Compiling and disseminating to retail businesses and 56
law enforcement agencies innovative methods of detecting, 57
deterring, preventing, and prosecuting organized retail theft; 58

(2) Conducting training conferences to educate retail 59
businesses and law enforcement agencies regarding current and 60
emerging crime trends; 61

(3) Consulting with national, state, and local law 62
enforcement agencies and retail associations concerning 63
organized retail theft; 64

(4) Educating the public on the problems associated with 65
organized retail theft. 66

(F) Members of the council shall serve without 67
compensation but shall be reimbursed for actual and necessary 68
expenses incurred in performing their official duties. The 69
organized crime investigations commission may provide the 70
council with technical and clerical employees as necessary to 71
accomplish its responsibilities under this section. 72

Sec. 177.011. (A) There is hereby created in the state 73
treasury the organized crime commission fund. The fund shall 74
consist of moneys—the following: 75

(1) Money paid to the treasurer of state pursuant to the 76
judgment of a court in a criminal case as reimbursement of 77
expenses that the organized crime investigations commission or 78
an organized crime task force established by the commission 79
incurred in the investigation of the criminal activity upon 80
which the prosecution of the criminal case was based. 81

(2) Money paid to the treasurer of state pursuant to 82
section 5739.17 of the Revised Code. 83

(B) All investment earnings on moneys in of the fund shall 84
be credited to the fund. 85

(C) The organized crime investigations commission shall 86
use the moneys in the fund money described in division (A) (1) of 87
this section to reimburse political subdivisions for the 88
expenses the political subdivisions incur when their law 89
enforcement officers participate in an organized crime task 90
force. 91

(D) The organized crime investigations commission shall 92
use the money described in division (A) (2) of this section 93
exclusively to support the operations of the organized retail 94
theft task force, except that five per cent of the money may be 95
used for the administrative expenses of the organized crime 96
investigations commission in support of the organized retail 97
theft advisory council described in section 109.831 of the 98
Revised Code. 99

Sec. 177.02. (A) Any person may file with the organized 100
crime investigations commission a complaint that alleges that 101
organized criminal activity has occurred in a county. A person 102
who files a complaint under this division also may file with the 103
commission information relative to the complaint. 104

~~(B)~~(B)(1) Upon the filing of a complaint under division 105
(A) of this section or upon its own initiative, the commission 106
may establish an organized crime task force to investigate 107
organized criminal activity in a single county or in two or more 108
counties if it determines, based upon the complaint filed and 109
the information relative to it or based upon any information 110
that it may have received, that there is reason to believe that 111
organized criminal activity has occurred and continues to occur 112
in that county or in each of those counties. The commission 113
shall not establish an organized crime task force to investigate 114
organized criminal activity in any single county unless it makes 115
the determination required under this division relative to that 116
county and shall not establish an organized crime task force to 117
investigate organized criminal activity in two or more counties 118
unless it makes the determination required under this division 119
relative to each of those counties. The commission, at any time, 120
may terminate an organized crime task force it has established 121
under this section. The commission may establish an organized 122
crime task force to investigate organized retail theft in 123
addition to the organized retail theft task force established in 124
division (B)(2) of this section. 125

(2) An organized retail theft task force is established 126
within the commission to investigate organized retail theft 127
activity. The task force may investigate based on any complaint 128
filed or information the task force receives that gives reason 129
to believe organized retail theft has occurred and continues to 130
occur in one or more counties. 131

The task force director and members of the organized 132
retail theft task force shall be appointed in the same manner as 133
an organized crime task force under division (C) of this 134
section. In addition to the task force members referenced in 135

that division, the president or chief executive officer of the 136
Ohio council of retail merchants shall be a member of the 137
organized retail theft task force. 138

(C) (1) If the commission establishes an organized crime 139
task force to investigate organized criminal activity in a 140
single county or in two or more counties pursuant to division 141
(B) of this section, the commission initially shall appoint a 142
task force director to directly supervise the investigation. The 143
task force director shall be either the sheriff or a deputy 144
sheriff of any county in the state, the chief law enforcement 145
officer or a member of a law enforcement agency of any municipal 146
corporation or township in the state, or an agent of the bureau 147
of criminal identification and investigation. No person shall be 148
appointed as task force director without the person's consent 149
and, if applicable, the consent of the person's employing 150
sheriff or law enforcement agency or of the superintendent of 151
the bureau of criminal identification and investigation if the 152
person is an employee of the bureau. Upon appointment of a task 153
force director, the commission shall meet with the director and 154
establish the scope and limits of the investigation to be 155
conducted by the task force and the size of the task force 156
investigatory staff to be appointed by the task force director. 157
The commission, at any time, may remove a task force director 158
appointed under this division and may replace any director so 159
removed according to the guidelines for the initial appointment 160
of a director. 161

(2) A task force director appointed under this section 162
shall assemble a task force investigatory staff, of a size 163
determined by the commission and the director, to conduct the 164
investigation. Unless it appears to the commission and the 165
director, based upon the complaint filed and any information 166

relative to it or based upon any information that the commission 167
may have received, that there is reason to believe that the 168
office of the prosecuting attorney of the county or one of the 169
counties served by the task force is implicated in the organized 170
criminal activity to be investigated, one member of the 171
investigatory staff shall be the prosecuting attorney or an 172
assistant prosecuting attorney of the county or one of the 173
counties served by the task force. If a prosecuting attorney or 174
assistant prosecuting attorney is not a participating member of 175
the task force, the office of the attorney general shall provide 176
legal assistance to the task force upon request. Each of the 177
other members of the investigatory staff shall be either the 178
sheriff or a deputy sheriff of any county in the state, the 179
chief law enforcement officer or a member of a law enforcement 180
agency of any municipal corporation or township in the state, or 181
an agent of the bureau of criminal identification and 182
investigation. No person shall be appointed to the investigatory 183
staff without the person's consent and, if applicable, the 184
consent of the person's employing sheriff or law enforcement 185
agency or the superintendent of the bureau of criminal 186
identification and investigation if the person is an employee of 187
the bureau. To the extent possible, the investigatory staff 188
shall be composed of persons familiar with investigatory 189
techniques that generally would be utilized in an investigation 190
of organized criminal activity. To the extent practicable, the 191
investigatory staff shall be assembled in such a manner that 192
numerous law enforcement agencies within the county or the 193
counties served by the task force are represented on the 194
investigatory staff. The investigatory staff shall be assembled 195
in such a manner that at least one sheriff, deputy sheriff, 196
municipal corporation law enforcement officer, or township law 197
enforcement officer from each of the counties served by the task 198

force is represented on the investigatory staff. A task force 199
director, at any time, may remove any member of the 200
investigatory staff the task force director has assembled under 201
this division and may replace any member so removed according to 202
the guidelines for the initial assembly of the investigatory 203
staff. 204

(3) The commission may provide an organized crime task 205
force established under this section with technical and clerical 206
employees and with equipment necessary to efficiently conduct 207
its investigation into organized criminal activity. 208

(4) Upon the establishment of a task force, the commission 209
shall issue to the task force director and each member of the 210
task force investigatory staff appropriate credentials stating 211
the person's identity, position, and authority. 212

(D) (1) A task force investigatory staff, during the period 213
of the investigation for which it is assembled, is responsible 214
only to the task force director and shall operate under the 215
direction and control of the task force director. Any necessary 216
and actual expenses incurred by a task force director or 217
investigatory staff, including any such expenses incurred for 218
food, lodging, or travel, and any other necessary and actual 219
expenses of an investigation into organized criminal activity 220
conducted by a task force, shall be paid by the commission. 221

(2) For purposes of workers' compensation and the 222
allocation of liability for any death, injury, or damage they 223
may cause in the performance of their duties, a task force 224
director and investigatory staff, during the period of the 225
investigation for which the task force is assembled, shall be 226
considered to be employees of the commission and of the state. 227

(3) For purposes of compensation, pension or indemnity 228
fund rights, and other rights and benefits to which they may be 229
entitled, a task force director and investigatory staff, during 230
the period of the performance of their duties as director and 231
investigatory staff, shall be considered to be performing their 232
duties in their normal capacity as prosecuting attorney, 233
assistant prosecuting attorney, sheriff, deputy sheriff, chief 234
law enforcement officer or member of a law enforcement agency of 235
a municipal corporation or township, or agent of the bureau of 236
criminal identification and investigation. 237

(4) The commission may reimburse a political subdivision 238
for any costs incurred under division (D)(3) of this section 239
resulting from the payment of any compensation, rights, or 240
benefits as described in that division from the organized crime 241
commission fund created in section 177.011 of the Revised Code. 242
Reimbursement related to service on an organized crime task 243
force shall derive from the funding described in division (A)(1) 244
of that section. Reimbursement related to service on the 245
organized retail theft task force shall derive from the funding 246
described in division (A)(2) of that section. 247

(E) Except as provided in this division, upon the 248
establishment of a task force, the commission shall provide the 249
prosecuting attorney of each of the counties served by the task 250
force with written notice that the task force has been 251
established to investigate organized criminal activity in that 252
county. Such notice shall not be provided to a prosecuting 253
attorney if it appears to the commission, based upon the 254
complaint filed and any information relative to it or based upon 255
any information that the commission may have received, that 256
there is reason to believe that the office of that prosecuting 257
attorney is implicated in the organized criminal activity to be 258

investigated. 259

(F) The filing of a complaint alleging organized criminal 260
activity, the establishment of an organized crime task force, 261
the appointment of a task force director and the identity of the 262
task force director, the assembly of an investigatory staff and 263
the identity of its members, the conduct of an investigation 264
into organized criminal activity, and the identity of any person 265
who is being or is expected to be investigated by the task force 266
shall be kept confidential by the commission and its director 267
and employees, and by the task force and its director, 268
investigatory staff, and employees until an indictment is 269
returned or a criminal action or proceeding is initiated in a 270
court of proper jurisdiction. 271

(G) For purposes of divisions (C) and (E) of this section, 272
the office of a prosecuting attorney shall be considered as 273
being implicated in organized criminal activity only if the 274
prosecuting attorney, one or more of the prosecuting attorney's 275
assistants, or one or more of the prosecuting attorney's 276
employees has committed or attempted or conspired to commit, is 277
committing or attempting or conspiring to commit, or has engaged 278
in or is engaging in complicity in the commission of, organized 279
criminal activity. 280

Sec. 2909.07. (A) No person shall: 281

(1) Without privilege to do so, knowingly move, deface, 282
damage, destroy, or otherwise improperly tamper with either of 283
the following: 284

(a) The property of another; 285

(b) One's own residential real property with the purpose 286
to decrease the value of or enjoyment of the residential real 287

property, if both of the following apply:	288
(i) The residential real property is subject to a mortgage.	289 290
(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.	291 292 293 294 295
(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 alarm;	296 297 298 299 300
(3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a bench mark, triangulation station, boundary marker, or other survey station, monument, or marker;	301 302 303 304
(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;	305 306 307 308 309 310
(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or personal property that is on that land;	311 312 313 314 315 316

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, knowingly do any of the following:

(a) In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

(b) Introduce a computer contaminant into a computer, computer system, computer network, computer software, or computer program.

(7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

(B) As used in this section:

(1) "Safety device" means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(2) "Critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code.

(3) "Improperly tamper" means to change the physical 346
location or the physical condition of the property. 347

(C) (1) Whoever violates this section is guilty of criminal 348
mischief, and shall be punished as provided in division (C) (2), 349
(3), or (4) of this section. 350

(2) Except as otherwise provided in this division, 351
criminal mischief committed in violation of division (A) (1), 352
(2), (3), (4), or (5) of this section is a misdemeanor of the 353
third degree. Except as otherwise provided in this division, if 354
the violation of division (A) (1), (2), (3), (4), or (5) of this 355
section creates a risk of physical harm to any person, criminal 356
mischief committed in violation of division (A) (1), (2), (3), 357
(4), or (5) of this section is a misdemeanor of the first 358
degree. If the property involved is a retail pump or meter of an 359
electric vehicle charging station, criminal mischief committed 360
in violation of division (A) (1) (a) of this section is a felony 361
of the third degree. If the property involved in the violation 362
of division (A) (1), (2), (3), (4), or (5) of this section is an 363
aircraft, an aircraft engine, propeller, appliance, spare part, 364
fuel, lubricant, hydraulic fluid, any other equipment, 365
implement, or material used or intended to be used in the 366
operation of an aircraft, or any cargo carried or intended to be 367
carried in an aircraft, criminal mischief committed in violation 368
of division (A) (1), (2), (3), (4), or (5) of this section is one 369
of the following: 370

(a) If the violation creates a risk of physical harm to 371
any person, except as otherwise provided in division (C) (2) (b) 372
of this section, criminal mischief committed in violation of 373
division (A) (1), (2), (3), (4), or (5) of this section is a 374
felony of the fifth degree. 375

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

(3) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(6) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division, if the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars or more and less than ten thousand dollars, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of division (A)(6) of this section is a felony of the fifth degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section or the loss to the victim resulting from the violation is ten thousand dollars or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a substantial risk of physical harm to any person or the aircraft in question is an occupied aircraft, criminal mischief committed in violation of division (A)(6) of this section is a felony of

the fourth degree.	407
(4) Criminal mischief committed in violation of division	408
(A) (7) of this section is a felony of the third degree.	409
Sec. 2913.01. As used in this chapter, unless the context	410
requires that a term be given a different meaning:	411
(A) "Deception" means knowingly deceiving another or	412
causing another to be deceived by any false or misleading	413
representation, by withholding information, by preventing	414
another from acquiring information, or by any other conduct,	415
act, or omission that creates, confirms, or perpetuates a false	416
impression in another, including a false impression as to law,	417
value, state of mind, or other objective or subjective fact.	418
(B) "Defraud" means to knowingly obtain, by deception,	419
some benefit for oneself or another, or to knowingly cause, by	420
deception, some detriment to another.	421
(C) "Deprive" means to do any of the following:	422
(1) Withhold property of another permanently, or for a	423
period that appropriates a substantial portion of its value or	424
use, or with purpose to restore it only upon payment of a reward	425
or other consideration;	426
(2) Dispose of property so as to make it unlikely that the	427
owner will recover it;	428
(3) Accept, use, or appropriate money, property, or	429
services, with purpose not to give proper consideration in	430
return for the money, property, or services, and without	431
reasonable justification or excuse for not giving proper	432
consideration.	433
(D) "Owner" means, unless the context requires a different	434

meaning, any person, other than the actor, who is the owner of, 435
who has possession or control of, or who has any license or 436
interest in property or services, even though the ownership, 437
possession, control, license, or interest is unlawful. 438

(E) "Services" include labor, personal services, 439
professional services, rental services, public utility services 440
including wireless service as defined in division (F) (1) of 441
section 128.01 of the Revised Code, common carrier services, and 442
food, drink, transportation, entertainment, and cable television 443
services and, for purposes of section 2913.04 of the Revised 444
Code, include cable services as defined in that section. 445

(F) "Writing" means any computer software, document, 446
letter, memorandum, note, paper, plate, data, film, or other 447
thing having in or upon it any written, typewritten, or printed 448
matter, and any token, stamp, seal, credit card, badge, 449
trademark, label, or other symbol of value, right, privilege, 450
license, or identification. 451

(G) "Forge" means to fabricate or create, in whole or in 452
part and by any means, any spurious writing, or to make, 453
execute, alter, complete, reproduce, or otherwise purport to 454
authenticate any writing, when the writing in fact is not 455
authenticated by that conduct. 456

(H) "Utter" means to issue, publish, transfer, use, put or 457
send into circulation, deliver, or display. 458

(I) "Coin machine" means any mechanical or electronic 459
device designed to do both of the following: 460

(1) Receive a coin, bill, or token made for that purpose; 461

(2) In return for the insertion or deposit of a coin, 462
bill, or token, automatically dispense property, provide a 463

service, or grant a license. 464

(J) "Slug" means an object that, by virtue of its size, 465
shape, composition, or other quality, is capable of being 466
inserted or deposited in a coin machine as an improper 467
substitute for a genuine coin, bill, or token made for that 468
purpose. 469

(K) "Theft offense" means any of the following: 470

(1) A violation of section 2911.01, 2911.02, 2911.11, 471
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 472
2913.041, 2913.05, 2913.06, 2913.08, 2913.11, 2913.21, 2913.31, 473
2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 474
2913.45, 2913.47, 2913.48, former section 2913.47 or 2913.48, or 475
section 2913.51, 2915.05, or 2921.41 of the Revised Code; 476

(2) A violation of an existing or former municipal 477
ordinance or law of this or any other state, or of the United 478
States, substantially equivalent to any section listed in 479
division (K) (1) of this section or a violation of section 480
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed 481
prior to July 1, 1996; 482

(3) An offense under an existing or former municipal 483
ordinance or law of this or any other state, or of the United 484
States, involving robbery, burglary, breaking and entering, 485
theft, embezzlement, wrongful conversion, forgery, 486
counterfeiting, deceit, or fraud; 487

(4) A conspiracy or attempt to commit, or complicity in 488
committing, any offense under division (K) (1), (2), or (3) of 489
this section. 490

(L) "Computer services" includes, but is not limited to, 491
the use of a computer system, computer network, computer 492

program, data that is prepared for computer use, or data that is 493
contained within a computer system or computer network. 494

(M) "Computer" means an electronic device that performs 495
logical, arithmetic, and memory functions by the manipulation of 496
electronic or magnetic impulses. "Computer" includes, but is not 497
limited to, all input, output, processing, storage, computer 498
program, or communication facilities that are connected, or 499
related, in a computer system or network to an electronic device 500
of that nature. 501

(N) "Computer system" means a computer and related 502
devices, whether connected or unconnected, including, but not 503
limited to, data input, output, and storage devices, data 504
communications links, and computer programs and data that make 505
the system capable of performing specified special purpose data 506
processing tasks. 507

(O) "Computer network" means a set of related and remotely 508
connected computers and communication facilities that includes 509
more than one computer system that has the capability to 510
transmit among the connected computers and communication 511
facilities through the use of computer facilities. 512

(P) "Computer program" means an ordered set of data 513
representing coded instructions or statements that, when 514
executed by a computer, cause the computer to process data. 515

(Q) "Computer software" means computer programs, 516
procedures, and other documentation associated with the 517
operation of a computer system. 518

(R) "Data" means a representation of information, 519
knowledge, facts, concepts, or instructions that are being or 520
have been prepared in a formalized manner and that are intended 521

for use in a computer, computer system, or computer network. For 522
purposes of section 2913.47 of the Revised Code, "data" has the 523
additional meaning set forth in division (A) of that section. 524

(S) "Cable television service" means any services provided 525
by or through the facilities of any cable television system or 526
other similar closed circuit coaxial cable communications 527
system, or any microwave or similar transmission service used in 528
connection with any cable television system or other similar 529
closed circuit coaxial cable communications system. 530

(T) "Gain access" means to approach, instruct, communicate 531
with, store data in, retrieve data from, or otherwise make use 532
of any resources of a computer, computer system, or computer 533
network, or any cable service or cable system both as defined in 534
section 2913.04 of the Revised Code. 535

(U) "Credit card" includes, but is not limited to, a card, 536
code, device, or other means of access to a customer's account 537
for the purpose of obtaining money, property, labor, or services 538
on credit, or for initiating an electronic fund transfer at a 539
point-of-sale terminal, an automated teller machine, or a cash 540
dispensing machine. It also includes a county procurement card 541
issued under section 301.29 of the Revised Code. 542

(V) "Electronic fund transfer" has the same meaning as in 543
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 544

(W) "Rented property" means personal property in which the 545
right of possession and use of the property is for a short and 546
possibly indeterminate term in return for consideration; the 547
rentee generally controls the duration of possession of the 548
property, within any applicable minimum or maximum term; and the 549
amount of consideration generally is determined by the duration 550

of possession of the property. 551

(X) "Telecommunication" means the origination, emission, 552
dissemination, transmission, or reception of data, images, 553
signals, sounds, or other intelligence or equivalence of 554
intelligence of any nature over any communications system by any 555
method, including, but not limited to, a fiber optic, 556
electronic, magnetic, optical, digital, or analog method. 557

(Y) "Telecommunications device" means any instrument, 558
equipment, machine, or other device that facilitates 559
telecommunication, including, but not limited to, a computer, 560
computer network, computer chip, computer circuit, scanner, 561
telephone, cellular telephone, pager, personal communications 562
device, transponder, receiver, radio, modem, or device that 563
enables the use of a modem. 564

(Z) "Telecommunications service" means the providing, 565
allowing, facilitating, or generating of any form of 566
telecommunication through the use of a telecommunications device 567
over a telecommunications system. 568

(AA) "Counterfeit telecommunications device" means a 569
telecommunications device that, alone or with another 570
telecommunications device, has been altered, constructed, 571
manufactured, or programmed to acquire, intercept, receive, or 572
otherwise facilitate the use of a telecommunications service or 573
information service without the authority or consent of the 574
provider of the telecommunications service or information 575
service. "Counterfeit telecommunications device" includes, but 576
is not limited to, a clone telephone, clone microchip, tumbler 577
telephone, or tumbler microchip; a wireless scanning device 578
capable of acquiring, intercepting, receiving, or otherwise 579
facilitating the use of telecommunications service or 580

information service without immediate detection; or a device, 581
equipment, hardware, or software designed for, or capable of, 582
altering or changing the electronic serial number in a wireless 583
telephone. 584

(BB) (1) "Information service" means, subject to division 585
(BB) (2) of this section, the offering of a capability for 586
generating, acquiring, storing, transforming, processing, 587
retrieving, utilizing, or making available information via 588
telecommunications, including, but not limited to, electronic 589
publishing. 590

(2) "Information service" does not include any use of a 591
capability of a type described in division (BB) (1) of this 592
section for the management, control, or operation of a 593
telecommunications system or the management of a 594
telecommunications service. 595

(CC) "Elderly person" means a person who is sixty-five 596
years of age or older. 597

(DD) "Disabled adult" means a person who is eighteen years 598
of age or older and has some impairment of body or mind that 599
makes the person unable to work at any substantially 600
remunerative employment that the person otherwise would be able 601
to perform and that will, with reasonable probability, continue 602
for a period of at least twelve months without any present 603
indication of recovery from the impairment, or who is eighteen 604
years of age or older and has been certified as permanently and 605
totally disabled by an agency of this state or the United States 606
that has the function of so classifying persons. 607

(EE) "Firearm" and "dangerous ordnance" have the same 608
meanings as in section 2923.11 of the Revised Code. 609

(FF) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 610
611

(GG) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code. 612
613

(HH) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 614
615

(II) (1) "Computer hacking" means any of the following: 616

(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime; 617
618
619
620

(b) Misusing computer or network services including, but not limited to, mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes, but is not limited to, the unauthorized use of any of the following: 621
622
623
624
625
626
627
628

(i) Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network; 629
630

(ii) File transfer program proxy services or proxy servers to access other computers, computer systems, or computer networks; 631
632
633

(iii) Web servers to redirect users to other web pages or web servers. 634
635

(c) (i) Subject to division (II) (1) (c) (ii) of this section, using a group of computer programs commonly known as "port 636
637

scanners" or "probes" to intentionally access any computer, 638
computer system, or computer network without the permission of 639
the owner of the computer, computer system, or computer network 640
or other person authorized to give consent. The group of 641
computer programs referred to in this division includes, but is 642
not limited to, those computer programs that use a computer 643
network to access a computer, computer system, or another 644
computer network to determine any of the following: the presence 645
or types of computers or computer systems on a network; the 646
computer network's facilities and capabilities; the availability 647
of computer or network services; the presence or versions of 648
computer software including, but not limited to, operating 649
systems, computer services, or computer contaminants; the 650
presence of a known computer software deficiency that can be 651
used to gain unauthorized access to a computer, computer system, 652
or computer network; or any other information about a computer, 653
computer system, or computer network not necessary for the 654
normal and lawful operation of the computer initiating the 655
access. 656

(ii) The group of computer programs referred to in 657
division (II) (1) (c) (i) of this section does not include standard 658
computer software used for the normal operation, administration, 659
management, and test of a computer, computer system, or computer 660
network including, but not limited to, domain name services, 661
mail transfer services, and other operating system services, 662
computer programs commonly called "ping," "tcpdump," and 663
"traceroute" and other network monitoring and management 664
computer software, and computer programs commonly known as 665
"nslookup" and "whois" and other systems administration computer 666
software. 667

(d) The intentional use of a computer, computer system, or 668

a computer network in a manner that exceeds any right or 669
permission granted by the owner of the computer, computer 670
system, or computer network or other person authorized to give 671
consent. 672

(2) "Computer hacking" does not include the introduction 673
of a computer contaminant, as defined in section 2909.01 of the 674
Revised Code, into a computer, computer system, computer 675
program, or computer network. 676

(JJ) "Police dog or horse" has the same meaning as in 677
section 2921.321 of the Revised Code. 678

(KK) "Anhydrous ammonia" is a compound formed by the 679
combination of two gaseous elements, nitrogen and hydrogen, in 680
the manner described in this division. Anhydrous ammonia is one 681
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia 682
by weight is fourteen parts nitrogen to three parts hydrogen, 683
which is approximately eighty-two per cent nitrogen to eighteen 684
per cent hydrogen. 685

(LL) "Assistance dog" has the same meaning as in section 686
955.011 of the Revised Code. 687

(MM) "Federally licensed firearms dealer" has the same 688
meaning as in section 5502.63 of the Revised Code. 689

(NN) "Active duty service member" means any member of the 690
armed forces of the United States performing active duty under 691
title 10 of the United States Code. 692

Sec. 2913.02. (A) No person, with purpose to deprive the 693
owner of property or services, shall knowingly obtain or exert 694
control over either the property or services in any of the 695
following ways: 696

(1) Without the consent of the owner or person authorized to give consent;	697 698
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	699 700
(3) By deception;	701
(4) By threat;	702
(5) By intimidation.	703
(B) (1) Whoever violates this section is guilty of theft.	704
(2) Except as otherwise provided in this division or division (B) (3), (4), (5), (6), (7), (8), or (9) of this section, a violation of this section is misdemeanor theft, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more and is less than seven hundred fifty thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is seven hundred fifty thousand dollars or more and is less than one million five hundred thousand dollars, a violation of this section is aggravated theft, a felony of the second degree. If the value of the property or services stolen is one million five hundred thousand dollars or more, a violation of	705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725

this section is aggravated theft of one million five hundred 726
thousand dollars or more, a felony of the first degree. 727

(3) Except as otherwise provided in division (B) (4), (5), 728
(6), (7), (8), or (9) of this section, if the victim of the 729
offense is an elderly person, disabled adult, active duty 730
service member, or spouse of an active duty service member, a 731
violation of this section is theft from a person in a protected 732
class, and division (B) (3) of this section applies. Except as 733
otherwise provided in this division, theft from a person in a 734
protected class is a felony of the fifth degree. If the value of 735
the property or services stolen is one thousand dollars or more 736
and is less than seven thousand five hundred dollars, theft from 737
a person in a protected class is a felony of the fourth degree. 738
If the value of the property or services stolen is seven 739
thousand five hundred dollars or more and is less than thirty- 740
seven thousand five hundred dollars, theft from a person in a 741
protected class is a felony of the third degree. If the value of 742
the property or services stolen is thirty-seven thousand five 743
hundred dollars or more and is less than one hundred fifty 744
thousand dollars, theft from a person in a protected class is a 745
felony of the second degree. If the value of the property or 746
services stolen is one hundred fifty thousand dollars or more, 747
theft from a person in a protected class is a felony of the 748
first degree. If the victim of the offense is an elderly person, 749
in addition to any other penalty imposed for the offense, the 750
offender shall be required to pay full restitution to the victim 751
and to pay a fine of up to fifty thousand dollars. The clerk of 752
court shall forward all fines collected under division (B) (3) of 753
this section to the county department of job and family services 754
to be used for the reporting and investigation of elder abuse, 755
neglect, and exploitation or for the provision or arrangement of 756

protective services under sections 5101.61 to 5101.71 of the Revised Code. 757
758

(4) If the property stolen is a firearm or dangerous ordnance, a violation of this section is grand theft. Except as otherwise provided in this division, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the third degree, and there is a presumption in favor of the court imposing a prison term for the offense. If the firearm or dangerous ordnance was stolen from a federally licensed firearms dealer, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the first degree. The offender shall serve a prison term imposed for grand theft when the property stolen is a firearm or dangerous ordnance consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender. 759
760
761
762
763
764
765
766
767
768
769
770
771

(5) If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree. 772
773
774

(6) If the property stolen is any dangerous drug, a violation of this section is theft of drugs, a felony of the fourth degree, or, if the offender previously has been convicted of a felony drug abuse offense, a felony of the third degree. 775
776
777
778

(7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, a violation of this section is theft of a police dog or horse or an assistance dog, a felony of the third degree. 779
780
781
782
783

(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a 784
785

felony of the third degree. 786

(9) Except as provided in division (B) (2) of this section 787
with respect to property with a value of seven thousand five 788
hundred dollars or more and division (B) (3) of this section with 789
respect to property with a value of one thousand dollars or 790
more, if the property stolen is a special purpose article as 791
defined in section 4737.04 of the Revised Code or is a bulk 792
merchandise container as defined in section 4737.012 of the 793
Revised Code, a violation of this section is theft of a special 794
purpose article or articles or theft of a bulk merchandise 795
container or containers, a felony of the fifth degree. 796

(10) In addition to the penalties described in division 797
(B) (2) of this section, if the offender committed the violation 798
by causing a motor vehicle to leave the premises of an 799
establishment at which gasoline is offered for retail sale 800
without the offender making full payment for gasoline that was 801
dispensed into the fuel tank of the motor vehicle or into 802
another container, the court may do one of the following: 803

(a) Unless division (B) (10) (b) of this section applies, 804
suspend for not more than six months the offender's driver's 805
license, probationary driver's license, commercial driver's 806
license, temporary instruction permit, or nonresident operating 807
privilege; 808

(b) If the offender's driver's license, probationary 809
driver's license, commercial driver's license, temporary 810
instruction permit, or nonresident operating privilege has 811
previously been suspended pursuant to division (B) (10) (a) of 812
this section, impose a class seven suspension of the offender's 813
license, permit, or privilege from the range specified in 814
division (A) (7) of section 4510.02 of the Revised Code, provided 815

that the suspension shall be for at least six months. 816

(c) The court, in lieu of suspending the offender's 817
driver's or commercial driver's license, probationary driver's 818
license, temporary instruction permit, or nonresident operating 819
privilege pursuant to division (B)(10)(a) or (b) of this 820
section, instead may require the offender to perform community 821
service for a number of hours determined by the court. 822

(11) In addition to the penalties described in division 823
(B)(2) of this section, if the offender committed the violation 824
by stealing rented property or rental services, the court may 825
order that the offender make restitution pursuant to section 826
2929.18 or 2929.28 of the Revised Code. Restitution may include, 827
but is not limited to, the cost of repairing or replacing the 828
stolen property, or the cost of repairing the stolen property 829
and any loss of revenue resulting from deprivation of the 830
property due to theft of rental services that is less than or 831
equal to the actual value of the property at the time it was 832
rented. Evidence of intent to commit theft of rented property or 833
rental services shall be determined pursuant to the provisions 834
of section 2913.72 of the Revised Code. 835

(12) If the property stolen is mail, a violation of this 836
section is theft of mail, a felony of the fifth degree except as 837
provided in division (B)(2) of this section with respect to 838
property with a value of seven thousand five hundred dollars or 839
more and division (B)(3) of this section with respect to 840
property with a value of one thousand dollars or more. As used 841
in this division, "mail" means any letter, card, parcel, or 842
other material, along with its contents, that is received, 843
accepted for delivery, delivered, or left for collection by a 844
postal service, including the United States postal service, a 845

common carrier, or a private delivery service. 846

(C) The sentencing court that suspends an offender's 847
license, permit, or nonresident operating privilege under 848
division (B)(10) of this section may grant the offender limited 849
driving privileges during the period of the suspension in 850
accordance with Chapter 4510. of the Revised Code. 851

Sec. 2913.08. (A) As used in this section: 852

(1) "Enterprise" has the same meaning as in section 853
2923.31 of the Revised Code. 854

(2) "Retail property" means any tangible personal property 855
displayed, held, stored, or offered for sale in or by a retail 856
establishment or an online marketplace as defined in section 857
1349.65 of the Revised Code. "Retail property" includes gift 858
cards as defined in section 1349.61 of the Revised Code. 859

(3) "Retail property fence" means an enterprise that 860
possesses, procures, receives, or conceals retail property that 861
was represented to the enterprise as being stolen or that the 862
enterprise knows or believes to be stolen. 863

(4) "Retail value" means the full retail value of the 864
retail property, including all applicable taxes and shipping 865
costs. 866

(5) "Theft" means conduct that would constitute a 867
violation of section 2913.02 of the Revised Code. 868

(B) No person shall knowingly commit theft of retail 869
property with a retail value of one thousand dollars or more 870
from a retail establishment for either of the following 871
purposes: 872

(1) To sell, deliver, or transfer that property to a 873

retail property fence; 874

(2) To sell, deliver, transfer, exchange, or return the 875
retail property for value. 876

(C) No person employed by, or associated with, an 877
enterprise shall receive, purchase, or possess retail property 878
with a retail value of one thousand dollars or more if the 879
person knows, believes, or has reasonable cause to believe that 880
the property has been obtained by theft. 881

(D) No person shall knowingly act as an agent of an 882
enterprise to steal retail property with a retail value of one 883
thousand dollars or more from a retail establishment as part of 884
an organized plan to commit theft. 885

(E) No person shall knowingly recruit, coordinate, 886
organize, supervise, direct, manage, or finance an enterprise to 887
undertake any of the acts described in division (B), (C), or (D) 888
of this section. 889

(F) Whoever violates this section is guilty of organized 890
theft of retail property. If the retail value is less than seven 891
hundred fifty thousand dollars, organized theft of retail 892
property is a felony of the third degree. If the retail value is 893
seven hundred fifty thousand dollars or more but less than one 894
million five hundred thousand dollars, organized theft of retail 895
property is a felony of the second degree. If the retail value 896
is one million five hundred thousand dollars or more, organized 897
retail theft is a felony of the first degree. 898

(G) In determining whether the retail value of retail 899
property equals or exceeds one thousand dollars, the value of 900
all retail property stolen from the retail establishment or 901
retail establishments by the same person or persons within any 902

twelve-month period shall be aggregated. 903

(H) A prosecution for a violation of this section does not 904
preclude a prosecution for a violation of section 2913.02 or 905
2913.51 of the Revised Code based on the same conduct. However, 906
if an offender is convicted of or pleads guilty to a violation 907
of this section and is also convicted of or pleads guilty to a 908
violation of section 2913.02 or 2913.51 of the Revised Code 909
based on the same conduct that was the basis of the violation of 910
this section, the two or more offenses are allied offenses of 911
similar import under section 2941.25 of the Revised Code. 912

Sec. 2913.30. (A) As used in this section: 913

(1) "Access device" means any debit or credit card 914
representing a monetary security or retail amount by any 915
financial institution, including a bank, savings bank, savings 916
and loan association, credit union, or business entity. "Access 917
device" includes a gift card as defined in section 1349.61 of 918
the Revised Code. 919

(2) "Obligation or other security" means an instrument 920
recognized as currency or legal tender or that is issued by the 921
United States treasury, including bills, coins, bonds, or 922
checks. 923

(3) "Encoding machine" means an electronic device that is 924
used to encode information onto an access device. 925

(4) "Merchant" means an owner or operator of a retail 926
establishment or an agent, employee, lessee, consignee, officer, 927
director, franchisee, or independent contractor of the owner or 928
operator. 929

(5) "Scanning device" means a scanner, reader, wireless 930
access device, radio frequency identification scanner, an 931

electronic device that utilizes near field communication 932
technology, or any other electronic device that is used to 933
access, read, scan, obtain, memorize, or store, temporarily or 934
permanently, information encoded on an access device. 935

(B) No person, with purpose to defraud or knowing that the 936
person is facilitating a fraud, shall do any of the following: 937

(1) Falsely make, forge, counterfeit, or alter any 938
obligation or other security of the United States; 939

(2) Pass, utter, sell, purchase, conceal, or transfer any 940
counterfeit obligation or other security of the United States; 941

(3) Possess with the purpose to utter any obligation or 942
other security of the United States, knowing that the obligation 943
or other security has been counterfeited; 944

(4) Without authorization of the issuer, falsely make, 945
forge, counterfeit, alter, or knowingly possess any access 946
device; 947

(5) Directly or indirectly use a scanning device to 948
access, read, obtain, memorize, or store, temporarily or 949
permanently, information encoded on an access device without the 950
permission of the authorized user of the access device, the 951
financial institution issuing the authorized user's access 952
device, or a merchant; 953

(6) Directly or indirectly use an encoding machine to 954
place information encoded on an access device onto a different 955
access device without the permission of the authorized user of 956
the access device from which the information was obtained, the 957
financial institution issuing the authorized user's access 958
device, or a merchant. 959

(C) Whoever violates this section is guilty of 960
counterfeiting. Except as otherwise provided in this division, 961
counterfeiting is a felony of the fourth degree, and in 962
addition, the court shall impose on the offender a fine from the 963
range of fines for a felony of the fourth degree that is not 964
less than five hundred dollars. 965

(1) If the value of the counterfeited obligations or other 966
securities or access devices is five thousand dollars or more 967
and is less than one hundred thousand dollars, or if the offense 968
involves five or more access devices, counterfeiting is a felony 969
of the third degree. 970

(2) If the value of the counterfeited obligations or other 971
securities or access devices is one hundred thousand dollars or 972
more and is less than one million dollars, counterfeiting is a 973
felony of the second degree. 974

(3) If the value of the counterfeited obligations or other 975
securities or access devices is one million dollars or more, 976
counterfeiting is a felony of the first degree. 977

(D) A prosecution for a violation of this section does not 978
preclude a prosecution for a violation of section 2913.02, 979
2913.31, or 2913.32 of the Revised Code based on the same 980
conduct. However, if an offender is convicted of or pleads 981
guilty to a violation of this section and is also convicted of 982
or pleads guilty to a violation of section 2913.02, 2913.31, or 983
2913.32 of the Revised Code based on the same conduct involving 984
the same victim that was the basis of the violation of this 985
section, the two or more offenses are allied offenses of similar 986
import under section 2941.25 of the Revised Code. 987

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 988

the Revised Code:	989
(A) "Beneficial interest" means any of the following:	990
(1) The interest of a person as a beneficiary under a	991
trust in which the trustee holds title to personal or real	992
property;	993
(2) The interest of a person as a beneficiary under any	994
other trust arrangement under which any other person holds title	995
to personal or real property for the benefit of such person;	996
(3) The interest of a person under any other form of	997
express fiduciary arrangement under which any other person holds	998
title to personal or real property for the benefit of such	999
person.	1000
"Beneficial interest" does not include the interest of a	1001
stockholder in a corporation or the interest of a partner in	1002
either a general or limited partnership.	1003
(B) "Costs of investigation and prosecution" and "costs of	1004
investigation and litigation" mean all of the costs incurred by	1005
the state or a county or municipal corporation under sections	1006
2923.31 to 2923.36 of the Revised Code in the prosecution and	1007
investigation of any criminal action or in the litigation and	1008
investigation of any civil action, and includes, but is not	1009
limited to, the costs of resources and personnel.	1010
(C) "Enterprise" includes any individual, sole	1011
proprietorship, partnership, limited partnership, corporation,	1012
trust, union, government agency, or other legal entity, or any	1013
organization, association, or group of persons associated in	1014
fact although not a legal entity. "Enterprise" includes illicit	1015
as well as licit enterprises.	1016

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

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

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

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

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

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

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

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

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

(2) Conduct constituting any of the following:

(a) A violation of section 1315.55, 1322.07, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12,

2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 1076
division (F) (1) (a), (b), or (c) of section 1315.53; division (A) 1077
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), 1078
or (F) of section 1707.44; division (A) (1) or (2) of section 1079
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 1080
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 1081
division (C), (D), or (E) of section 4719.07; section 4719.08; 1082
or division (A) of section 4719.09 of the Revised Code. 1083

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 1084
3769.19 of the Revised Code as it existed prior to July 1, 1996, 1085
any violation of section 2915.02 of the Revised Code that occurs 1086
on or after July 1, 1996, and that, had it occurred prior to 1087
that date, would have been a violation of section 3769.11 of the 1088
Revised Code as it existed prior to that date, or any violation 1089
of section 2915.05 of the Revised Code that occurs on or after 1090
July 1, 1996, and that, had it occurred prior to that date, 1091
would have been a violation of section 3769.15, 3769.16, or 1092
3769.19 of the Revised Code as it existed prior to that date. 1093

(c) Any violation of section 2907.21, 2907.22, 2907.31, 1094
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 1095
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1096
of the Revised Code, any violation of section 2925.11 of the 1097
Revised Code that is a felony of the first, second, third, or 1098
fourth degree and that occurs on or after July 1, 1996, any 1099
violation of section 2915.02 of the Revised Code that occurred 1100
prior to July 1, 1996, any violation of section 2915.02 of the 1101
Revised Code that occurs on or after July 1, 1996, and that, had 1102
it occurred prior to that date, would not have been a violation 1103
of section 3769.11 of the Revised Code as it existed prior to 1104
that date, any violation of section 2915.06 of the Revised Code 1105
as it existed prior to July 1, 1996, or any violation of 1106

division (B) of section 2915.05 of the Revised Code as it exists 1107
on and after July 1, 1996, when the proceeds of the violation, 1108
the payments made in the violation, the amount of a claim for 1109
payment or for any other benefit that is false or deceptive and 1110
that is involved in the violation, or the value of the 1111
contraband or other property illegally possessed, sold, or 1112
purchased in the violation exceeds one thousand dollars, or any 1113
combination of violations described in division (I) (2) (c) of 1114
this section when the total proceeds of the combination of 1115
violations, payments made in the combination of violations, 1116
amount of the claims for payment or for other benefits that is 1117
false or deceptive and that is involved in the combination of 1118
violations, or value of the contraband or other property 1119
illegally possessed, sold, or purchased in the combination of 1120
violations exceeds one thousand dollars; 1121

(d) Any violation of section 5743.112 of the Revised Code 1122
when the amount of unpaid tax exceeds one hundred dollars; 1123

(e) Any violation or combination of violations of section 1124
2907.32 of the Revised Code involving any material or 1125
performance containing a display of bestiality or of sexual 1126
conduct, as defined in section 2907.01 of the Revised Code, that 1127
is explicit and depicted with clearly visible penetration of the 1128
genitals or clearly visible penetration by the penis of any 1129
orifice when the total proceeds of the violation or combination 1130
of violations, the payments made in the violation or combination 1131
of violations, or the value of the contraband or other property 1132
illegally possessed, sold, or purchased in the violation or 1133
combination of violations exceeds one thousand dollars; 1134

(f) Any combination of violations described in division 1135
(I) (2) (c) of this section and violations of section 2907.32 of 1136

the Revised Code involving any material or performance 1137
containing a display of bestiality or of sexual conduct, as 1138
defined in section 2907.01 of the Revised Code, that is explicit 1139
and depicted with clearly visible penetration of the genitals or 1140
clearly visible penetration by the penis of any orifice when the 1141
total proceeds of the combination of violations, payments made 1142
in the combination of violations, amount of the claims for 1143
payment or for other benefits that is false or deceptive and 1144
that is involved in the combination of violations, or value of 1145
the contraband or other property illegally possessed, sold, or 1146
purchased in the combination of violations exceeds one thousand 1147
dollars; 1148

(g) Any violation of section 2905.32 of the Revised Code 1149
to the extent the violation is not based solely on the same 1150
conduct that constitutes corrupt activity pursuant to division 1151
(I) (2) (c) of this section due to the conduct being in violation 1152
of section 2907.21 of the Revised Code. 1153

(3) Conduct constituting a violation of any law of any 1154
state other than this state that is substantially similar to the 1155
conduct described in division (I) (2) of this section, provided 1156
the defendant was convicted of the conduct in a criminal 1157
proceeding in the other state; 1158

(4) Animal or ecological terrorism; 1159

(5) (a) ~~Conduct constituting any of the following:~~ 1160

~~(i) Organized retail theft;~~ 1161

~~(ii) Conduct that constitutes one or more violations of~~ 1162
~~any law of any state other than this state, that is~~ 1163
~~substantially similar to organized retail theft, and that if~~ 1164
~~committed in this state would be organized retail theft, if the~~ 1165

~~defendant was convicted of or pleaded guilty to the conduct in a~~ 1166
~~criminal proceeding in the other state.~~ 1167

(b) By enacting division (I) (5) (a) of this section, it is 1168
the intent of the general assembly to add organized retail theft 1169
~~and the conduct described in division (I) (5) (a) (ii) of this~~ 1170
~~section~~ as conduct constituting corrupt activity. The enactment 1171
of division (I) (5) (a) of this section and the addition by 1172
division (I) (5) (a) of this section of organized retail theft ~~and~~ 1173
~~the conduct described in division (I) (5) (a) (ii) of this section~~ 1174
as conduct constituting corrupt activity does not limit or 1175
preclude, and shall not be construed as limiting or precluding, 1176
any prosecution for a violation of section 2923.32 of the 1177
Revised Code that is based on one or more violations of section 1178
2913.02 or 2913.51 of the Revised Code, one or more similar 1179
offenses under the laws of this state or any other state, or any 1180
combination of any of those violations or similar offenses, even 1181
though the conduct constituting the basis for those violations 1182
or offenses could be construed as also constituting organized 1183
retail theft ~~or conduct of the type described in division (I) (5)~~ 1184
~~(a) (ii) of this section.~~ 1185

(J) "Real property" means any real property or any 1186
interest in real property, including, but not limited to, any 1187
lease of, or mortgage upon, real property. Real property and any 1188
beneficial interest in it is deemed to be located where the real 1189
property is located. 1190

(K) "Trustee" means any of the following: 1191

(1) Any person acting as trustee under a trust in which 1192
the trustee holds title to personal or real property; 1193

(2) Any person who holds title to personal or real 1194

property for which any other person has a beneficial interest; 1195

(3) Any successor trustee. 1196

"Trustee" does not include an assignee or trustee for an 1197
insolvent debtor or an executor, administrator, administrator 1198
with the will annexed, testamentary trustee, guardian, or 1199
committee, appointed by, under the control of, or accountable to 1200
a court. 1201

(L) "Unlawful debt" means any money or other thing of 1202
value constituting principal or interest of a debt that is 1203
legally unenforceable in this state in whole or in part because 1204
the debt was incurred or contracted in violation of any federal 1205
or state law relating to the business of gambling activity or 1206
relating to the business of lending money at an usurious rate 1207
unless the creditor proves, by a preponderance of the evidence, 1208
that the usurious rate was not intentionally set and that it 1209
resulted from a good faith error by the creditor, 1210
notwithstanding the maintenance of procedures that were adopted 1211
by the creditor to avoid an error of that nature. 1212

(M) "Animal activity" means any activity that involves the 1213
use of animals or animal parts, including, but not limited to, 1214
hunting, fishing, trapping, traveling, camping, the production, 1215
preparation, or processing of food or food products, clothing or 1216
garment manufacturing, medical research, other research, 1217
entertainment, recreation, agriculture, biotechnology, or 1218
service activity that involves the use of animals or animal 1219
parts. 1220

(N) "Animal facility" means a vehicle, building, 1221
structure, nature preserve, or other premises in which an animal 1222
is lawfully kept, handled, housed, exhibited, bred, or offered 1223

for sale, including, but not limited to, a zoo, rodeo, circus, 1224
amusement park, hunting preserve, or premises in which a horse 1225
or dog event is held. 1226

(O) "Animal or ecological terrorism" means the commission 1227
of any felony that involves causing or creating a substantial 1228
risk of physical harm to any property of another, the use of a 1229
deadly weapon or dangerous ordnance, or purposely, knowingly, or 1230
recklessly causing serious physical harm to property and that 1231
involves an intent to obstruct, impede, or deter any person from 1232
participating in a lawful animal activity, from mining, 1233
forestry, harvesting, gathering, or processing natural 1234
resources, or from being lawfully present in or on an animal 1235
facility or research facility. 1236

(P) "Research facility" means a place, laboratory, 1237
institution, medical care facility, government facility, or 1238
public or private educational institution in which a scientific 1239
test, experiment, or investigation involving the use of animals 1240
or other living organisms is lawfully carried out, conducted, or 1241
attempted. 1242

(Q) "Organized retail theft" means ~~the theft of retail~~ 1243
~~property with a retail value of one thousand dollars or more~~ 1244
~~from one or more retail establishments with the intent to sell,~~ 1245
~~deliver, or transfer that property to a retail property~~ 1246
fenceconduct constituting a violation of section 2913.08 of the 1247
Revised Code or conduct that constitutes a violation of any law 1248
of any state other than this state that is substantially similar 1249
to section 2913.08 of the Revised Code, provided the defendant 1250
was convicted of or pleaded guilty to the conduct in a criminal 1251
proceeding in the other state. 1252

~~(R) "Retail property" means any tangible personal property~~ 1253

~~displayed, held, stored, or offered for sale in or by a retail-~~ 1254
~~establishment.~~ 1255

~~(S) "Retail property fence" means a person who possesses,~~ 1256
~~procures, receives, or conceals retail property that was~~ 1257
~~represented to the person as being stolen or that the person~~ 1258
~~knows or believes to be stolen.~~ 1259

~~(T) "Retail value" means the full retail value of the~~ 1260
~~retail property. In determining whether the retail value of~~ 1261
~~retail property equals or exceeds one thousand dollars, the~~ 1262
~~value of all retail property stolen from the retail~~ 1263
~~establishment or retail establishments by the same person or~~ 1264
~~persons within any one hundred eighty day period shall be~~ 1265
~~aggregated.~~ 1266

Sec. 2923.32. (A) (1) No person employed by, or associated 1267
with, any enterprise shall conduct or participate in, directly 1268
or indirectly, the affairs of the enterprise through a pattern 1269
of corrupt activity or the collection of an unlawful debt. 1270

(2) No person, through a pattern of corrupt activity or 1271
the collection of an unlawful debt, shall acquire or maintain, 1272
directly or indirectly, any interest in, or control of, any 1273
enterprise or real property. 1274

(3) No person, who knowingly has received any proceeds 1275
derived, directly or indirectly, from a pattern of corrupt 1276
activity or the collection of any unlawful debt, shall use or 1277
invest, directly or indirectly, any part of those proceeds, or 1278
any proceeds derived from the use or investment of any of those 1279
proceeds, in the acquisition of any title to, or any right, 1280
interest, or equity in, real property or in the establishment or 1281
operation of any enterprise. 1282

A purchase of securities on the open market with intent to 1283
make an investment, without intent to control or participate in 1284
the control of the issuer, and without intent to assist another 1285
to do so is not a violation of this division, if the securities 1286
of the issuer held after the purchase by the purchaser, the 1287
members of the purchaser's immediate family, and the purchaser's 1288
or the immediate family members' accomplices in any pattern of 1289
corrupt activity or the collection of an unlawful debt do not 1290
aggregate one per cent of the outstanding securities of any one 1291
class of the issuer and do not confer, in law or in fact, the 1292
power to elect one or more directors of the issuer. 1293

(B) (1) Whoever violates this section is guilty of engaging 1294
in a pattern of corrupt activity. Except as otherwise provided 1295
in this division, engaging in corrupt activity is a felony of 1296
the second degree. Except as otherwise provided in this 1297
division, if at least one of the incidents of corrupt activity 1298
is a felony of the first, second, or third degree, aggravated 1299
murder, or murder, if at least one of the incidents was a felony 1300
under the law of this state that was committed prior to July 1, 1301
1996, and that would constitute a felony of the first, second, 1302
or third degree, aggravated murder, or murder if committed on or 1303
after July 1, 1996, or if at least one of the incidents of 1304
corrupt activity is a felony under the law of the United States 1305
or of another state that, if committed in this state on or after 1306
July 1, 1996, would constitute a felony of the first, second, or 1307
third degree, aggravated murder, or murder under the law of this 1308
state, engaging in a pattern of corrupt activity is a felony of 1309
the first degree. If the offender also is convicted of or pleads 1310
guilty to a specification as described in section 2941.1422 of 1311
the Revised Code that was included in the indictment, count in 1312
the indictment, or information charging the offense, engaging in 1313

a pattern of corrupt activity is a felony of the first degree, 1314
and the court shall sentence the offender to a mandatory prison 1315
term as provided in division (B) (7) of section 2929.14 of the 1316
Revised Code and shall order the offender to make restitution as 1317
provided in division (B) (8) of section 2929.18 of the Revised 1318
Code. Notwithstanding any other provision of law, a person may 1319
be convicted of violating the provisions of this section as well 1320
as of a conspiracy to violate one or more of those provisions 1321
under section 2923.01 of the Revised Code. 1322

(2) Notwithstanding the financial sanctions authorized by 1323
section 2929.18 of the Revised Code, the court may do all of the 1324
following with respect to any person who derives pecuniary value 1325
or causes property damage, personal injury other than pain and 1326
suffering, or other loss through or by the violation of this 1327
section: 1328

(a) In lieu of the fine authorized by that section, impose 1329
a fine not exceeding the greater of three times the gross value 1330
gained or three times the gross loss caused and order the clerk 1331
of the court to pay the fine into the state treasury to the 1332
credit of the corrupt activity investigation and prosecution 1333
fund, which is hereby created; 1334

(b) In addition to the fine described in division (B) (2) 1335
(a) of this section and the financial sanctions authorized by 1336
section 2929.18 of the Revised Code, order the person to pay 1337
court costs; 1338

(c) In addition to the fine described in division (B) (2) 1339
(a) of this section and the financial sanctions authorized by 1340
section 2929.18 of the Revised Code, order the person to pay to 1341
the state, municipal, or county law enforcement agencies that 1342
handled the investigation and prosecution the costs of 1343

investigation and prosecution that are reasonably incurred. 1344

The court shall hold a hearing to determine the amount of 1345
fine, court costs, and other costs to be imposed under this 1346
division. 1347

(3) In addition to any other penalty or disposition 1348
authorized or required by law, the court shall order any person 1349
who is convicted of or pleads guilty to a violation of this 1350
section or who is adjudicated delinquent by reason of a 1351
violation of this section to criminally forfeit to the state 1352
under Chapter 2981. of the Revised Code any personal or real 1353
property in which the person has an interest and that was used 1354
in the course of or intended for use in the course of a 1355
violation of this section, or that was derived from or realized 1356
through conduct in violation of this section, including any 1357
property constituting an interest in, means of control over, or 1358
influence over the enterprise involved in the violation and any 1359
property constituting proceeds derived from the violation, 1360
including all of the following: 1361

(a) Any position, office, appointment, tenure, commission, 1362
or employment contract of any kind acquired or maintained by the 1363
person in violation of this section, through which the person, 1364
in violation of this section, conducted or participated in the 1365
conduct of an enterprise, or that afforded the person a source 1366
of influence or control over an enterprise that the person 1367
exercised in violation of this section; 1368

(b) Any compensation, right, or benefit derived from a 1369
position, office, appointment, tenure, commission, or employment 1370
contract described in division (B) (3) (a) of this section that 1371
accrued to the person in violation of this section during the 1372
period of the pattern of corrupt activity; 1373

(c) Any interest in, security of, claim against, or 1374
property or contractual right affording the person a source of 1375
influence or control over the affairs of an enterprise that the 1376
person exercised in violation of this section; 1377

(d) Any amount payable or paid under any contract for 1378
goods or services that was awarded or performed in violation of 1379
this section. 1380

(C) If a pattern of corrupt activity involves one or more 1381
incidents of organized retail theft, the retail establishment or 1382
group of establishments whose retail property is alleged to have 1383
been stolen may contact the prosecuting attorney and request 1384
that the charge be aggregated with other thefts of retail 1385
property about which the retail establishment or group of 1386
establishments is aware. If the prosecuting attorney declines 1387
the request, the prosecuting attorney shall promptly inform the 1388
retail establishment or group of establishments and provide the 1389
basis for the prosecuting attorney's decision. 1390

In determining whether the retail value of stolen retail 1391
property equals or exceeds one thousand dollars, the value of 1392
all retail property stolen from the retail establishment or 1393
group of establishments by the same person or persons within any 1394
twelve-month period shall be aggregated. 1395

Sec. 5739.17. (A) No person shall engage in making retail 1396
sales subject to a tax imposed by or pursuant to section 1397
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code as 1398
a business without having a license therefor, except as 1399
otherwise provided in divisions (A) (1), (2), and (3) of this 1400
section. 1401

(1) In the dissolution of a partnership by death, the 1402

surviving partner may operate under the license of the 1403
partnership for a period of sixty days. 1404

(2) The heirs or legal representatives of deceased 1405
persons, and receivers and trustees in bankruptcy, appointed by 1406
any competent authority, may operate under the license of the 1407
person so succeeded in possession. 1408

(3) Two or more persons who are not partners may operate a 1409
single place of business under one license. In such case neither 1410
the retirement of any such person from business at that place of 1411
business, nor the entrance of any person, under an existing 1412
arrangement, shall affect the license or require the issuance of 1413
a new license, unless the person retiring from the business is 1414
the individual named on the vendor's license. 1415

Except as otherwise provided in this section, each 1416
applicant for a license shall make out and deliver to the county 1417
auditor of each county in which the applicant desires to engage 1418
in business, upon a blank to be furnished by such auditor for 1419
that purpose, a statement showing the name of the applicant, 1420
each place of business in the county where the applicant will 1421
make retail sales, the nature of the business, and any other 1422
information the tax commissioner reasonably prescribes in the 1423
form of a statement prescribed by the commissioner. 1424

At the time of making the application, the applicant shall 1425
pay into the county treasury a license fee in the sum of ~~twenty-~~ 1426
~~five-fifty~~ dollars for each fixed place of business in the 1427
county that will be the situs of retail sales. Upon receipt of 1428
the application and exhibition of the county treasurer's 1429
receipt, showing the payment of the license fee, the county 1430
auditor shall issue to the applicant a license for each fixed 1431
place of business designated in the application, authorizing the 1432

applicant to engage in business at that location. The county 1433
auditor shall transmit twenty-five dollars of each license fee 1434
to the treasurer of state for deposit into the state treasury to 1435
the credit of the organized crime commission fund for the 1436
purposes specified in section 177.011 of the Revised Code. The 1437
remaining twenty-five dollars of each license fee shall be 1438
credited to the general fund of the county. 1439

(B) If a vendor's identity changes, the vendor shall apply 1440
for a new license. If a vendor wishes to move an existing fixed 1441
place of business to a new location within the same county, the 1442
vendor shall obtain a new vendor's license or submit a request 1443
to the commissioner to transfer the existing vendor's license to 1444
the new location. When the new location has been verified as 1445
being within the same county, the commissioner shall authorize 1446
the transfer and notify the county auditor of the change of 1447
location. If a vendor wishes to move an existing fixed place of 1448
business to another county, the vendor's license shall not 1449
transfer and the vendor shall obtain a new vendor's license from 1450
the county in which the business is to be located. The form of 1451
the license shall be prescribed by the commissioner. The fees 1452
collected shall be credited ~~to the general fund of the county~~ as 1453
specified in division (A) (3) of this section. If a vendor fails 1454
to notify the commissioner of a change of location of its fixed 1455
place of business or that its business has closed, the 1456
commissioner may cancel the vendor's license if ordinary mail 1457
sent to the location shown on the license is returned because of 1458
an undeliverable address. 1459

(C) The commissioner may establish or participate in a 1460
registration system whereby any vendor may obtain a vendor's 1461
license by submitting to the commissioner a vendor's license 1462
application and a license fee of ~~twenty-five~~ fifty dollars for 1463

each fixed place of business at which the vendor intends to make 1464
retail sales. Under this registration system, the commissioner 1465
shall issue a vendor's license to the applicant on behalf of the 1466
county auditor of the county in which the applicant desires to 1467
engage in business, and shall forward a copy of the application 1468
and license fee to that county. All such Twenty-five dollars of 1469
each license fees-fee received by the commissioner for the 1470
issuance of vendor's licenses shall be deposited into the 1471
vendor's license application fund, which is hereby created in 1472
the state treasury. The remaining twenty-five dollars of each 1473
license fee shall be deposited into the organized crime 1474
commission fund for the purposes specified in section 177.011 of 1475
the Revised Code. The commissioner shall certify to the director 1476
of budget and management within ten business days after the 1477
close of a month the license fees to be transmitted to each 1478
county from the vendor's license application fund for vendor's 1479
license applications received by the commissioner during that 1480
month. License fees transmitted to a county for which payment 1481
was not received by the commissioner may be netted against a 1482
future distribution to that county, including distributions made 1483
pursuant to section 5739.21 of the Revised Code. 1484

A vendor that makes retail sales subject to tax under 1485
Chapter 5739. of the Revised Code pursuant to a permit issued by 1486
the division of liquor control shall obtain a vendor's license 1487
in the identical name and for the identical address as shown on 1488
the permit. 1489

Except as otherwise provided in this section, if a vendor 1490
has no fixed place of business and sells from a vehicle, each 1491
vehicle intended to be used within a county constitutes a place 1492
of business for the purpose of this section. 1493

(D) As used in this section, "transient vendor" means any 1494
person who makes sales of tangible personal property from 1495
vending machines located on land owned by others, who leases 1496
titled motor vehicles, titled watercraft, or titled outboard 1497
motors, who effectuates leases that are taxed according to 1498
division (A) (2) of section 5739.02 of the Revised Code, or who, 1499
in the usual course of the person's business, transports 1500
inventory, stock of goods, or similar tangible personal property 1501
to a temporary place of business or temporary exhibition, show, 1502
fair, flea market, or similar event in a county in which the 1503
person has no fixed place of business, for the purpose of making 1504
retail sales of such property. A "temporary place of business" 1505
means any public or quasi-public place including, but not 1506
limited to, a hotel, rooming house, storeroom, building, part of 1507
a building, tent, vacant lot, railroad car, or motor vehicle 1508
that is temporarily occupied for the purpose of making retail 1509
sales of goods to the public. A place of business is not 1510
temporary if the same person conducted business at the place 1511
continuously for more than six months or occupied the premises 1512
as the person's permanent residence for more than six months, or 1513
if the person intends it to be a fixed place of business. 1514

Any transient vendor, in lieu of obtaining a vendor's 1515
license under division (A) of this section for counties in which 1516
the transient vendor has no fixed place of business, may apply 1517
to the tax commissioner, on a form prescribed by the 1518
commissioner, for a transient vendor's license. The transient 1519
vendor's license authorizes the transient vendor to make retail 1520
sales in any county in which the transient vendor does not 1521
maintain a fixed place of business. Any holder of a transient 1522
vendor's license shall not be required to obtain a separate 1523
vendor's license from the county auditor in that county. Upon 1524

the commissioner's determination that an applicant is a 1525
transient vendor, the applicant shall pay a license fee in the 1526
amount of ~~twenty-five-fifty~~ dollars, at which time the tax 1527
commissioner shall issue the license. Twenty-five dollars of 1528
that license fee shall be deposited into the organized crime 1529
commission fund for the purposes specified in section 177.011 of 1530
the Revised Code. The tax commissioner may require a vendor to 1531
be licensed as a transient vendor if, in the opinion of the 1532
commissioner, such licensing is necessary for the efficient 1533
administration of the tax. 1534

Any holder of a valid transient vendor's license may make 1535
retail sales at a temporary place of business or temporary 1536
exhibition, show, fair, flea market, or similar event, held 1537
anywhere in the state without complying with any provision of 1538
section 311.37 of the Revised Code. Any holder of a valid 1539
vendor's license may make retail sales as a transient vendor at 1540
a temporary place of business or temporary exhibition, show, 1541
fair, flea market, or similar event held in any county in which 1542
the vendor maintains a fixed place of business for which the 1543
vendor holds a vendor's license without obtaining a transient 1544
vendor's license. 1545

(E) Any vendor who is issued a license pursuant to this 1546
section shall display the license or a copy of it prominently, 1547
in plain view, at every place of business of the vendor. 1548

(F) No owner, organizer, or promoter who operates a fair, 1549
flea market, show, exhibition, convention, or similar event at 1550
which transient vendors are present shall fail to keep a 1551
comprehensive record of all such vendors, listing the vendor's 1552
name, permanent address, vendor's license number, and the type 1553
of goods sold. Such records shall be kept for four years and 1554

shall be open to inspection by the commissioner. 1555

(G) The commissioner may issue additional types of 1556
licenses if required to efficiently administer the tax imposed 1557
by this chapter. 1558

Section 2. That existing sections 177.011, 177.02, 1559
2909.07, 2913.01, 2913.02, 2913.30, 2923.31, 2923.32, and 1560
5739.17 of the Revised Code are hereby repealed. 1561

Section 3. All items in this act are hereby appropriated 1562
as designated out of any moneys in the state treasury to the 1563
credit of the designated fund. For all operating appropriations 1564
made in this act, those in the first column are for fiscal year 1565
2024 and those in the second column are for fiscal year 2025. 1566
The operating appropriations made in this act are in addition to 1567
any other operating appropriations made for these fiscal years. 1568

Section 4. 1569

1570

	1	2	3	4	5
A			AGO ATTORNEY GENERAL		
B			Holding Account Fund Group		
C	R042	055601	Organized Crime Commission Distributions	\$1,500,000	\$0
D			TOTAL HLD Holding Account Fund Group	\$1,500,000	\$0
E			TOTAL ALL BUDGET FUND GROUPS	\$1,500,000	\$0
			ORGANIZED RETAIL THEFT TASK FORCE		1571

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,500,000 cash from the General Revenue Fund to the Organized Crime Commission Fund (Fund R042) to support the appropriation made in this act.

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used to support the operations of the organized retail theft task force established in section 177.02 of the Revised Code.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 055601, Organized Crime Commission Distributions, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in, and are subject to all applicable provisions of, H.B. 33 of the 135th General Assembly.

Section 6. This act shall be known as the Fight Organized Retail Crime and Empower Law Enforcement (FORCE) Act.

Section 7. Section 2923.31 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 199 and H.B. 405 of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation,

finds that the composite is the resulting version of the section	1601
in effect prior to the effective date of the section as	1602
presented in this act.	1603