

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 370

Senator Romanchuk

To amend sections 2903.10, 2903.11, 2903.12, 1
2903.13, 2903.14, 2903.16, 2903.18, 2903.21, 2
2903.211, 2903.22, 2903.31, 2905.01, 2905.11, 3
2905.12, 2905.22, 2905.32, 2907.03, 2907.05, 4
2909.01, 2909.06, 2909.07, 2911.02, 2911.12, 5
2913.01, 2913.02, 2913.03, 2913.04, 2913.05, 6
2913.21, 2913.31, 2913.43, 2913.49, 2913.61, 7
2917.21, and 2919.25 of the Revised Code to 8
enhance criminal penalties for offenses 9
committed against a person with a disability. 10

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

Section 1. That sections 2903.10, 2903.11, 2903.12, 11
2903.13, 2903.14, 2903.16, 2903.18, 2903.21, 2903.211, 2903.22, 12
2903.31, 2905.01, 2905.11, 2905.12, 2905.22, 2905.32, 2907.03, 13
2907.05, 2909.01, 2909.06, 2909.07, 2911.02, 2911.12, 2913.01, 14
2913.02, 2913.03, 2913.04, 2913.05, 2913.21, 2913.31, 2913.43, 15
2913.49, 2913.61, 2917.21, and 2919.25 of the Revised Code be 16
amended to read as follows: 17

Sec. 2903.10. As used in sections ~~2903.13 and~~2903.11 to 18
2903.14 and sections 2903.16 to 2903.31 of the Revised Code: 19

(A) ~~"Person with a functional impairment" means any person~~ 20

~~who has a physical or mental impairment that prevents the person 21
from providing for the person's own care or protection or whose 22
infirmities caused by aging prevent the person from providing 23
for the person's own care or protection. 24~~

~~(B) "Caretaker" means a person who assumes the duty to 25
provide for the care and protection of a person with a 26
functional impairment disability on a voluntary basis, by 27
contract, through receipt of payment for care and protection, as 28
a result of a family relationship, or by order of a court of 29
competent jurisdiction. "Caretaker" does not include a person 30
who owns, operates, or administers, or who is an agent or 31
employee of, a care facility, as defined in section 2903.33 of 32
the Revised Code. 33~~

~~(B) "Disability" has the same meaning as in section 34
4112.01 of the Revised Code. 35~~

Sec. 2903.11. (A) No person shall knowingly do either of 36
the following: 37

(1) Cause serious physical harm to another or to another's 38
unborn; 39

(2) Cause or attempt to cause physical harm to another or 40
to another's unborn by means of a deadly weapon or dangerous 41
ordnance. 42

(B) No person, with knowledge that the person has tested 43
positive as a carrier of a virus that causes acquired 44
immunodeficiency syndrome, shall knowingly do any of the 45
following: 46

(1) Engage in sexual conduct with another person without 47
disclosing that knowledge to the other person prior to engaging 48
in the sexual conduct; 49

(2) Engage in sexual conduct with a person whom the 50
offender knows or has reasonable cause to believe lacks the 51
mental capacity to appreciate the significance of the knowledge 52
that the offender has tested positive as a carrier of a virus 53
that causes acquired immunodeficiency syndrome; 54

(3) Engage in sexual conduct with a person under eighteen 55
years of age who is not the spouse of the offender. 56

(C) The prosecution of a person under this section does 57
not preclude prosecution of that person under section 2907.02 of 58
the Revised Code. 59

(D) (1) (a) Whoever violates this section is guilty of 60
felonious assault. Except as otherwise provided in this division 61
or division (D) (1) (b) of this section, felonious assault is a 62
felony of the second degree. If the victim of a violation of 63
division (A) of this section is a peace officer ~~or~~, an 64
investigator of the bureau of criminal identification and 65
investigation, or a person with a disability and the offender 66
knows or reasonably should know that the victim is a person with 67
a disability, felonious assault is a felony of the first degree. 68

(b) Regardless of whether the felonious assault is a 69
felony of the first or second degree under division (D) (1) (a) of 70
this section, if the offender also is convicted of or pleads 71
guilty to a specification as described in section 2941.1423 of 72
the Revised Code that was included in the indictment, count in 73
the indictment, or information charging the offense, except as 74
otherwise provided in this division or unless a longer prison 75
term is required under any other provision of law, the court 76
shall sentence the offender to a mandatory prison term as 77
provided in division (B) (8) of section 2929.14 of the Revised 78
Code. If the victim of the offense is a peace officer ~~or~~, an 79

investigator of the bureau of criminal identification and 80
investigation, or a person with a disability and the offender 81
knows or reasonably should know that the victim is a person with 82
a disability, and if the victim suffered serious physical harm 83
as a result of the commission of the offense, felonious assault 84
is a felony of the first degree, and the court, pursuant to 85
division (F) of section 2929.13 of the Revised Code, shall 86
impose as a mandatory prison term one of the definite prison 87
terms prescribed for a felony of the first degree in division 88
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 89
the violation is committed on or after ~~the effective date of~~ 90
~~this amendment~~ March 22, 2019, the court shall impose as the 91
minimum prison term for the offense a mandatory prison term that 92
is one of the minimum terms prescribed for a felony of the first 93
degree in division (A) (1) (a) of section 2929.14 of the Revised 94
Code. 95

(2) In addition to any other sanctions imposed pursuant to 96
division (D) (1) of this section for felonious assault committed 97
in violation of division (A) (1) or (2) of this section, if the 98
offender also is convicted of or pleads guilty to a 99
specification of the type described in section 2941.1425 of the 100
Revised Code that was included in the indictment, count in the 101
indictment, or information charging the offense, the court shall 102
sentence the offender to a mandatory prison term under division 103
(B) (9) of section 2929.14 of the Revised Code. 104

(3) If the victim of a felonious assault committed in 105
violation of division (A) of this section is a child under ten 106
years of age and if the offender also is convicted of or pleads 107
guilty to a specification of the type described in section 108
2941.1426 of the Revised Code that was included in the 109
indictment, count in the indictment, or information charging the 110

offense, in addition to any other sanctions imposed pursuant to 111
division (D) (1) of this section, the court shall sentence the 112
offender to a mandatory prison term pursuant to division (B) (10) 113
of section 2929.14 of the Revised Code. 114

(4) In addition to any other sanctions imposed pursuant to 115
division (D) (1) of this section for felonious assault committed 116
in violation of division (A) (2) of this section, if the deadly 117
weapon used in the commission of the violation is a motor 118
vehicle, the court shall impose upon the offender a class two 119
suspension of the offender's driver's license, commercial 120
driver's license, temporary instruction permit, probationary 121
license, or nonresident operating privilege as specified in 122
division (A) (2) of section 4510.02 of the Revised Code. 123

(E) As used in this section: 124

(1) "Deadly weapon" and "dangerous ordnance" have the same 125
meanings as in section 2923.11 of the Revised Code. 126

(2) "Motor vehicle" has the same meaning as in section 127
4501.01 of the Revised Code. 128

(3) "Peace officer" has the same meaning as in section 129
2935.01 of the Revised Code. 130

(4) "Sexual conduct" has the same meaning as in section 131
2907.01 of the Revised Code, except that, as used in this 132
section, it does not include the insertion of an instrument, 133
apparatus, or other object that is not a part of the body into 134
the vaginal or anal opening of another, unless the offender knew 135
at the time of the insertion that the instrument, apparatus, or 136
other object carried the offender's bodily fluid. 137

(5) "Investigator of the bureau of criminal identification 138
and investigation" means an investigator of the bureau of 139

criminal identification and investigation who is commissioned by 140
the superintendent of the bureau as a special agent for the 141
purpose of assisting law enforcement officers or providing 142
emergency assistance to peace officers pursuant to authority 143
granted under section 109.541 of the Revised Code. 144

(6) "Investigator" has the same meaning as in section 145
109.541 of the Revised Code. 146

(F) The provisions of division (D) (2) of this section and 147
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 148
(6) of section 2929.14, and section 2941.1425 of the Revised 149
Code shall be known as "Judy's Law." 150

Sec. 2903.12. (A) No person, while under the influence of 151
sudden passion or in a sudden fit of rage, either of which is 152
brought on by serious provocation occasioned by the victim that 153
is reasonably sufficient to incite the person into using deadly 154
force, shall knowingly: 155

(1) Cause serious physical harm to another or to another's 156
unborn; 157

(2) Cause or attempt to cause physical harm to another or 158
to another's unborn by means of a deadly weapon or dangerous 159
ordnance, as defined in section 2923.11 of the Revised Code. 160

(B) Whoever violates this section is guilty of aggravated 161
assault. Except as otherwise provided in this division, 162
aggravated assault is a felony of the fourth degree. If the 163
victim of the offense is a peace officer ~~or~~, an investigator of 164
the bureau of criminal identification and investigation, or a 165
person with a disability and the offender knows or reasonably 166
should know that the victim is a person with a disability, 167
aggravated assault is a felony of the third degree. Regardless 168

of whether the offense is a felony of the third or fourth degree 169
under this division, if the offender also is convicted of or 170
pleads guilty to a specification as described in section 171
2941.1423 of the Revised Code that was included in the 172
indictment, count in the indictment, or information charging the 173
offense, except as otherwise provided in this division, the 174
court shall sentence the offender to a mandatory prison term as 175
provided in division (B) (8) of section 2929.14 of the Revised 176
Code. If the victim of the offense is a peace officer ~~or~~, an 177
investigator of the bureau of criminal identification and 178
investigation, or a person with a disability and the offender 179
knows or reasonably should know that the victim is a person with 180
a disability, and if the victim suffered serious physical harm 181
as a result of the commission of the offense, aggravated assault 182
is a felony of the third degree, and the court, pursuant to 183
division (F) of section 2929.13 of the Revised Code, shall 184
impose as a mandatory prison term one of the definite prison 185
terms prescribed in division (A) (3) (b) of section 2929.14 of the 186
Revised Code for a felony of the third degree. 187

(C) As used in this section: 188

(1) "Investigator of the bureau of criminal identification 189
and investigation" has the same meaning as in section 2903.11 of 190
the Revised Code. 191

(2) "Peace officer" has the same meaning as in section 192
2935.01 of the Revised Code. 193

Sec. 2903.13. (A) No person shall knowingly cause or 194
attempt to cause physical harm to another or to another's 195
unborn. 196

(B) No person shall recklessly cause serious physical harm 197

to another or to another's unborn. 198

(C) (1) Whoever violates this section is guilty of assault, 199
and the court shall sentence the offender as provided in this 200
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 201
(8), (9), and (10) of this section. Except as otherwise provided 202
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 203
section, assault is a misdemeanor of the first degree. 204

(2) Except as otherwise provided in this division, if the 205
~~offense is committed by a caretaker against a person with a~~ 206
~~functional impairment under the caretaker's care~~victim is a 207
person with a disability and the offender knows or reasonably 208
should know that the victim is a person with a disability, 209
assault is a felony of the fourth degree. If the ~~offense is~~ 210
~~committed by a caretaker against a person with a functional~~ 211
~~impairment under the caretaker's care~~victim is a person with a 212
disability and the offender knows or reasonably should know that 213
the victim is a person with a disability, if the offender 214
previously has been convicted of or pleaded guilty to a 215
violation of this section or section 2903.11 or 2903.16 of the 216
Revised Code, and if in relation to the previous conviction the 217
~~offender was a caretaker and the victim was a person with a~~ 218
~~functional impairment under the offender's care~~victim was a 219
person with a disability and the offender knew or reasonably 220
should have known that the victim was a person with a 221
disability, assault is a felony of the third degree. 222

(3) If the offense occurs in or on the grounds of a state 223
correctional institution or an institution of the department of 224
youth services, the victim of the offense is an employee of the 225
department of rehabilitation and correction or the department of 226
youth services, and the offense is committed by a person 227

incarcerated in the state correctional institution or by a 228
person institutionalized in the department of youth services 229
institution pursuant to a commitment to the department of youth 230
services, assault is a felony of the third degree. 231

(4) If the offense is committed in any of the following 232
circumstances, assault is a felony of the fifth degree: 233

(a) The offense occurs in or on the grounds of a local 234
correctional facility, the victim of the offense is an employee 235
of the local correctional facility or a probation department or 236
is on the premises of the facility for business purposes or as a 237
visitor, and the offense is committed by a person who is under 238
custody in the facility subsequent to the person's arrest for 239
any crime or delinquent act, subsequent to the person's being 240
charged with or convicted of any crime, or subsequent to the 241
person's being alleged to be or adjudicated a delinquent child. 242

(b) The offense occurs off the grounds of a state 243
correctional institution and off the grounds of an institution 244
of the department of youth services, the victim of the offense 245
is an employee of the department of rehabilitation and 246
correction, the department of youth services, or a probation 247
department, the offense occurs during the employee's official 248
work hours and while the employee is engaged in official work 249
responsibilities, and the offense is committed by a person 250
incarcerated in a state correctional institution or 251
institutionalized in the department of youth services who 252
temporarily is outside of the institution for any purpose, by a 253
parolee, by an offender under transitional control, under a 254
community control sanction, or on an escorted visit, by a person 255
under post-release control, or by an offender under any other 256
type of supervision by a government agency. 257

(c) The offense occurs off the grounds of a local 258
correctional facility, the victim of the offense is an employee 259
of the local correctional facility or a probation department, 260
the offense occurs during the employee's official work hours and 261
while the employee is engaged in official work responsibilities, 262
and the offense is committed by a person who is under custody in 263
the facility subsequent to the person's arrest for any crime or 264
delinquent act, subsequent to the person being charged with or 265
convicted of any crime, or subsequent to the person being 266
alleged to be or adjudicated a delinquent child and who 267
temporarily is outside of the facility for any purpose or by a 268
parolee, by an offender under transitional control, under a 269
community control sanction, or on an escorted visit, by a person 270
under post-release control, or by an offender under any other 271
type of supervision by a government agency. 272

(d) The victim of the offense is a school teacher or 273
administrator or a school bus operator, and the offense occurs 274
in a school, on school premises, in a school building, on a 275
school bus, or while the victim is outside of school premises or 276
a school bus and is engaged in duties or official 277
responsibilities associated with the victim's employment or 278
position as a school teacher or administrator or a school bus 279
operator, including, but not limited to, driving, accompanying, 280
or chaperoning students at or on class or field trips, athletic 281
events, or other school extracurricular activities or functions 282
outside of school premises. 283

(5) If the assault is committed in any of the following 284
circumstances, assault is a felony of the fourth degree: 285

(a) The victim of the offense is a peace officer or an 286
investigator of the bureau of criminal identification and 287

investigation, a firefighter, or a person performing emergency 288
medical service, while in the performance of the officer's, 289
investigator's, firefighter's, or person's official duties. 290

(b) The victim of the offense is an emergency service 291
responder, the offender knows or reasonably should know that the 292
victim is an emergency service responder, and it is the 293
offender's specific purpose to commit the offense against an 294
emergency service responder. 295

(c) The victim of the offense is a family or household 296
member or co-worker of a person who is an emergency service 297
responder, the offender knows or reasonably should know that the 298
victim is a family or household member or co-worker of an 299
emergency service responder, and it is the offender's specific 300
purpose to commit the offense against a family or household 301
member or co-worker of an emergency service responder. 302

(6) If the offense is a felony of the fourth degree under 303
division (C) (5) (a) of this section, if the victim of the offense 304
is a peace officer or an investigator of the bureau of criminal 305
identification and investigation, and if the victim suffered 306
serious physical harm as a result of the commission of the 307
offense, the court, pursuant to division (F) of section 2929.13 308
of the Revised Code, shall impose as a mandatory prison term one 309
of the prison terms prescribed for a felony of the fourth degree 310
that is at least twelve months in duration. 311

(7) If the victim of the offense is an officer or employee 312
of a public children services agency or a private child placing 313
agency and the offense relates to the officer's or employee's 314
performance or anticipated performance of official 315
responsibilities or duties, assault is either a felony of the 316
fifth degree or, if the offender previously has been convicted 317

of or pleaded guilty to an offense of violence, the victim of 318
that prior offense was an officer or employee of a public 319
children services agency or private child placing agency, and 320
that prior offense related to the officer's or employee's 321
performance or anticipated performance of official 322
responsibilities or duties, a felony of the fourth degree. 323

(8) If the victim of the offense is a health care 324
professional of a hospital, a health care worker of a hospital, 325
or a security officer of a hospital whom the offender knows or 326
has reasonable cause to know is a health care professional of a 327
hospital, a health care worker of a hospital, or a security 328
officer of a hospital, if the victim is engaged in the 329
performance of the victim's duties, and if the hospital offers 330
de-escalation or crisis intervention training for such 331
professionals, workers, or officers, assault is one of the 332
following: 333

(a) Except as otherwise provided in division (C) (8) (b) of 334
this section, assault committed in the specified circumstances 335
is a misdemeanor of the first degree. Notwithstanding the fine 336
specified in division (A) (2) (a) of section 2929.28 of the 337
Revised Code for a misdemeanor of the first degree, in 338
sentencing the offender under this division and if the court 339
decides to impose a fine, the court may impose upon the offender 340
a fine of not more than five thousand dollars. 341

(b) If the offender previously has been convicted of or 342
pleaded guilty to one or more assault or homicide offenses 343
committed against hospital personnel, assault committed in the 344
specified circumstances is a felony of the fifth degree. 345

(9) If the victim of the offense is a judge, magistrate, 346
prosecutor, or court official or employee whom the offender 347

knows or has reasonable cause to know is a judge, magistrate, 348
prosecutor, or court official or employee, and if the victim is 349
engaged in the performance of the victim's duties, assault is 350
one of the following: 351

(a) Except as otherwise provided in division (C) (9) (b) of 352
this section, assault committed in the specified circumstances 353
is a misdemeanor of the first degree. In sentencing the offender 354
under this division, if the court decides to impose a fine, 355
notwithstanding the fine specified in division (A) (2) (a) of 356
section 2929.28 of the Revised Code for a misdemeanor of the 357
first degree, the court may impose upon the offender a fine of 358
not more than five thousand dollars. 359

(b) If the offender previously has been convicted of or 360
pleaded guilty to one or more assault or homicide offenses 361
committed against justice system personnel, assault committed in 362
the specified circumstances is a felony of the fifth degree. 363

(10) If an offender who is convicted of or pleads guilty 364
to assault when it is a misdemeanor also is convicted of or 365
pleads guilty to a specification as described in section 366
2941.1423 of the Revised Code that was included in the 367
indictment, count in the indictment, or information charging the 368
offense, the court shall sentence the offender to a mandatory 369
jail term as provided in division (F) of section 2929.24 of the 370
Revised Code. 371

If an offender who is convicted of or pleads guilty to 372
assault when it is a felony also is convicted of or pleads 373
guilty to a specification as described in section 2941.1423 of 374
the Revised Code that was included in the indictment, count in 375
the indictment, or information charging the offense, except as 376
otherwise provided in division (C) (6) of this section, the court 377

shall sentence the offender to a mandatory prison term as 378
provided in division (B) (8) of section 2929.14 of the Revised 379
Code. 380

(D) A prosecution for a violation of this section does not 381
preclude a prosecution of a violation of any other section of 382
the Revised Code. One or more acts, a series of acts, or a 383
course of behavior that can be prosecuted under this section or 384
any other section of the Revised Code may be prosecuted under 385
this section, the other section of the Revised Code, or both 386
sections. However, if an offender is convicted of or pleads 387
guilty to a violation of this section and also is convicted of 388
or pleads guilty to a violation of section 2903.22 of the 389
Revised Code based on the same conduct involving the same victim 390
that was the basis of the violation of this section, the two 391
offenses are allied offenses of similar import under section 392
2941.25 of the Revised Code. 393

(E) As used in this section: 394

(1) "Peace officer" has the same meaning as in section 395
2935.01 of the Revised Code. 396

(2) "Firefighter" means any person who is a firefighter as 397
defined in section 3937.41 of the Revised Code and, for purposes 398
of division (E) (21) of this section, also includes a member of a 399
fire department as defined in section 742.01 of the Revised 400
Code. 401

(3) "Emergency medical service" has the same meaning as in 402
section 4765.01 of the Revised Code. 403

(4) "Local correctional facility" means a county, 404
multicounty, municipal, municipal-county, or multicounty- 405
municipal jail or workhouse, a minimum security jail established 406

under section 341.23 or 753.21 of the Revised Code, or another 407
county, multicounty, municipal, municipal-county, or 408
multicounty-municipal facility used for the custody of persons 409
arrested for any crime or delinquent act, persons charged with 410
or convicted of any crime, or persons alleged to be or 411
adjudicated a delinquent child. 412

(5) "Employee of a local correctional facility" means a 413
person who is an employee of the political subdivision or of one 414
or more of the affiliated political subdivisions that operates 415
the local correctional facility and who operates or assists in 416
the operation of the facility. 417

(6) "School teacher or administrator" means either of the 418
following: 419

(a) A person who is employed in the public schools of the 420
state under a contract described in section 3311.77 or 3319.08 421
of the Revised Code in a position in which the person is 422
required to have a certificate issued pursuant to sections 423
3319.22 to 3319.311 of the Revised Code. 424

(b) A person who is employed by a nonpublic school for 425
which the director of education and workforce prescribes minimum 426
standards under section 3301.07 of the Revised Code and who is 427
certificated in accordance with section 3301.071 of the Revised 428
Code. 429

(7) "Community control sanction" has the same meaning as 430
in section 2929.01 of the Revised Code. 431

(8) "Escorted visit" means an escorted visit granted under 432
section 2967.27 of the Revised Code. 433

(9) "Post-release control" and "transitional control" have 434
the same meanings as in section 2967.01 of the Revised Code. 435

(10) "Investigator of the bureau of criminal 436
identification and investigation" has the same meaning as in 437
section 2903.11 of the Revised Code. 438

(11) "Health care professional" and "health care worker" 439
have the same meanings as in section 2305.234 of the Revised 440
Code. 441

(12) "Assault or homicide offense committed against 442
hospital personnel" means a violation of this section or of 443
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 444
2903.12, or 2903.14 of the Revised Code committed in 445
circumstances in which all of the following apply: 446

(a) The victim of the offense was a health care 447
professional of a hospital, a health care worker of a hospital, 448
or a security officer of a hospital. 449

(b) The offender knew or had reasonable cause to know that 450
the victim was a health care professional of a hospital, a 451
health care worker of a hospital, or a security officer of a 452
hospital. 453

(c) The victim was engaged in the performance of the 454
victim's duties. 455

(d) The hospital offered de-escalation or crisis 456
intervention training for such professionals, workers, or 457
officers. 458

(13) "De-escalation or crisis intervention training" means 459
de-escalation or crisis intervention training for health care 460
professionals of a hospital, health care workers of a hospital, 461
and security officers of a hospital to facilitate interaction 462
with patients, members of a patient's family, and visitors, 463
including those with mental impairments. 464

(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.

(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.

(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.

(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this state who has similar powers and functions.

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

(19) (a) "Hospital" means, subject to division (E) (19) (b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.

(b) "Hospital" does not include any of the following:	494
(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;	495 496 497 498 499 500 501
(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.	502 503 504 505 506 507 508 509 510 511
(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.	512 513
(21) "Emergency service responder" means any law enforcement officer, first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, firefighter, or volunteer firefighter.	514 515 516 517 518
(22) "Family or household member" means any of the following:	519 520
(a) Any of the following who is residing or has resided with a person who is employed as an emergency service responder:	521 522

(i) A spouse, a person living as a spouse, or a former spouse of a person who is employed as an emergency service responder; 523
524
525

(ii) A parent, a foster parent, or a child of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a person who is employed as an emergency service responder; 526
527
528
529

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of a person who is employed as an emergency service responder. 530
531
532
533
534
535

(b) The natural parent of any child of whom a person who is employed as an emergency service responder is the other natural parent or is the putative other natural parent. 536
537
538

(23) "First responder," "emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 539
540
541
542

(24) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 543
544

(25) "Person living as a spouse" means a person who is living or has lived with a person who is employed as an emergency service responder in a common law marital relationship, who otherwise is cohabiting with a person who is employed as an emergency service responder, or who otherwise has cohabited with a person who is employed as an emergency service responder within five years prior to the date of the alleged 545
546
547
548
549
550
551

commission of the act in question. 552

(26) "Co-worker" means a person who is employed by the 553
organization or entity that is served by a person who is 554
employed as an emergency service responder. 555

Sec. 2903.14. (A) No person shall negligently, by means of 556
a deadly weapon or dangerous ordnance as defined in section 557
2923.11 of the Revised Code, cause physical harm to another or 558
to another's unborn. 559

(B) Whoever violates this section is guilty of negligent 560
assault. Except as otherwise provided in this division, 561
negligent assault is a misdemeanor of the third degree. If the 562
victim is a person with a disability and the offender knows or 563
reasonably should know that the victim is a person with a 564
disability, negligent assault is a misdemeanor of the second 565
degree. 566

Sec. 2903.16. (A) No caretaker shall knowingly fail to 567
provide a person with a ~~functional impairment~~ disability, who 568
the caretaker knows or reasonably should know is a person with a 569
disability, under the caretaker's care with any treatment, care, 570
goods, or service that is necessary to maintain the health or 571
safety of the person with a ~~functional impairment~~ disability 572
when this failure results in physical harm or serious physical 573
harm to the person with a ~~functional impairment~~ disability. 574

(B) No caretaker shall recklessly fail to provide a person 575
with a ~~functional impairment~~ disability, who the caretaker knows 576
or reasonably should know is a person with a disability, under 577
the caretaker's care with any treatment, care, goods, or service 578
that is necessary to maintain the health or safety of the person 579
with a ~~functional impairment~~ disability when this failure 580

results in serious physical harm to the person with a ~~functional~~ 581
~~impairment~~disability. 582

(C) (1) Whoever violates division (A) of this section is 583
guilty of knowingly failing to provide for a person with a 584
~~functional impairment~~disability, a misdemeanor of the first 585
degree. If the person with a ~~functional impairment~~ disability 586
under the offender's care suffers serious physical harm as a 587
result of the violation of this section, a violation of division 588
(A) of this section is a felony of the fourth degree. 589

(2) Whoever violates division (B) of this section is 590
guilty of recklessly failing to provide for a person with a 591
~~functional impairment~~disability, a misdemeanor of the second 592
degree. If the person with a ~~functional impairment~~ disability 593
under the offender's care suffers serious physical harm as a 594
result of the violation of this section, a violation of division 595
(B) of this section is a felony of the fourth degree. 596

Sec. 2903.18. (A) As used in this section: 597

(1) "Strangulation or suffocation" means any act that 598
impedes the normal breathing or circulation of the blood by 599
applying pressure to the throat or neck, or by covering the nose 600
and mouth. 601

(2) "Dating relationship" has the same meaning as in 602
section 3113.31 of the Revised Code. 603

(3) "Family or household member" has the same meaning as 604
in section 2919.25 of the Revised Code. 605

(4) "Person with whom the offender is or was in a dating 606
relationship" means a person who at the time of the conduct in 607
question is in a dating relationship with the defendant or who, 608
within the twelve months preceding the conduct in question, has 609

had a dating relationship with the defendant. 610

(B) No person shall knowingly do any of the following: 611

(1) Cause serious physical harm to another by means of 612
strangulation or suffocation; 613

(2) Create a substantial risk of serious physical harm to 614
another by means of strangulation or suffocation; 615

(3) Cause or create a substantial risk of physical harm to 616
another by means of strangulation or suffocation. 617

(C) Whoever violates this section is guilty of 618
strangulation. 619

(1) ~~A~~Except as otherwise provided in this division, a 620
violation of division (B) (1) of this section is a felony of the 621
second degree. If the victim of a violation of division (B) (1) 622
of this section is a person with a disability, and the offender 623
knows or reasonably should know that the victim is a person with 624
a disability, a violation of division (B) (1) of this section is 625
a felony of the first degree. 626

(2) ~~A~~Except as otherwise provided in this division, a 627
violation of division (B) (2) of this section is a felony of the 628
third degree. If the victim of a violation of division (B) (2) of 629
this section is a person with a disability, and the offender 630
knows or reasonably should know that the victim is a person with 631
a disability, a violation of division (B) (2) of this section is 632
a felony of the second degree. 633

(3) ~~A~~Except as otherwise provided in this division, a 634
violation of division (B) (3) of this section is a felony of the 635
fifth degree. If the victim of ~~the~~a violation of division (B) (3) 636
of this section is a family or household member, ~~or~~is a person 637

with whom the offender is or was in a dating relationship, or is 638
a person with a disability and the offender knows or reasonably 639
should know that the victim is a person with a disability, a 640
violation of division (B) (3) of this section is a felony of the 641
fourth degree. If the victim of the offense is a family or 642
household member, ~~or~~ is a person with whom the offender is or 643
was in a dating relationship, or is a person with a disability 644
and the offender knows or reasonably should know that the victim 645
is a person with a disability, and the offender previously has 646
been convicted of or pleaded guilty to a felony offense of 647
violence, or if the offender knew that the victim of the 648
violation was pregnant at the time of the violation, a violation 649
of division (B) (3) of this section is a felony of the third 650
degree. 651

(D) It is an affirmative defense to a charge under 652
division (B) of this section that the act was done as part of a 653
medical or other procedure undertaken to aid or benefit the 654
victim. 655

Sec. 2903.21. (A) No person shall knowingly cause another 656
to believe that the offender will cause serious physical harm to 657
the person or property of the other person, the other person's 658
unborn, or a member of the other person's immediate family. In 659
addition to any other basis for the other person's belief that 660
the offender will cause serious physical harm to the person or 661
property of the other person, the other person's unborn, or a 662
member of the other person's immediate family, the other 663
person's belief may be based on words or conduct of the offender 664
that are directed at or identify a corporation, association, or 665
other organization that employs the other person or to which the 666
other person belongs. 667

(B) Whoever violates this section is guilty of aggravated 668
menacing. Except as otherwise provided in this division, 669
aggravated menacing is a misdemeanor of the first degree. If the 670
victim of the offense is a person with a disability, and the 671
offender knows or reasonably should know that the victim is a 672
person with a disability, aggravated menacing is a felony of the 673
fifth degree. If the victim of the offense is an officer or 674
employee of a public children services agency or a private child 675
placing agency and the offense relates to the officer's or 676
employee's performance or anticipated performance of official 677
responsibilities or duties, aggravated menacing is a felony of 678
the fifth degree or, if the offender previously has been 679
convicted of or pleaded guilty to an offense of violence, the 680
victim of that prior offense was an officer or employee of a 681
public children services agency or private child placing agency, 682
and that prior offense related to the officer's or employee's 683
performance or anticipated performance of official 684
responsibilities or duties, a felony of the fourth degree. 685

(C) As used in this section, "organization" includes an 686
entity that is a governmental employer. 687

Sec. 2903.211. (A) (1) No person by engaging in a pattern 688
of conduct shall knowingly cause another person to believe that 689
the offender will cause physical harm to the other person or a 690
family or household member of the other person or cause mental 691
distress to the other person or a family or household member of 692
the other person. In addition to any other basis for the other 693
person's belief that the offender will cause physical harm to 694
the other person or the other person's family or household 695
member or mental distress to the other person or the other 696
person's family or household member, the other person's belief 697
or mental distress may be based on words or conduct of the 698

offender that are directed at or identify a corporation, 699
association, or other organization that employs the other person 700
or to which the other person belongs. 701

(2) No person, through the use of any form of written 702
communication or any electronic method of remotely transferring 703
information, including, but not limited to, any computer, 704
computer network, computer program, computer system, or 705
telecommunication device shall post a message or use any 706
intentionally written or verbal graphic gesture with purpose to 707
do either of the following: 708

(a) Violate division (A) (1) of this section; 709

(b) Urge or incite another to commit a violation of 710
division (A) (1) of this section. 711

(3) No person, with a sexual motivation, shall violate 712
division (A) (1) or (2) of this section. 713

(B) Whoever violates this section is guilty of menacing by 714
stalking. 715

(1) Except as otherwise provided in divisions (B) (2) ~~and~~, 716
(3), and (4) of this section, menacing by stalking is a 717
misdemeanor of the first degree. 718

(2) Menacing by stalking is a felony of the fourth degree 719
if any of the following applies: 720

(a) The offender previously has been convicted of or 721
pleaded guilty to a violation of this section or a violation of 722
section 2911.211 of the Revised Code. 723

(b) In committing the offense under division (A) (1), (2), 724
or (3) of this section, the offender made a threat of physical 725
harm to or against the victim, or as a result of an offense 726

committed under division (A) (2) or (3) of this section, a third 727
person induced by the offender's posted message made a threat of 728
physical harm to or against the victim. 729

(c) In committing the offense under division (A) (1), (2), 730
or (3) of this section, the offender trespassed on the land or 731
premises where the victim lives, is employed, or attends school, 732
or as a result of an offense committed under division (A) (2) or 733
(3) of this section, a third person induced by the offender's 734
posted message trespassed on the land or premises where the 735
victim lives, is employed, or attends school. 736

(d) The victim of the offense is a minor. 737

(e) The offender has a history of violence toward the 738
victim or any other person or a history of other violent acts 739
toward the victim or any other person. 740

(f) While committing the offense under division (A) (1) of 741
this section or a violation of division (A) (3) of this section 742
based on conduct in violation of division (A) (1) of this 743
section, the offender had a deadly weapon on or about the 744
offender's person or under the offender's control. Division (B) 745
(2) (f) of this section does not apply in determining the penalty 746
for a violation of division (A) (2) of this section or a 747
violation of division (A) (3) of this section based on conduct in 748
violation of division (A) (2) of this section. 749

(g) At the time of the commission of the offense, the 750
offender was the subject of a protection order issued under 751
section 2903.213 or 2903.214 of the Revised Code, regardless of 752
whether the person to be protected under the order is the victim 753
of the offense or another person. 754

(h) In committing the offense under division (A) (1), (2), 755

or (3) of this section, the offender caused serious physical 756
harm to the premises at which the victim resides, to the real 757
property on which that premises is located, or to any personal 758
property located on that premises, or, as a result of an offense 759
committed under division (A) (2) of this section or an offense 760
committed under division (A) (3) of this section based on a 761
violation of division (A) (2) of this section, a third person 762
induced by the offender's posted message caused serious physical 763
harm to that premises, that real property, or any personal 764
property on that premises. 765

(i) Prior to committing the offense, the offender had been 766
determined to represent a substantial risk of physical harm to 767
others as manifested by evidence of then-recent homicidal or 768
other violent behavior, evidence of then-recent threats that 769
placed another in reasonable fear of violent behavior and 770
serious physical harm, or other evidence of then-present 771
dangerousness. 772

(3) If the victim of the offense is an officer or employee 773
of a public children services agency or a private child placing 774
agency and the offense relates to the officer's or employee's 775
performance or anticipated performance of official 776
responsibilities or duties, menacing by stalking is either a 777
felony of the fifth degree or, if the offender previously has 778
been convicted of or pleaded guilty to an offense of violence, 779
the victim of that prior offense was an officer or employee of a 780
public children services agency or private child placing agency, 781
and that prior offense related to the officer's or employee's 782
performance or anticipated performance of official 783
responsibilities or duties, a felony of the fourth degree. 784

(4) If the victim of the offense is a person with a 785

disability and the offender knows or reasonably should know that 786
the victim is a person with a disability, menacing by stalking 787
is a felony of the fifth degree. 788

(C) Section 2919.271 of the Revised Code applies in 789
relation to a defendant charged with a violation of this 790
section. 791

(D) As used in this section: 792

(1) "Pattern of conduct" means two or more actions or 793
incidents closely related in time, whether or not there has been 794
a prior conviction based on any of those actions or incidents, 795
or two or more actions or incidents closely related in time, 796
whether or not there has been a prior conviction based on any of 797
those actions or incidents, directed at one or more persons 798
employed by or belonging to the same corporation, association, 799
or other organization. Actions or incidents that prevent, 800
obstruct, or delay the performance by a public official, 801
firefighter, rescuer, emergency medical services person, or 802
emergency facility person of any authorized act within the 803
public official's, firefighter's, rescuer's, emergency medical 804
services person's, or emergency facility person's official 805
capacity, or the posting of messages, use of intentionally 806
written or verbal graphic gestures, or receipt of information or 807
data through the use of any form of written communication or an 808
electronic method of remotely transferring information, 809
including, but not limited to, a computer, computer network, 810
computer program, computer system, or telecommunications device, 811
may constitute a "pattern of conduct." 812

(2) "Mental distress" means any of the following: 813

(a) Any mental illness or condition that involves some 814

temporary substantial incapacity;	815
(b) Any mental illness or condition that would normally	816
require psychiatric treatment, psychological treatment, or other	817
mental health services, whether or not any person requested or	818
received psychiatric treatment, psychological treatment, or	819
other mental health services.	820
(3) "Emergency medical services person" is the singular of	821
"emergency medical services personnel" as defined in section	822
2133.21 of the Revised Code.	823
(4) "Emergency facility person" is the singular of	824
"emergency facility personnel" as defined in section 2909.04 of	825
the Revised Code.	826
(5) "Public official" has the same meaning as in section	827
2921.01 of the Revised Code.	828
(6) "Computer," "computer network," "computer program,"	829
"computer system," and "telecommunications device" have the same	830
meanings as in section 2913.01 of the Revised Code.	831
(7) "Post a message" means transferring, sending, posting,	832
publishing, disseminating, or otherwise communicating, or	833
attempting to transfer, send, post, publish, disseminate, or	834
otherwise communicate, any message or information, whether	835
truthful or untruthful, about an individual, and whether done	836
under one's own name, under the name of another, or while	837
impersonating another.	838
(8) "Third person" means, in relation to conduct as	839
described in division (A)(2) of this section, an individual who	840
is neither the offender nor the victim of the conduct.	841
(9) "Sexual motivation" has the same meaning as in section	842

2971.01 of the Revised Code.	843
(10) "Organization" includes an entity that is a governmental employer.	844 845
(11) "Family or household member" means any of the following:	846 847
(a) Any of the following who is residing or has resided with the person against whom the act prohibited in division (A) (1) of this section is committed:	848 849 850
(i) A spouse, a person living as a spouse, or a former spouse of the person;	851 852
(ii) A parent, a foster parent, or a child of the person, or another person related by consanguinity or affinity to the person;	853 854 855
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the person, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the person.	856 857 858 859
(b) The natural parent of any child of whom the person against whom the act prohibited in division (A) (1) of this section is committed is the other natural parent or is the putative other natural parent.	860 861 862 863
(12) "Person living as a spouse" means a person who is living or has lived with the person against whom the act prohibited in division (A) (1) of this section is committed in a common law marital relationship, who otherwise is cohabiting with that person, or who otherwise has cohabited with the person within five years prior to the date of the alleged commission of the act in question.	864 865 866 867 868 869 870

(E) The state does not need to prove in a prosecution 871
under this section that a person requested or received 872
psychiatric treatment, psychological treatment, or other mental 873
health services in order to show that the person was caused 874
mental distress as described in division (D)(2)(b) of this 875
section. 876

(F)(1) This section does not apply to a person solely 877
because the person provided access or connection to or from an 878
electronic method of remotely transferring information not under 879
that person's control, including having provided capabilities 880
that are incidental to providing access or connection to or from 881
the electronic method of remotely transferring the information, 882
and that do not include the creation of the content of the 883
material that is the subject of the access or connection. In 884
addition, any person providing access or connection to or from 885
an electronic method of remotely transferring information not 886
under that person's control shall not be liable for any action 887
voluntarily taken in good faith to block the receipt or 888
transmission through its service of any information that it 889
believes is, or will be sent, in violation of this section. 890

(2) Division (F)(1) of this section does not create an 891
affirmative duty for any person providing access or connection 892
to or from an electronic method of remotely transferring 893
information not under that person's control to block the receipt 894
or transmission through its service of any information that it 895
believes is, or will be sent, in violation of this section 896
except as otherwise provided by law. 897

(3) Division (F)(1) of this section does not apply to a 898
person who conspires with a person actively involved in the 899
creation or knowing distribution of material in violation of 900

this section or who knowingly advertises the availability of 901
material of that nature. 902

Sec. 2903.22. (A) (1) No person shall knowingly cause 903
another to believe that the offender will cause physical harm to 904
the person or property of the other person, the other person's 905
unborn, or a member of the other person's immediate family. In 906
addition to any other basis for the other person's belief that 907
the offender will cause physical harm to the person or property 908
of the other person, the other person's unborn, or a member of 909
the other person's immediate family, the other person's belief 910
may be based on words or conduct of the offender that are 911
directed at or identify a corporation, association, or other 912
organization that employs the other person or to which the other 913
person belongs. 914

(2) No person shall knowingly place or attempt to place 915
another in reasonable fear of physical harm or death by 916
displaying a deadly weapon, regardless of whether the deadly 917
weapon displayed is operable or inoperable, if ~~either~~any of the 918
following ~~applies~~apply: 919

(a) The other person is an emergency service responder, 920
the person knows or reasonably should know that the other person 921
is an emergency service responder, and it is the person's 922
specific purpose to engage in the specified conduct against an 923
emergency service responder. 924

(b) The other person is a family or household member or 925
co-worker of an emergency service responder, the person knows or 926
reasonably should know that the other person is a family or 927
household member or co-worker of an emergency service responder, 928
and it is the person's specific purpose to engage in the 929
specified conduct against a family or household member or co- 930

worker of an emergency service responder. 931

(c) The other person is a person with a disability, the 932
person knows or reasonably should know that the other person is 933
a person with a disability, and it is the person's specific 934
purpose to engage in the specified conduct against a person with 935
a disability. 936

(d) The other person is a family or household member or 937
co-worker of a person with a disability, the person knows or 938
reasonably should know that the other person is a family or 939
household member or co-worker of a person with a disability, and 940
it is the person's specific purpose to engage in the specified 941
conduct against a family or household member or co-worker of a 942
person with a disability. 943

(B) Whoever violates this section is guilty of menacing. 944

(1) Except as otherwise provided in this division or 945
division (B) (2) of this section, menacing is a misdemeanor of 946
the fourth degree. If the victim of the offense is an officer or 947
employee of a public children services agency or a private child 948
placing agency and the offense relates to the officer's or 949
employee's performance or anticipated performance of official 950
responsibilities or duties or if the victim of the offense is an 951
emergency service responder in the performance of the 952
responder's official duties, menacing is one of the following: 953

~~(1)~~(a) Except as otherwise provided in division ~~(B)~~(2)(B) 954
(1)(b) of this section, a misdemeanor of the first degree; 955

~~(2)~~(b) If the offender previously has been convicted of or 956
pleaded guilty to an offense of violence, the victim of that 957
prior offense was an officer or employee of a public children 958
services agency or private child placing agency or an emergency 959

service responder, and that prior offense related to the 960
officer's or employee's performance or anticipated performance 961
of official responsibilities or duties or to the responder's 962
performance of the responder's official duties, a felony of the 963
fourth degree. 964

(2) If the victim of the offense is a person with a 965
disability and the offender knows or reasonably should know that 966
the victim is a person with a disability, menacing is one of the 967
following: 968

(a) Except as otherwise provided in division (B) (2) (b) of 969
this section, a misdemeanor of the first degree; 970

(b) If the offender previously has been convicted of or 971
pleaded guilty to an offense of violence, the victim of that 972
prior offense was a person with a disability and the offender 973
knew or reasonably should have known the victim was a person 974
with a disability, a felony of the fourth degree. 975

(C) A prosecution for a violation of this section does not 976
preclude a prosecution of a violation of any other section of 977
the Revised Code. One or more acts, a series of acts, or a 978
course of behavior that can be prosecuted under this section or 979
any other section of the Revised Code may be prosecuted under 980
this section, the other section of the Revised Code, or both 981
sections. However, if an offender is convicted of or pleads 982
guilty to a violation of this section and also is convicted of 983
or pleads guilty to a violation of section 2903.13 of the 984
Revised Code based on the same conduct involving the same victim 985
that was the basis of the violation of this section, the two 986
offenses are allied offenses of similar import under section 987
2941.25 of the Revised Code. 988

(D) As used in this section:	989
(1) "Emergency service responder," "family or household member," and "co-worker" have the same meanings as in section 2903.13 of the Revised Code.	990 991 992
(2) "Organization" includes an entity that is a governmental employer.	993 994
Sec. 2903.31. (A) As used in this section:	995
(1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code.	996 997 998 999 1000 1001 1002 1003
(2) "Organization" includes a national or international organization with which a fraternity or sorority is affiliated.	1004 1005
(B) (1) No person shall recklessly participate in the hazing of another.	1006 1007
(2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization.	1008 1009 1010 1011 1012 1013
(C) (1) No person shall recklessly participate in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm	1014 1015 1016

to the other person. 1017

(2) No administrator, employee, faculty member, teacher, 1018
consultant, alumnus, or volunteer of any organization, including 1019
any primary, secondary, or post-secondary school or any other 1020
educational institution, public or private, shall recklessly 1021
permit the hazing of any person associated with the organization 1022
when the hazing includes coerced consumption of alcohol or drugs 1023
of abuse resulting in serious physical harm to that person. 1024

(D) Whoever violates this section is guilty of hazing. 1025
AExcept as otherwise provided in this division, a violation of 1026
division (B) (1) or (2) of this section is a misdemeanor of the 1027
second degree. AIf the victim is a person with a disability, and 1028
the offender knows or reasonably should know that the victim is 1029
a person with a disability, a violation of division (B) (1) or 1030
(2) of this section is a misdemeanor of the first degree. Except 1031
as otherwise provided in this division, a violation of division 1032
(C) (1) or (2) of this section is a felony of the third degree. 1033
If the victim is a person with a disability, and the offender 1034
knows or reasonably should know that the victim is a person with 1035
a disability, a violation of division (C) (1) or (2) of this 1036
section is a felony of the second degree. 1037

Sec. 2905.01. (A) No person, by force, threat, or 1038
deception, or, in the case of a victim under the age of thirteen 1039
or ~~mentally incompetent~~ a victim who is a person with a 1040
disability whom the offender knows or reasonably should know is 1041
a person with a disability, by any means, shall remove another 1042
from the place where the other person is found or restrain the 1043
liberty of the other person, for any of the following purposes: 1044

(1) To hold for ransom, or as a shield or hostage; 1045

(2) To facilitate the commission of any felony or flight thereafter;	1046 1047
(3) To terrorize, or to inflict serious physical harm on the victim or another;	1048 1049
(4) To engage in sexual activity, as defined in section 2907.01 of the Revised Code, with the victim against the victim's will;	1050 1051 1052
(5) To hinder, impede, or obstruct a function of government, or to force any action or concession on the part of governmental authority;	1053 1054 1055
(6) To hold in a condition of involuntary servitude.	1056
(B) No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally- incompetent a victim who is a person with a disability whom the offender knows or reasonably should know is a person with a disability, by any means, shall knowingly do any of the following, under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim:	1057 1058 1059 1060 1061 1062 1063 1064 1065 1066
(1) Remove another from the place where the other person is found;	1067 1068
(2) Restrain another of the other person's liberty.	1069
(C) (1) Whoever violates this section is guilty of kidnapping. Except as otherwise provided in this division or division (C) (2) or (3) of this section, kidnapping is a felony of the first degree. Except as otherwise provided in this	1070 1071 1072 1073

division or division (C) (2) or (3) of this section, if an 1074
offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 1075
of this section releases the victim in a safe place unharmed, 1076
kidnapping is a felony of the second degree. 1077

(2) If the offender in any case also is convicted of or 1078
pleads guilty to a specification as described in section 1079
2941.1422 of the Revised Code that was included in the 1080
indictment, count in the indictment, or information charging the 1081
offense, the court shall order the offender to make restitution 1082
as provided in division (B) (8) of section 2929.18 of the Revised 1083
Code and, except as otherwise provided in division (C) (3) of 1084
this section, shall sentence the offender to a mandatory prison 1085
term as provided in division (B) (7) of section 2929.14 of the 1086
Revised Code. 1087

(3) If the victim of the offense is less than thirteen 1088
years of age and if the offender also is convicted of or pleads 1089
guilty to a sexual motivation specification that was included in 1090
the indictment, count in the indictment, or information charging 1091
the offense, kidnapping is a felony of the first degree, and, 1092
notwithstanding the definite or indefinite sentence provided for 1093
a felony of the first degree in section 2929.14 of the Revised 1094
Code, the offender shall be sentenced pursuant to section 1095
2971.03 of the Revised Code as follows: 1096

(a) Except as otherwise provided in division (C) (3) (b) of 1097
this section, the offender shall be sentenced pursuant to that 1098
section to an indefinite prison term consisting of a minimum 1099
term of fifteen years and a maximum term of life imprisonment. 1100

(b) If the offender releases the victim in a safe place 1101
unharmed, the offender shall be sentenced pursuant to that 1102
section to an indefinite term consisting of a minimum term of 1103

ten years and a maximum term of life imprisonment.	1104
(D) As used in this section:	1105
(1) "Involuntary servitude" has the same meaning as in section 2905.31 of the Revised Code.	1106 1107
(2) "Sexual motivation specification" has the same meaning as in section 2971.01 of the Revised Code.	1108 1109
(3) <u>"Disability" has the same meaning as in section 4112.01 of the Revised Code.</u>	1110 1111
Sec. 2905.11. (A) As used in this section and section 2905.111 of the Revised Code:	1112 1113
(1) "Elderly person" and "disabled adult" have the same meanings as in section 2913.01 of the Revised Code.	1114 1115
(2) "Information service" and "telecommunications service" have the same meanings as in the "Telecommunications Act of 1996," 47 U.S.C. 153, as amended.	1116 1117 1118
(3) "Interactive computer service" has the same meaning as in the "Telecommunications Act of 1996," 47 U.S.C. 230, as amended.	1119 1120 1121
(4) "Nudity," "sexual activity," and "sexual excitement" have the same meanings as in section 2907.01 of the Revised Code.	1122 1123 1124
(5) "Private images" means images of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination.	1125 1126 1127 1128
(6) "Threat" includes a direct threat and a threat by innuendo.	1129 1130

<u>(7) "Disability" has the same meaning as in section</u>	1131
<u>4112.01 of the Revised Code.</u>	1132
(B) No person, with purpose to obtain any valuable thing	1133
or valuable benefit or to induce another to do an unlawful act,	1134
shall do any of the following:	1135
(1) Threaten to commit any felony;	1136
(2) Threaten to commit any offense of violence;	1137
(3) Violate section 2903.21 or 2903.22 of the Revised	1138
Code;	1139
(4) Utter or threaten any calumny against any person;	1140
(5) Expose or threaten to expose any matter tending to	1141
subject any person to hatred, contempt, or ridicule, or to	1142
damage any person's personal or business repute, or to impair	1143
any person's credit.	1144
(C) Whoever violates division (B) of this section is	1145
guilty of extortion ⁷ . <u>Except as otherwise provided in this</u>	1146
<u>division, extortion is a felony of the third degree. If the</u>	1147
<u>victim is a person with a disability and the offender knows or</u>	1148
<u>reasonably should know that the victim is a person with a</u>	1149
<u>disability, extortion is a felony of the second degree.</u>	1150
(D) No person, with purpose to do any of the following,	1151
shall threaten to release, exhibit, or distribute the private	1152
images of another:	1153
(1) Compel or attempt to compel the other person, against	1154
the other person's will, to perform any act or refrain from	1155
performing any act;	1156
(2) Induce the other person to commit an offense;	1157

(3) Obtain additional private images from the other person; 1158
1159

(4) Obtain anything of value from the other person. 1160

(E) Whoever violates division (D) of this section is guilty of sexual extortion. The penalty for the offense shall be determined as follows: 1161
1162
1163

(1) Except as otherwise provided in division (E) (2) or (3) of this section, sexual extortion is a felony of the third degree. 1164
1165
1166

(2) Except as otherwise provided in division (E) (3) of this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section or if the offense involves sexual extortion of a person under the age of eighteen, an elderly person, or a disabled adult, sexual extortion is a felony of the second degree. 1167
1168
1169
1170
1171
1172

(3) If the offender has previously been convicted of or pleaded guilty to two or more violations of division (D) of this section or if the offender has previously been convicted of or pleaded guilty to an offense involving sexual extortion of a person under the age of eighteen, an elderly person, or a disabled adult and the offender knows or has reason to know that the person is under the age of eighteen, an elderly person, or a disabled adult, sexual extortion is a felony of the first degree. 1173
1174
1175
1176
1177
1178
1179
1180
1181

(F) A prosecution for a violation of division (D) of this section does not preclude a prosecution of a violation of division (B) of this section. One or more acts, a series of acts, or a course of behavior that can be prosecuted under division (D) of this section or division (B) of this section may 1182
1183
1184
1185
1186

be prosecuted under division (D) of this section, division (B) 1187
of this section, or both divisions. However, if an offender is 1188
convicted of or pleads guilty to a violation of division (D) of 1189
this section and also is convicted of or pleads guilty to a 1190
violation of division (B) of this section based on the same 1191
conduct involving the same victim that was the basis of the 1192
violation of division (D) of this section, the two offenses are 1193
allied offenses of similar import under section 2941.25 of the 1194
Revised Code. 1195

(G) (1) No person shall assert a cause of action in any 1196
court of this state against any provider of an information 1197
service, an interactive computer service, or a 1198
telecommunications service, or against any agent, employee, or 1199
officer of such provider, for any injury, death, or loss to 1200
person or property that allegedly arises out of the provider's, 1201
officer's, employee's, or agent's provision of information, 1202
facilities, or assistance in accordance with the terms of a 1203
court order that is issued in relation to the investigation or 1204
prosecution of an alleged violation of division (D) of this 1205
section. 1206

(2) A provider of an information service, an interactive 1207
computer service, or a telecommunications service, or any agent, 1208
employee, or officer of such provider, is immune from any civil 1209
or criminal liability for injury, death, or loss to person or 1210
property that allegedly arises out of the provider's, officer's, 1211
employee's, or agent's provision of information, facilities, or 1212
assistance in accordance with the terms of a court order that is 1213
issued in relation to the investigation or prosecution of an 1214
alleged violation of division (D) of this section. 1215

(H) (1) (a) A person shall not be considered to have 1216

violated division (D) of this section solely for providing 1217
access or connection to or from an electronic method of remotely 1218
transferring information not under that person's control, 1219
including having provided capabilities that are incidental to 1220
providing access or connection to or from the electronic method 1221
of remotely transferring the information and that do not include 1222
the creation of the content of the material that is the subject 1223
of the access or connection. 1224

(b) Any person providing access or connection to or from 1225
an electronic method of remotely transferring information not 1226
under that person's control shall not be liable for any action 1227
voluntarily taken in good faith to block the receipt or 1228
transmission through its service of any information that the 1229
person believes is, or will be, sent in violation of division 1230
(D) of this section. 1231

(2) Division (H)(1) of this section does not create an 1232
affirmative duty for any person providing access or connection 1233
to or from an electronic method of remotely transferring 1234
information not under that person's control to block the receipt 1235
or transmission through its service of any information that it 1236
believes is, or will be sent, in violation of division (D) of 1237
this section, except as otherwise provided by law. 1238

(3) Division (H)(1) of this section does not apply to a 1239
person who conspires with another person actively involved in 1240
the creation or knowing distribution of material in violation of 1241
division (D) of this section, or who knowingly advertises the 1242
availability of material of that nature. 1243

(4) (a) A provider or user of an interactive computer 1244
service shall neither be treated as the publisher nor speaker of 1245
any information provided by another information content 1246

provider, nor shall such a person be held civilly or criminally 1247
liable for the creation or development of information provided 1248
by another information content provider. 1249

(b) Nothing in division (H) (4) (a) of this section shall be 1250
construed as protecting a person from liability to the extent 1251
that the person developed or created any content in violation of 1252
division (D) of this section. 1253

Sec. 2905.12. (A) No person, with purpose to coerce 1254
another into taking or refraining from action concerning which 1255
the other person has a legal freedom of choice, shall do any of 1256
the following: 1257

(1) Threaten to commit any offense; 1258

(2) Utter or threaten any calumny against any person; 1259

(3) Expose or threaten to expose any matter tending to 1260
subject any person to hatred, contempt, or ridicule, to damage 1261
any person's personal or business repute, or to impair any 1262
person's credit; 1263

(4) Institute or threaten criminal proceedings against any 1264
person; 1265

(5) Take, withhold, or threaten to take or withhold 1266
official action, or cause or threaten to cause official action 1267
to be taken or withheld. 1268

(B) Divisions (A) (4) and (5) of this section shall not be 1269
construed to prohibit a prosecutor or court from doing any of 1270
the following in good faith and in the interests of justice: 1271

(1) Offering or agreeing to grant, or granting immunity 1272
from prosecution pursuant to section 2945.44 of the Revised 1273
Code; 1274

(2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the accused is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;

(3) Imposing a community control sanction on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of the offense.

(C) It is an affirmative defense to a charge under division (A) (3), (4), or (5) of this section that the actor's conduct was a reasonable response to the circumstances that occasioned it, and that the actor's purpose was limited to any of the following:

(1) Compelling another to refrain from misconduct or to desist from further misconduct;

(2) Preventing or redressing a wrong or injustice;

(3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified;

(4) Compelling another to take action that the actor reasonably believed the other person to be under a duty to take.

(D) Whoever violates this section is guilty of coercion⁷.
Except as otherwise provided in this division, coercion is a misdemeanor of the second degree. If the victim is a person with a disability and the offender knows or reasonably should know that the victim is a person with a disability, coercion is a misdemeanor of the first degree.

(E) As used in this section:	1303
(1) "Threat" includes a direct threat and a threat by innuendo.	1304 1305
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1306 1307
(3) "Disability" has the same meaning as in section 4112.01 of the Revised Code.	1308 1309
Sec. 2905.22. (A) <u>As used in this section, "disability" has the same meaning as in section 4112.01 of the Revised Code.</u>	1310 1311
<u>(B) No person shall:</u>	1312
(1) Knowingly make or participate in an extortionate extension of credit;	1313 1314
(2) Knowingly engage in criminal usury;	1315
(3) Possess any writing, paper, instrument, or article used to record criminally usurious transactions, knowing that the contents record a criminally usurious transaction.	1316 1317 1318
(B) Whoever <u>(C) Except as otherwise provided in this division, whoever violates division (A)(1)(B) (1) or (2) of this section is guilty of a felony of the fourth degree. Whoever If the victim is a person with a disability and the offender knows or reasonably should know that the victim is a person with a disability, a violation of division (B) (1) or (2) of this section is a felony of the third degree. Except as otherwise provided in this division, whoever violates division (A)(3)(B) (3) of this section is guilty of a misdemeanor of the first degree. If the victim is a person with a disability and the offender knows or reasonably should know that the victim is a person with a disability, a violation of division (B) (3) of this</u>	1319 1320 1321 1322 1323 1324 1325 1326 1327 1328 1329 1330

section is a felony of the fifth degree. 1331

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 1332
entice, isolate, harbor, transport, provide, obtain, or 1333
maintain, or knowingly attempt to recruit, lure, entice, 1334
isolate, harbor, transport, provide, obtain, or maintain, 1335
another person if either of the following applies: 1336

(1) The offender knows that the other person will be 1337
subjected to involuntary servitude or be compelled to engage in 1338
sexual activity for hire, engage in a performance that is 1339
obscene, sexually oriented, or nudity oriented, or be a model or 1340
participant in the production of material that is obscene, 1341
sexually oriented, or nudity oriented. 1342

(2) The other person is less than eighteen years of age or 1343
is a person with a ~~developmental~~ disability whom the offender 1344
knows or ~~has reasonable cause to believe~~ reasonably should know 1345
is a person with a ~~developmental~~ disability, and either the 1346
offender knows that the other person will be subjected to 1347
involuntary servitude or the offender's knowing recruitment, 1348
luring, enticement, isolation, harboring, transportation, 1349
provision, obtaining, or maintenance of the other person or 1350
knowing attempt to recruit, lure, entice, isolate, harbor, 1351
transport, provide, obtain, or maintain the other person is for 1352
any of the following purposes: 1353

(a) For the other person to engage in sexual activity for 1354
hire with one or more third parties; 1355

(b) To engage in a performance for hire that is obscene, 1356
sexually oriented, or nudity oriented; 1357

(c) To be a model or participant for hire in the 1358
production of material that is obscene, sexually oriented, or 1359

nudity oriented. 1360

(B) For a prosecution under division (A) (1) of this 1361
section, the element "compelled" does not require that the 1362
compulsion be openly displayed or physically exerted. The 1363
element "compelled" has been established if the state proves 1364
that the offender overcame the victim's will by force, fear, 1365
duress, intimidation, or fraud, by furnishing or offering a 1366
controlled substance to the victim, or by manipulating the 1367
victim's controlled substance addiction. 1368

(C) In a prosecution under this section, proof that the 1369
defendant engaged in sexual activity with any person, or 1370
solicited sexual activity with any person, whether or not for 1371
hire, without more, does not constitute a violation of this 1372
section. 1373

(D) A prosecution for a violation of this section does not 1374
preclude a prosecution of a violation of any other section of 1375
the Revised Code. One or more acts, a series of acts, or a 1376
course of behavior that can be prosecuted under this section or 1377
any other section of the Revised Code may be prosecuted under 1378
this section, the other section of the Revised Code, or both 1379
sections. However, if an offender is convicted of or pleads 1380
guilty to a violation of this section and also is convicted of 1381
or pleads guilty to a violation of section 2907.21 of the 1382
Revised Code based on the same conduct involving the same victim 1383
that was the basis of the violation of this section, or is 1384
convicted of or pleads guilty to any other violation of Chapter 1385
2907. of the Revised Code based on the same conduct involving 1386
the same victim that was the basis of the violation of this 1387
section, the two offenses are allied offenses of similar import 1388
under section 2941.25 of the Revised Code. 1389

(E) Whoever violates this section is guilty of trafficking 1390
in persons, a felony of the first degree. For a violation 1391
committed prior to March 22, 2019, notwithstanding the range of 1392
definite terms set forth in division (A)(1)(b) of section 1393
2929.14 of the Revised Code, the court shall sentence the 1394
offender to a definite prison term of ten, eleven, twelve, 1395
thirteen, fourteen, or fifteen years. For a violation committed 1396
on or after March 22, 2019, notwithstanding the range of minimum 1397
terms set forth in division (A)(1)(a) of section 2929.14 of the 1398
Revised Code, the court shall sentence the offender to an 1399
indefinite prison term pursuant to that division, with a minimum 1400
term under that sentence of ten, eleven, twelve, thirteen, 1401
fourteen, or fifteen years. 1402

(F) As used in this section: 1403

(1) ~~"Person with a developmental disability" means a~~ 1404
~~person whose ability to resist or consent to an act is~~ 1405
~~substantially impaired because of a mental or physical condition~~ 1406
~~or because of advanced age~~ "Disability" has the same meaning as 1407
in section 4112.01 of the Revised Code. 1408

(2) "Sexual activity for hire," "performance for hire," 1409
and "model or participant for hire" mean an implicit or explicit 1410
agreement to provide sexual activity, engage in an obscene, 1411
sexually oriented, or nudity oriented performance, or be a model 1412
or participant in the production of obscene, sexually oriented, 1413
or nudity oriented material, whichever is applicable, in 1414
exchange for anything of value paid to any of the following: 1415

(a) The person engaging in such sexual activity, 1416
performance, or modeling or participation; 1417

(b) Any person who recruits, lures, entices, isolates, 1418

harbors, transports, provides, obtains, or maintains, or 1419
attempts to recruit, lure, entice, isolate, harbor, transport, 1420
provide, obtain, or maintain the person described in division 1421
(F) (2) (a) of this section; 1422

(c) Any person associated with a person described in 1423
division (F) (2) (a) or (b) of this section. 1424

(3) "Material that is obscene, sexually oriented, or 1425
nudity oriented" and "performance that is obscene, sexually 1426
oriented, or nudity oriented" have the same meanings as in 1427
section 2929.01 of the Revised Code. 1428

(4) "Third party" means, with respect to conduct described 1429
in division (A) (2) (a) of this section, any person other than the 1430
offender. 1431

Sec. 2907.03. (A) No person shall engage in sexual 1432
activity with another; cause another to engage in sexual 1433
activity with the offender; or cause two or more other persons 1434
to engage in sexual activity when any of the following apply: 1435

(1) The offender knowingly coerces the other person, or 1436
one of the other persons, to submit by any means that would 1437
prevent resistance by a person of ordinary resolution. 1438

(2) The offender knows that the other person's, or one of 1439
the other persons', ability to appraise the nature of or control 1440
the other person's own conduct is substantially impaired. 1441

(3) The offender knows that the other person, or one of 1442
the other persons, submits because the other person is unaware 1443
that the act is being committed. 1444

(4) The offender knows that the other person, or one of 1445
the other persons, submits because the other person mistakenly 1446

identifies the offender as the other person's spouse. 1447

(5) The offender is the other person's, or one of the 1448
other persons', natural or adoptive parent, or a stepparent, or 1449
guardian, custodian, or person in loco parentis of the other 1450
person. 1451

(6) The other person, or one of the other persons, is in 1452
custody of law or a patient in a hospital or other institution, 1453
and the offender has supervisory or disciplinary authority over 1454
the other person. 1455

(7) The offender is a teacher, administrator, coach, or 1456
other person in authority employed by or serving in a school for 1457
which the director of education and workforce prescribes minimum 1458
standards pursuant to division (D) of section 3301.07 of the 1459
Revised Code, the other person, or one of the other persons, is 1460
enrolled in or attends that school, and the offender is not 1461
enrolled in and does not attend that school. 1462

(8) The other person, or one of the other persons, is a 1463
minor, the offender is a teacher, administrator, coach, or other 1464
person in authority employed by or serving in an institution of 1465
higher education, and the other person is enrolled in or attends 1466
that institution. 1467

(9) The other person, or one of the other persons, is a 1468
minor, and the offender is the other person's athletic or other 1469
type of coach, is the other person's instructor, is the leader 1470
of a scouting troop of which the other person is a member, or is 1471
a person with temporary or occasional disciplinary control over 1472
the other person. 1473

(10) The offender is a mental health professional, the 1474
other person, or one of the other persons, is a mental health 1475

client or patient of the offender, and the offender induces the 1476
other person to submit by falsely representing to the other 1477
person that the sexual activity is necessary for mental health 1478
treatment purposes. 1479

(11) The offender is a licensed medical professional, the 1480
other person, or one of the other persons, is a patient of the 1481
offender, and the sexual activity occurs in the course of 1482
medical treatment. 1483

(12) The other person, or one of the other persons, is 1484
confined in a detention facility, and the offender is an 1485
employee of that detention facility. 1486

(13) The other person, or one of the other persons, is a 1487
minor, the offender is a cleric, and the other person is a 1488
member of, or attends, the church or congregation served by the 1489
cleric. 1490

(14) The other person, or one of the other persons, is a 1491
minor, the offender is a peace officer, and the offender is more 1492
than two years older than the other person. 1493

(B) Whoever violates this section is guilty of sexual 1494
battery. 1495

(1) If the sexual activity involved is sexual conduct, 1496
except as otherwise provided in this division, sexual battery is 1497
a felony of the third degree. If the other person, or one of the 1498
other persons, is thirteen years of age or over and less than 1499
eighteen years of age, or if the other person is a person with a 1500
disability and the offender knows or reasonably should know that 1501
the other person is a person with a disability, sexual battery 1502
is a felony of the second degree, and the court shall impose 1503
upon the offender a mandatory prison term equal to one of the 1504

definite prison terms prescribed in division (A) (2) (b) of 1505
section 2929.14 of the Revised Code for a felony of the second 1506
degree, except that if the violation is committed on or after 1507
March 22, 2019, the court shall impose as the minimum prison 1508
term for the offense a mandatory prison term that is one of the 1509
minimum terms prescribed in division (A) (2) (a) of that section 1510
for a felony of the second degree. 1511

(2) If the sexual activity involved is sexual contact, 1512
except as otherwise provided in this division, sexual battery is 1513
a felony of the fifth degree. If the other person, or one of the 1514
other persons, is less than eighteen years of age, sexual 1515
battery is a felony of the fourth degree. 1516

(C) As used in this section: 1517

(1) "Cleric" has the same meaning as in section 2317.02 of 1518
the Revised Code. 1519

(2) "Detention facility" has the same meaning as in 1520
section 2921.01 of the Revised Code. 1521

(3) "Disability" has the same meaning as in section 4112.01 1522
of the Revised Code. 1523

(4) "Institution of higher education" means a state 1524
institution of higher education defined in section 3345.011 of 1525
the Revised Code, a private nonprofit college or university 1526
located in this state that possesses a certificate of 1527
authorization issued by the chancellor of higher education 1528
pursuant to Chapter 1713. of the Revised Code, or a school 1529
certified under Chapter 3332. of the Revised Code. 1530

~~(4)~~(5) "Peace officer" has the same meaning as in section 1531
2935.01 of the Revised Code. 1532

~~(5)~~(6) "Medical treatment" means in-person medical 1533
services provided by a licensed medical professional under the 1534
legal authority conferred by a license or certificate, including 1535
in-person examination, consultation, health care, treatment, 1536
procedure, surgery, or other in-person procedures. 1537

Sec. 2907.05. (A) No person shall have sexual contact with 1538
another; cause another to have sexual contact with the offender; 1539
or cause two or more other persons to have sexual contact when 1540
any of the following applies: 1541

(1) The offender purposely compels the other person, or 1542
one of the other persons, to submit by force or threat of force. 1543

(2) For the purpose of preventing resistance, the offender 1544
substantially impairs the judgment or control of the other 1545
person or of one of the other persons by administering any drug, 1546
intoxicant, or controlled substance to the other person 1547
surreptitiously or by force, threat of force, or deception. 1548

(3) The offender knows that the judgment or control of the 1549
other person or of one of the other persons is substantially 1550
impaired as a result of the influence of any drug or intoxicant 1551
administered to the other person with the other person's consent 1552
for the purpose of any kind of medical or dental examination, 1553
treatment, or surgery. 1554

(4) The other person, or one of the other persons, is less 1555
than thirteen years of age, whether or not the offender knows 1556
the age of that person. 1557

(5) The ability of the other person to resist or consent 1558
or the ability of one of the other persons to resist or consent 1559
is substantially impaired because of a mental or physical 1560
condition or because of advanced age, and the offender knows or 1561

has reasonable cause to believe that the ability to resist or 1562
consent of the other person or of one of the other persons is 1563
substantially impaired because of a mental or physical condition 1564
or because of advanced age. 1565

(B) No person shall knowingly touch the genitalia of 1566
another, when the touching is not through clothing, the other 1567
person is less than twelve years of age, whether or not the 1568
offender knows the age of that person, and the touching is done 1569
with an intent to abuse, humiliate, harass, degrade, or arouse 1570
or gratify the sexual desire of any person. 1571

(C) Whoever violates this section is guilty of gross 1572
sexual imposition. 1573

(1) Except as otherwise provided in this section, gross 1574
sexual imposition committed in violation of division (A) (1), 1575
(2), or (3), ~~or~~ (5) of this section is a felony of the fourth 1576
degree. If the offender under division (A) (2) of this section 1577
substantially impairs the judgment or control of the other 1578
person or one of the other persons by administering any 1579
controlled substance, as defined in section 3719.01 of the 1580
Revised Code, to the person surreptitiously or by force, threat 1581
of force, or deception, gross sexual imposition committed in 1582
violation of division (A) (2) of this section is a felony of the 1583
third degree. 1584

(2) Gross sexual imposition committed in violation of 1585
division (A) (4) or (5) or (B) of this section is a felony of the 1586
third degree. Except as otherwise provided in this division, for 1587
gross sexual imposition committed in violation of division (A) 1588
(4) or (5) or (B) of this section there is a presumption that a 1589
prison term shall be imposed for the offense. The court shall 1590
impose on an offender convicted of gross sexual imposition in 1591

violation of division (A) (4) or (5) or (B) of this section a 1592
mandatory prison term, as described in division (C) (3) of this 1593
section, for a felony of the third degree if the offender 1594
previously was convicted of or pleaded guilty to a violation of 1595
this section, rape, the former offense of felonious sexual 1596
penetration, or sexual battery, and the victim of the previous 1597
offense was less than thirteen years of age. 1598

(3) A mandatory prison term required under division (C) (2) 1599
of this section shall be a definite term from the range of 1600
prison terms provided in division (A) (3) (a) of section 2929.14 1601
of the Revised Code for a felony of the third degree. 1602

(D) A victim need not prove physical resistance to the 1603
offender in prosecutions under this section. 1604

(E) Evidence of specific instances of the victim's sexual 1605
activity, opinion evidence of the victim's sexual activity, and 1606
reputation evidence of the victim's sexual activity shall not be 1607
admitted under this section unless it involves evidence of the 1608
origin of semen, pregnancy, or sexually transmitted disease or 1609
infection, or the victim's past sexual activity with the 1610
offender, and only to the extent that the court finds that the 1611
evidence is material to a fact at issue in the case and that its 1612
inflammatory or prejudicial nature does not outweigh its 1613
probative value. 1614

Evidence of specific instances of the defendant's sexual 1615
activity, opinion evidence of the defendant's sexual activity, 1616
and reputation evidence of the defendant's sexual activity shall 1617
not be admitted under this section unless it involves evidence 1618
of the origin of semen, pregnancy, or sexually transmitted 1619
disease or infection, the defendant's past sexual activity with 1620
the victim, or is admissible against the defendant under section 1621

2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(F) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(G) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

Sec. 2909.01. As used in sections 2909.01 to 2909.07 of the Revised Code:

(A) To "create a substantial risk of serious physical harm to any person" includes the creation of a substantial risk of serious physical harm to any emergency personnel.

(B) "Emergency personnel" means any of the following persons:

(1) A peace officer, as defined in section 2935.01 of the Revised Code;

(2) A member of a fire department or other firefighting agency of a municipal corporation, township, township fire district, joint fire district, other political subdivision, or combination of political subdivisions;

- (3) A member of a private fire company, as defined in section 9.60 of the Revised Code, or a volunteer firefighter; 1651
1652
- (4) A member of a joint ambulance district or joint emergency medical services district; 1653
1654
- (5) An emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance operator, or other member of an emergency medical service that is owned or operated by a political subdivision or a private entity; 1655
1656
1657
1658
1659
- (6) The state fire marshal, the chief deputy state fire marshal, or an assistant state fire marshal; 1660
1661
- (7) A fire prevention officer of a political subdivision or an arson, fire, or similar investigator of a political subdivision. 1662
1663
1664
- (C) "Occupied structure" means any house, building, outbuilding, watercraft, aircraft, railroad car, truck, trailer, tent, or other structure, vehicle, or shelter, or any portion thereof, to which any of the following applies: 1665
1666
1667
1668
- (1) It is maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether or not any person is actually present. 1669
1670
1671
- (2) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not any person is actually present. 1672
1673
1674
- (3) At the time, it is specially adapted for the overnight accommodation of any person, whether or not any person is actually present. 1675
1676
1677
- (4) At the time, any person is present or likely to be 1678

present in it. 1679

(D) "Political subdivision" and "state" have the same 1680
meanings as in section 2744.01 of the Revised Code. 1681

(E) "Computer," "computer hacking," "computer network," 1682
"computer program," "computer software," "computer system," 1683
"data," and "telecommunications device" have the same meanings 1684
as in section 2913.01 of the Revised Code. 1685

(F) "Computer contaminant" means a computer program that 1686
is designed to modify, damage, destroy, disable, deny or degrade 1687
access to, allow unauthorized access to, functionally impair, 1688
record, or transmit information within a computer, computer 1689
system, or computer network without the express or implied 1690
consent of the owner or other person authorized to give consent 1691
and that is of a type or kind described in divisions (F)(1) to 1692
(4) of this section or of a type or kind similar to a type or 1693
kind described in divisions (F)(1) to (4) of this section: 1694

(1) A group of computer programs commonly known as 1695
"viruses" and "worms" that are self-replicating or self- 1696
propagating and that are designed to contaminate other computer 1697
programs, compromise computer security, consume computer 1698
resources, modify, destroy, record, or transmit data, or disrupt 1699
the normal operation of the computer, computer system, or 1700
computer network; 1701

(2) A group of computer programs commonly known as 1702
"Trojans" or "Trojan horses" that are not self-replicating or 1703
self-propagating and that are designed to compromise computer 1704
security, consume computer resources, modify, destroy, record, 1705
or transmit data, or disrupt the normal operation of the 1706
computer, computer system, or computer network; 1707

(3) A group of computer programs commonly known as "zombies" that are designed to use a computer without the knowledge and consent of the owner, or other person authorized to give consent, and that are designed to send large quantities of data to a targeted computer network for the purpose of degrading the targeted computer's or network's performance, or denying access through the network to the targeted computer or network, resulting in what is commonly known as "Denial of Service" or "Distributed Denial of Service" attacks;

(4) A group of computer programs commonly know as "trap doors," "back doors," or "root kits" that are designed to bypass standard authentication software and that are designed to allow access to or use of a computer without the knowledge or consent of the owner, or other person authorized to give consent.

(G) "Internet" has the same meaning as in section 341.42 of the Revised Code.

(H) "Disability" has the same meaning as in section 4112.01 of the Revised Code.

Sec. 2909.06. (A) No person shall cause, or create a substantial risk of physical harm to any property of another without the other person's consent:

(1) Knowingly, by any means;

(2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(B) Whoever violates this section is guilty of criminal damaging or endangering, a. Except as otherwise provided in this division or division (C) of this section, criminal damaging or endangering is a misdemeanor of the second degree. If a

violation of this section creates a risk of physical harm to any 1737
person, criminal damaging or endangering is a misdemeanor of the 1738
first degree. If the property involved in a violation of this 1739
section is an aircraft, an aircraft engine, propeller, 1740
appliance, spare part, or any other equipment or implement used 1741
or intended to be used in the operation of an aircraft and if 1742
the violation creates a risk of physical harm to any person, 1743
criminal damaging or endangering is a felony of the fifth 1744
degree. If the property involved in a violation of this section 1745
is an aircraft, an aircraft engine, propeller, appliance, spare 1746
part, or any other equipment or implement used or intended to be 1747
used in the operation of an aircraft and if the violation 1748
creates a substantial risk of physical harm to any person or if 1749
the property involved in a violation of this section is an 1750
occupied aircraft, criminal damaging or endangering is a felony 1751
of the fourth degree. 1752

(C) If the victim is a person with a disability and the 1753
offender knows or reasonably should know that the victim is a 1754
person with a disability, criminal damaging is a misdemeanor of 1755
the first degree. If a violation of this section creates a risk 1756
of physical harm to any person with a disability and the 1757
offender knows or reasonably should know that the victim is a 1758
person with a disability, criminal damaging or endangering is a 1759
felony of the fifth degree. If the property involved in a 1760
violation of this section is an aircraft, an aircraft engine, 1761
propeller, appliance, spare part, or any other equipment or 1762
implement used or intended to be used in the operation of an 1763
aircraft and if the violation creates a risk of physical harm to 1764
a person with a disability and the offender knows or reasonably 1765
should know that the victim is a person with a disability, 1766
criminal damaging or endangering is a felony of the fourth 1767

degree. If the property involved in a violation of this section 1768
is an aircraft, an aircraft engine, propeller, appliance, spare 1769
part, or any other equipment or implement used or intended to be 1770
used in the operation of an aircraft and if the violation 1771
creates a substantial risk of physical harm to a person with a 1772
disability and the offender knows or reasonably should know that 1773
the victim is a person with a disability, criminal damaging or 1774
endangering is a felony of the third degree. 1775

Sec. 2909.07. (A) No person shall: 1776

(1) Without privilege to do so, knowingly move, deface, 1777
damage, destroy, or otherwise improperly tamper with either of 1778
the following: 1779

(a) The property of another; 1780

(b) One's own residential real property with the purpose 1781
to decrease the value of or enjoyment of the residential real 1782
property, if both of the following apply: 1783

(i) The residential real property is subject to a 1784
mortgage. 1785

(ii) The person has been served with a summons and 1786
complaint in a pending residential mortgage loan foreclosure 1787
action relating to that real property. As used in this division, 1788
"pending" includes the time between judgment entry and 1789
confirmation of sale. 1790

(2) With purpose to interfere with the use or enjoyment of 1791
property of another, employ a tear gas device, stink bomb, smoke 1792
generator, or other device releasing a substance that is harmful 1793
or offensive to persons exposed or that tends to cause public 1794
alarm; 1795

(3) Without privilege to do so, knowingly move, deface, 1796
damage, destroy, or otherwise improperly tamper with a bench 1797
mark, triangulation station, boundary marker, or other survey 1798
station, monument, or marker; 1799

(4) Without privilege to do so, knowingly move, deface, 1800
damage, destroy, or otherwise improperly tamper with any safety 1801
device, the property of another, or the property of the offender 1802
when required or placed for the safety of others, so as to 1803
destroy or diminish its effectiveness or availability for its 1804
intended purpose; 1805

(5) With purpose to interfere with the use or enjoyment of 1806
the property of another, set a fire on the land of another or 1807
place personal property that has been set on fire on the land of 1808
another, which fire or personal property is outside and apart 1809
from any building, other structure, or personal property that is 1810
on that land; 1811

(6) Without privilege to do so, and with intent to impair 1812
the functioning of any computer, computer system, computer 1813
network, computer software, or computer program, knowingly do 1814
any of the following: 1815

(a) In any manner or by any means, including, but not 1816
limited to, computer hacking, alter, damage, destroy, or modify 1817
a computer, computer system, computer network, computer 1818
software, or computer program or data contained in a computer, 1819
computer system, computer network, computer software, or 1820
computer program; 1821

(b) Introduce a computer contaminant into a computer, 1822
computer system, computer network, computer software, or 1823
computer program. 1824

(7) Without privilege to do so, knowingly destroy or	1825
improperly tamper with a critical infrastructure facility.	1826
(B) As used in this section:	1827
(1) "Safety device" means any fire extinguisher, fire	1828
hose, or fire axe, or any fire escape, emergency exit, or	1829
emergency escape equipment, or any life line, life-saving ring,	1830
life preserver, or life boat or raft, or any alarm, light,	1831
flare, signal, sign, or notice intended to warn of danger or	1832
emergency, or intended for other safety purposes, or any guard	1833
railing or safety barricade, or any traffic sign or signal, or	1834
any railroad grade crossing sign, signal, or gate, or any first	1835
aid or survival equipment, or any other device, apparatus, or	1836
equipment intended for protecting or preserving the safety of	1837
persons or property.	1838
(2) "Critical infrastructure facility" has the same	1839
meaning as in section 2911.21 of the Revised Code.	1840
(3) "Improperly tamper" means to change the physical	1841
location or the physical condition of the property.	1842
(C) (1) Whoever violates this section is guilty of criminal	1843
mischief, and shall be punished as provided in division (C) (2),	1844
(3), or (4) of this section.	1845
(2) Except as otherwise provided in this division,	1846
criminal mischief committed in violation of division (A) (1),	1847
(2), (3), (4), or (5) of this section is a misdemeanor of the	1848
third degree. <u>Except as otherwise provided in this division, if</u>	1849
<u>the victim is a person with a disability and the offender knows</u>	1850
<u>or reasonably should know that the victim is a person with a</u>	1851
<u>disability, criminal mischief committed in violation of division</u>	1852
<u>(A) (1), (2), (3), (4), or (5) of this section is a misdemeanor</u>	1853

of the second degree. Except as otherwise provided in this 1854
division, if the violation of division (A) (1), (2), (3), (4), or 1855
(5) of this section creates a risk of physical harm to any 1856
person, criminal mischief committed in violation of division (A) 1857
(1), (2), (3), (4), or (5) of this section is a misdemeanor of 1858
the first degree. If the property involved in the violation of 1859
division (A) (1), (2), (3), (4), or (5) of this section is an 1860
aircraft, an aircraft engine, propeller, appliance, spare part, 1861
fuel, lubricant, hydraulic fluid, any other equipment, 1862
implement, or material used or intended to be used in the 1863
operation of an aircraft, or any cargo carried or intended to be 1864
carried in an aircraft, criminal mischief committed in violation 1865
of division (A) (1), (2), (3), (4), or (5) of this section is one 1866
of the following: 1867

(a) If the violation creates a risk of physical harm to 1868
any person, except as otherwise provided in division (C) (2) (b) 1869
of this section, criminal mischief committed in violation of 1870
division (A) (1), (2), (3), (4), or (5) of this section is a 1871
felony of the fifth degree. 1872

(b) If the violation creates a substantial risk of 1873
physical harm to any person or if the property involved in a 1874
violation of this section is an occupied aircraft, criminal 1875
mischief committed in violation of division (A) (1), (2), (3), 1876
(4), or (5) of this section is a felony of the fourth degree. 1877

(3) Except as otherwise provided in this division, 1878
criminal mischief committed in violation of division (A) (6) of 1879
this section is a misdemeanor of the first degree. Except as 1880
otherwise provided in this division, if the value of the 1881
computer, computer system, computer network, computer software, 1882
computer program, or data involved in the violation of division 1883

(A) (6) of this section or the loss to the victim resulting from 1884
the violation is one thousand dollars or more and less than ten 1885
thousand dollars, or if the computer, computer system, computer 1886
network, computer software, computer program, or data involved 1887
in the violation of division (A) (6) of this section is used or 1888
intended to be used in the operation of an aircraft and the 1889
violation creates a risk of physical harm to any person, 1890
criminal mischief committed in violation of division (A) (6) of 1891
this section is a felony of the fifth degree. If the value of 1892
the computer, computer system, computer network, computer 1893
software, computer program, or data involved in the violation of 1894
division (A) (6) of this section or the loss to the victim 1895
resulting from the violation is ten thousand dollars or more, or 1896
if the computer, computer system, computer network, computer 1897
software, computer program, or data involved in the violation of 1898
division (A) (6) of this section is used or intended to be used 1899
in the operation of an aircraft and the violation creates a 1900
substantial risk of physical harm to any person or the aircraft 1901
in question is an occupied aircraft, criminal mischief committed 1902
in violation of division (A) (6) of this section is a felony of 1903
the fourth degree. 1904

(4) Except as otherwise provided in this division, if the 1905
victim is a person with a disability and the offender knows or 1906
reasonably should know that the victim is a person with a 1907
disability, criminal mischief committed in violation of division 1908
(A) (6) of this section is a felony of the fifth degree. If the 1909
victim is a person with a disability and the offender knows or 1910
reasonably should know that the victim is a person with a 1911
disability, and if the value of the computer, computer system, 1912
computer network, computer software, computer program, or data 1913
involved in the violation of division (A) (6) of this section or 1914

the loss to the victim resulting from the violation is one 1915
thousand dollars or more and less than ten thousand dollars, 1916
criminal mischief committed in violation of division (A) (6) of 1917
this section is a felony of the fourth degree. If the victim is 1918
a person with a disability and the offender knows or reasonably 1919
should know that the victim is a person with a disability, and 1920
the value of the computer, computer system, computer network, 1921
computer software, computer program, or data involved in the 1922
violation of division (A) (6) of this section or the loss to the 1923
victim resulting from the violation is ten thousand dollars or 1924
more, criminal mischief committed in violation of division (A) 1925
(6) of this section is a felony of the third degree. 1926

(5) Criminal mischief committed in violation of division 1927
(A) (7) of this section is a felony of the third degree. 1928

Sec. 2911.02. (A) No person, in attempting or committing a 1929
theft offense or in fleeing immediately after the attempt or 1930
offense, shall do any of the following: 1931

(1) Have a deadly weapon on or about the offender's person 1932
or under the offender's control; 1933

(2) Inflict, attempt to inflict, or threaten to inflict 1934
physical harm on another; 1935

(3) Use or threaten the immediate use of force against 1936
another. 1937

(B) Whoever violates this section is guilty of robbery. 1938
Except as otherwise provided in this division, a violation of 1939
division (A) (1) or (2) of this section is a felony of the second 1940
degree. If the victim is a person with a disability and the 1941
offender knows or reasonably should know that the victim is a 1942
person with a disability, robbery committed in violation of 1943

division (A) (1) or (2) of this section is a felony of the first 1944
degree. Except as otherwise provided in this division, a 1945
violation of division (A) (3) of this section is a felony of the 1946
third degree. If the victim is a person with a disability, and 1947
the offender knows or reasonably should know that the victim is 1948
a person with a disability, robbery committed in violation of 1949
division (A) (3) of this section is a felony of the second 1950
degree. 1951

(C) As used in this section: 1952

(1) "Deadly weapon" has the same meaning as in section 1953
2923.11 of the Revised Code. 1954

(2) "Disability" has the same meaning as in section 1955
4112.01 of the Revised Code. 1956

(3) "Theft offense" has the same meaning as in section 1957
2913.01 of the Revised Code. 1958

Sec. 2911.12. (A) No person, by force, stealth, or 1959
deception, shall do any of the following: 1960

(1) Trespass in an occupied structure or in a separately 1961
secured or separately occupied portion of an occupied structure, 1962
when another person other than an accomplice of the offender is 1963
present, with purpose to commit in the structure or in the 1964
separately secured or separately occupied portion of the 1965
structure any criminal offense; 1966

(2) Trespass in an occupied structure or in a separately 1967
secured or separately occupied portion of an occupied structure 1968
that is a permanent or temporary habitation of any person when 1969
any person other than an accomplice of the offender is present 1970
or likely to be present, with purpose to commit in the 1971
habitation any criminal offense; 1972

(3) Trespass in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, with purpose to commit in the structure or separately secured or separately occupied portion of the structure any criminal offense. 1973
1974
1975
1976
1977

(B) No person, by force, stealth, or deception, shall trespass in a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present. 1978
1979
1980
1981

(C) As used in this section, ~~"occupied:~~ 1982

(1) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code. 1983
1984

(2) "Disability" has the same meaning as in section 4112.01 of the Revised Code. 1985
1986

(D) Whoever violates division (A) of this section is guilty of burglary. ~~A~~Except as otherwise provided in this division, a violation of division (A) (1) or (2) of this section is a felony of the second degree. A~~If the victim is a person with a disability and the offender knows or reasonably should know that the victim is a person with a disability, burglary committed in violation of division (A) (1) or (2) of this section is a felony of the first degree. Except as otherwise provided in this division, a violation of division (A) (3) of this section is a felony of the third degree. If the victim is a person with a disability and the offender knows or reasonably should know that the victim is a person with a disability, burglary committed in violation of division (A) (3) of this section is a felony of the second degree.~~ 1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000

(E) Whoever violates division (B) of this section is 2001

guilty of trespass in a habitation when a person is present or 2002
likely to be present, ~~a.~~ Except as otherwise provided in this 2003
division, trespass in a habitation when a person is present or 2004
likely to be present is a felony of the fourth degree. If the 2005
victim is a person with a disability and the offender knows or 2006
reasonably should know that the victim is a person with a 2007
disability, trespass in a habitation when a person is present or 2008
likely to be present is a felony of the third degree. 2009

Sec. 2913.01. As used in this chapter, unless the context 2010
requires that a term be given a different meaning: 2011

(A) "Deception" means knowingly deceiving another or 2012
causing another to be deceived by any false or misleading 2013
representation, by withholding information, by preventing 2014
another from acquiring information, or by any other conduct, 2015
act, or omission that creates, confirms, or perpetuates a false 2016
impression in another, including a false impression as to law, 2017
value, state of mind, or other objective or subjective fact. 2018

(B) "Defraud" means to knowingly obtain, by deception, 2019
some benefit for oneself or another, or to knowingly cause, by 2020
deception, some detriment to another. 2021

(C) "Deprive" means to do any of the following: 2022

(1) Withhold property of another permanently, or for a 2023
period that appropriates a substantial portion of its value or 2024
use, or with purpose to restore it only upon payment of a reward 2025
or other consideration; 2026

(2) Dispose of property so as to make it unlikely that the 2027
owner will recover it; 2028

(3) Accept, use, or appropriate money, property, or 2029
services, with purpose not to give proper consideration in 2030

return for the money, property, or services, and without 2031
reasonable justification or excuse for not giving proper 2032
consideration. 2033

(D) "Owner" means, unless the context requires a different 2034
meaning, any person, other than the actor, who is the owner of, 2035
who has possession or control of, or who has any license or 2036
interest in property or services, even though the ownership, 2037
possession, control, license, or interest is unlawful. 2038

(E) "Services" include labor, personal services, 2039
professional services, rental services, public utility services 2040
including wireless service as defined in division (F) (1) of 2041
section 128.01 of the Revised Code, common carrier services, and 2042
food, drink, transportation, entertainment, and cable television 2043
services and, for purposes of section 2913.04 of the Revised 2044
Code, include cable services as defined in that section. 2045

(F) "Writing" means any computer software, document, 2046
letter, memorandum, note, paper, plate, data, film, or other 2047
thing having in or upon it any written, typewritten, or printed 2048
matter, and any token, stamp, seal, credit card, badge, 2049
trademark, label, or other symbol of value, right, privilege, 2050
license, or identification. 2051

(G) "Forge" means to fabricate or create, in whole or in 2052
part and by any means, any spurious writing, or to make, 2053
execute, alter, complete, reproduce, or otherwise purport to 2054
authenticate any writing, when the writing in fact is not 2055
authenticated by that conduct. 2056

(H) "Utter" means to issue, publish, transfer, use, put or 2057
send into circulation, deliver, or display. 2058

(I) "Coin machine" means any mechanical or electronic 2059

device designed to do both of the following: 2060

(1) Receive a coin, bill, or token made for that purpose; 2061

(2) In return for the insertion or deposit of a coin, 2062
bill, or token, automatically dispense property, provide a 2063
service, or grant a license. 2064

(J) "Slug" means an object that, by virtue of its size, 2065
shape, composition, or other quality, is capable of being 2066
inserted or deposited in a coin machine as an improper 2067
substitute for a genuine coin, bill, or token made for that 2068
purpose. 2069

(K) "Theft offense" means any of the following: 2070

(1) A violation of section 2911.01, 2911.02, 2911.11, 2071
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2072
2913.041, 2913.05, 2913.06, 2913.08, 2913.11, 2913.21, 2913.31, 2073
2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2074
2913.45, 2913.47, 2913.48, former section 2913.47 or 2913.48, or 2075
section 2913.51, 2915.05, or 2921.41 of the Revised Code; 2076

(2) A violation of an existing or former municipal 2077
ordinance or law of this or any other state, or of the United 2078
States, substantially equivalent to any section listed in 2079
division (K)(1) of this section or a violation of section 2080
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed 2081
prior to July 1, 1996; 2082

(3) An offense under an existing or former municipal 2083
ordinance or law of this or any other state, or of the United 2084
States, involving robbery, burglary, breaking and entering, 2085
theft, embezzlement, wrongful conversion, forgery, 2086
counterfeiting, deceit, or fraud; 2087

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

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

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

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

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

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

(Q) "Computer software" means computer programs,

procedures, and other documentation associated with the 2117
operation of a computer system. 2118

(R) "Data" means a representation of information, 2119
knowledge, facts, concepts, or instructions that are being or 2120
have been prepared in a formalized manner and that are intended 2121
for use in a computer, computer system, or computer network. For 2122
purposes of section 2913.47 of the Revised Code, "data" has the 2123
additional meaning set forth in division (A) of that section. 2124

(S) "Cable television service" means any services provided 2125
by or through the facilities of any cable television system or 2126
other similar closed circuit coaxial cable communications 2127
system, or any microwave or similar transmission service used in 2128
connection with any cable television system or other similar 2129
closed circuit coaxial cable communications system. 2130

(T) "Gain access" means to approach, instruct, communicate 2131
with, store data in, retrieve data from, or otherwise make use 2132
of any resources of a computer, computer system, or computer 2133
network, or any cable service or cable system both as defined in 2134
section 2913.04 of the Revised Code. 2135

(U) "Credit card" includes, but is not limited to, a card, 2136
code, device, or other means of access to a customer's account 2137
for the purpose of obtaining money, property, labor, or services 2138
on credit, or for initiating an electronic fund transfer at a 2139
point-of-sale terminal, an automated teller machine, or a cash 2140
dispensing machine. It also includes a county procurement card 2141
issued under section 301.29 of the Revised Code. 2142

(V) "Electronic fund transfer" has the same meaning as in 2143
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 2144

(W) "Rented property" means personal property in which the 2145

right of possession and use of the property is for a short and 2146
possibly indeterminate term in return for consideration; the 2147
rentee generally controls the duration of possession of the 2148
property, within any applicable minimum or maximum term; and the 2149
amount of consideration generally is determined by the duration 2150
of possession of the property. 2151

(X) "Telecommunication" means the origination, emission, 2152
dissemination, transmission, or reception of data, images, 2153
signals, sounds, or other intelligence or equivalence of 2154
intelligence of any nature over any communications system by any 2155
method, including, but not limited to, a fiber optic, 2156
electronic, magnetic, optical, digital, or analog method. 2157

(Y) "Telecommunications device" means any instrument, 2158
equipment, machine, or other device that facilitates 2159
telecommunication, including, but not limited to, a computer, 2160
computer network, computer chip, computer circuit, scanner, 2161
telephone, cellular telephone, pager, personal communications 2162
device, transponder, receiver, radio, modem, or device that 2163
enables the use of a modem. 2164

(Z) "Telecommunications service" means the providing, 2165
allowing, facilitating, or generating of any form of 2166
telecommunication through the use of a telecommunications device 2167
over a telecommunications system. 2168

(AA) "Counterfeit telecommunications device" means a 2169
telecommunications device that, alone or with another 2170
telecommunications device, has been altered, constructed, 2171
manufactured, or programmed to acquire, intercept, receive, or 2172
otherwise facilitate the use of a telecommunications service or 2173
information service without the authority or consent of the 2174
provider of the telecommunications service or information 2175

service. "Counterfeit telecommunications device" includes, but 2176
is not limited to, a clone telephone, clone microchip, tumbler 2177
telephone, or tumbler microchip; a wireless scanning device 2178
capable of acquiring, intercepting, receiving, or otherwise 2179
facilitating the use of telecommunications service or 2180
information service without immediate detection; or a device, 2181
equipment, hardware, or software designed for, or capable of, 2182
altering or changing the electronic serial number in a wireless 2183
telephone. 2184

(BB) (1) "Information service" means, subject to division 2185
(BB) (2) of this section, the offering of a capability for 2186
generating, acquiring, storing, transforming, processing, 2187
retrieving, utilizing, or making available information via 2188
telecommunications, including, but not limited to, electronic 2189
publishing. 2190

(2) "Information service" does not include any use of a 2191
capability of a type described in division (BB) (1) of this 2192
section for the management, control, or operation of a 2193
telecommunications system or the management of a 2194
telecommunications service. 2195

(CC) "Elderly person" means a person who is sixty-five 2196
years of age or older. 2197

~~(DD) "Disabled adult" means a person who is eighteen years 2198
of age or older and has some impairment of body or mind that 2199
makes the person unable to work at any substantially 2200
remunerative employment that the person otherwise would be able 2201
to perform and that will, with reasonable probability, continue 2202
for a period of at least twelve months without any present 2203
indication of recovery from the impairment, or who is eighteen 2204
years of age or older and has been certified as permanently and 2205~~

~~totally disabled by an agency of this state or the United States~~ 2206
~~that has the function of so classifying persons~~ "Disability" has 2207
the same meaning as in section 4112.01 of the Revised Code. 2208

(EE) "Firearm" and "dangerous ordnance" have the same 2209
meanings as in section 2923.11 of the Revised Code. 2210

(FF) "Motor vehicle" has the same meaning as in section 2211
4501.01 of the Revised Code. 2212

(GG) "Dangerous drug" has the same meaning as in section 2213
4729.01 of the Revised Code. 2214

(HH) "Drug abuse offense" has the same meaning as in 2215
section 2925.01 of the Revised Code. 2216

(II) (1) "Computer hacking" means any of the following: 2217

(a) Gaining access or attempting to gain access to all or 2218
part of a computer, computer system, or a computer network 2219
without express or implied authorization with the intent to 2220
defraud or with intent to commit a crime; 2221

(b) Misusing computer or network services including, but 2222
not limited to, mail transfer programs, file transfer programs, 2223
proxy servers, and web servers by performing functions not 2224
authorized by the owner of the computer, computer system, or 2225
computer network or other person authorized to give consent. As 2226
used in this division, "misuse of computer and network services" 2227
includes, but is not limited to, the unauthorized use of any of 2228
the following: 2229

(i) Mail transfer programs to send mail to persons other 2230
than the authorized users of that computer or computer network; 2231

(ii) File transfer program proxy services or proxy servers 2232
to access other computers, computer systems, or computer 2233

networks;	2234
(iii) Web servers to redirect users to other web pages or web servers.	2235 2236
(c) (i) Subject to division (II) (1) (c) (ii) of this section, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including, but not limited to, operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.	2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257
(ii) The group of computer programs referred to in division (II) (1) (c) (i) of this section does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including, but not limited to, domain name services, mail transfer services, and other operating system services,	2258 2259 2260 2261 2262 2263

computer programs commonly called "ping," "tcpdump," and 2264
"traceroute" and other network monitoring and management 2265
computer software, and computer programs commonly known as 2266
"nslookup" and "whois" and other systems administration computer 2267
software. 2268

(d) The intentional use of a computer, computer system, or 2269
a computer network in a manner that exceeds any right or 2270
permission granted by the owner of the computer, computer 2271
system, or computer network or other person authorized to give 2272
consent. 2273

(2) "Computer hacking" does not include the introduction 2274
of a computer contaminant, as defined in section 2909.01 of the 2275
Revised Code, into a computer, computer system, computer 2276
program, or computer network. 2277

(JJ) "Police dog or horse" has the same meaning as in 2278
section 2921.321 of the Revised Code. 2279

(KK) "Anhydrous ammonia" is a compound formed by the 2280
combination of two gaseous elements, nitrogen and hydrogen, in 2281
the manner described in this division. Anhydrous ammonia is one 2282
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia 2283
by weight is fourteen parts nitrogen to three parts hydrogen, 2284
which is approximately eighty-two per cent nitrogen to eighteen 2285
per cent hydrogen. 2286

(LL) "Assistance dog" has the same meaning as in section 2287
955.011 of the Revised Code. 2288

(MM) "Federally licensed firearms dealer" has the same 2289
meaning as in section 5502.63 of the Revised Code. 2290

(NN) "Active duty service member" means any member of the 2291
armed forces of the United States performing active duty under 2292

title 10 of the United States Code. 2293

Sec. 2913.02. (A) No person, with purpose to deprive the 2294
owner of property or services, shall knowingly obtain or exert 2295
control over either the property or services in any of the 2296
following ways: 2297

(1) Without the consent of the owner or person authorized 2298
to give consent; 2299

(2) Beyond the scope of the express or implied consent of 2300
the owner or person authorized to give consent; 2301

(3) By deception; 2302

(4) By threat; 2303

(5) By intimidation. 2304

(B) (1) Whoever violates this section is guilty of theft. 2305

(2) Except as otherwise provided in this division or 2306
division (B) (3), (4), (5), (6), (7), (8), or (9) of this 2307
section, a violation of this section is misdemeanor theft, a 2308
misdemeanor of the first degree. If the value of the property or 2309
services stolen is one thousand dollars or more and is less than 2310
seven thousand five hundred dollars or if the property stolen is 2311
any of the property listed in section 2913.71 of the Revised 2312
Code, a violation of this section is theft, a felony of the 2313
fifth degree. If the value of the property or services stolen is 2314
seven thousand five hundred dollars or more and is less than one 2315
hundred fifty thousand dollars, or if the offender has been 2316
convicted of or pleaded guilty to a felony theft offense within 2317
the previous three years, a violation of this section is grand 2318
theft, a felony of the fourth degree. If the value of the 2319
property or services stolen is one hundred fifty thousand 2320

dollars or more and is less than seven hundred fifty thousand 2321
dollars, or if the offender two or more times has been convicted 2322
of or pleaded guilty to a felony theft offense within the 2323
previous three years, a violation of this section is aggravated 2324
theft, a felony of the third degree. If the value of the 2325
property or services is seven hundred fifty thousand dollars or 2326
more and is less than one million five hundred thousand dollars, 2327
a violation of this section is aggravated theft, a felony of the 2328
second degree. If the value of the property or services stolen 2329
is one million five hundred thousand dollars or more, a 2330
violation of this section is aggravated theft of one million 2331
five hundred thousand dollars or more, a felony of the first 2332
degree. 2333

(3) Except as otherwise provided in division (B) (4), (5), 2334
(6), (7), (8), or (9) of this section, if the victim of the 2335
offense is an elderly person, ~~disabled adult~~person with a 2336
disability who the offender knows or reasonably should know has 2337
a disability, active duty service member, or spouse of an active 2338
duty service member, a violation of this section is theft from a 2339
person in a protected class, and division (B) (3) of this section 2340
applies. Except as otherwise provided in this division, theft 2341
from a person in a protected class is a felony of the fifth 2342
degree. If the value of the property or services stolen is one 2343
thousand dollars or more and is less than seven thousand five 2344
hundred dollars, or if the offender has been convicted of or 2345
pleaded guilty to a felony theft offense within the previous 2346
three years, theft from a person in a protected class is a 2347
felony of the fourth degree. If the value of the property or 2348
services stolen is seven thousand five hundred dollars or more 2349
and is less than thirty-seven thousand five hundred dollars, or 2350
if the offender two or more times has been convicted of or 2351

pleaded guilty to a felony theft offense within the previous 2352
three years, theft from a person in a protected class is a 2353
felony of the third degree. If the value of the property or 2354
services stolen is thirty-seven thousand five hundred dollars or 2355
more and is less than one hundred fifty thousand dollars, theft 2356
from a person in a protected class is a felony of the second 2357
degree. If the value of the property or services stolen is one 2358
hundred fifty thousand dollars or more, theft from a person in a 2359
protected class is a felony of the first degree. If the victim 2360
of the offense is an elderly person, in addition to any other 2361
penalty imposed for the offense, the offender shall be required 2362
to pay full restitution to the victim and to pay a fine of up to 2363
fifty thousand dollars. The clerk of court shall forward all 2364
fines collected under division (B) (3) of this section to the 2365
county department of job and family services to be used for the 2366
reporting and investigation of elder abuse, neglect, and 2367
exploitation or for the provision or arrangement of protective 2368
services under sections 5101.61 to 5101.71 of the Revised Code. 2369

(4) If the property stolen is a firearm or dangerous 2370
ordnance, a violation of this section is grand theft. Except as 2371
otherwise provided in this division, grand theft when the 2372
property stolen is a firearm or dangerous ordnance is a felony 2373
of the third degree, and there is a presumption in favor of the 2374
court imposing a prison term for the offense. If the firearm or 2375
dangerous ordnance was stolen from a federally licensed firearms 2376
dealer, grand theft when the property stolen is a firearm or 2377
dangerous ordnance is a felony of the first degree. The offender 2378
shall serve a prison term imposed for grand theft when the 2379
property stolen is a firearm or dangerous ordnance consecutively 2380
to any other prison term or mandatory prison term previously or 2381
subsequently imposed upon the offender. 2382

(5) If the property stolen is a motor vehicle, a violation 2383
of this section is grand theft of a motor vehicle, a felony of 2384
the fourth degree. 2385

(6) If the property stolen is any dangerous drug, a 2386
violation of this section is theft of drugs, a felony of the 2387
fourth degree, or, if the offender previously has been convicted 2388
of a felony drug abuse offense, a felony of the third degree. 2389

(7) If the property stolen is a police dog or horse or an 2390
assistance dog and the offender knows or should know that the 2391
property stolen is a police dog or horse or an assistance dog, a 2392
violation of this section is theft of a police dog or horse or 2393
an assistance dog, a felony of the third degree. 2394

(8) If the property stolen is anhydrous ammonia, a 2395
violation of this section is theft of anhydrous ammonia, a 2396
felony of the third degree. 2397

(9) Except as provided in division (B) (2) of this section 2398
with respect to property with a value of seven thousand five 2399
hundred dollars or more and division (B) (3) of this section with 2400
respect to property with a value of one thousand dollars or 2401
more, if the property stolen is a special purpose article as 2402
defined in section 4737.04 of the Revised Code or is a bulk 2403
merchandise container as defined in section 4737.012 of the 2404
Revised Code, a violation of this section is theft of a special 2405
purpose article or articles or theft of a bulk merchandise 2406
container or containers, a felony of the fifth degree. 2407

(10) In addition to the penalties described in division 2408
(B) (2) of this section, if the offender committed the violation 2409
by causing a motor vehicle to leave the premises of an 2410
establishment at which gasoline is offered for retail sale 2411

without the offender making full payment for gasoline that was 2412
dispensed into the fuel tank of the motor vehicle or into 2413
another container, the court may do one of the following: 2414

(a) Unless division (B)(10)(b) of this section applies, 2415
suspend for not more than six months the offender's driver's 2416
license, probationary driver's license, commercial driver's 2417
license, temporary instruction permit, or nonresident operating 2418
privilege; 2419

(b) If the offender's driver's license, probationary 2420
driver's license, commercial driver's license, temporary 2421
instruction permit, or nonresident operating privilege has 2422
previously been suspended pursuant to division (B)(10)(a) of 2423
this section, impose a class seven suspension of the offender's 2424
license, permit, or privilege from the range specified in 2425
division (A)(7) of section 4510.02 of the Revised Code, provided 2426
that the suspension shall be for at least six months; 2427

(c) The court, in lieu of suspending the offender's 2428
driver's or commercial driver's license, probationary driver's 2429
license, temporary instruction permit, or nonresident operating 2430
privilege pursuant to division (B)(10)(a) or (b) of this 2431
section, instead may require the offender to perform community 2432
service for a number of hours determined by the court. 2433

(11) In addition to the penalties described in division 2434
(B)(2) of this section, if the offender committed the violation 2435
by stealing rented property or rental services, the court may 2436
order that the offender make restitution pursuant to section 2437
2929.18 or 2929.28 of the Revised Code. Restitution may include, 2438
but is not limited to, the cost of repairing or replacing the 2439
stolen property, or the cost of repairing the stolen property 2440
and any loss of revenue resulting from deprivation of the 2441

property due to theft of rental services that is less than or 2442
equal to the actual value of the property at the time it was 2443
rented. Evidence of intent to commit theft of rented property or 2444
rental services shall be determined pursuant to the provisions 2445
of section 2913.72 of the Revised Code. 2446

(C) The sentencing court that suspends an offender's 2447
license, permit, or nonresident operating privilege under 2448
division (B) (10) of this section may grant the offender limited 2449
driving privileges during the period of the suspension in 2450
accordance with Chapter 4510. of the Revised Code. 2451

Sec. 2913.03. (A) No person shall knowingly use or operate 2452
an aircraft, motor vehicle, motorcycle, motorboat, or other 2453
motor-propelled vehicle without the consent of the owner or 2454
person authorized to give consent. 2455

(B) No person shall knowingly use or operate an aircraft, 2456
motor vehicle, motorboat, or other motor-propelled vehicle 2457
without the consent of the owner or person authorized to give 2458
consent, and either remove it from this state or keep possession 2459
of it for more than forty-eight hours. 2460

(C) The following are affirmative defenses to a charge 2461
under this section: 2462

(1) At the time of the alleged offense, the actor, though 2463
mistaken, reasonably believed that the actor was authorized to 2464
use or operate the property. 2465

(2) At the time of the alleged offense, the actor 2466
reasonably believed that the owner or person empowered to give 2467
consent would authorize the actor to use or operate the 2468
property. 2469

(D) (1) Whoever violates this section is guilty of 2470

unauthorized use of a vehicle. 2471

(2) Except as otherwise provided in division (D) (4) of 2472
this section, a violation of division (A) of this section is a 2473
misdemeanor of the first degree. 2474

(3) Except as otherwise provided in division (D) (4) of 2475
this section, a violation of division (B) of this section is a 2476
felony of the fifth degree. 2477

(4) If the victim of the offense is an elderly person or 2478
~~disabled adult~~ a person with a disability and the offender knows 2479
or reasonably should know that the victim is a person with a 2480
disability and if the victim incurs a loss as a result of the 2481
violation, a violation of division (A) or (B) of this section is 2482
whichever of the following is applicable: 2483

(a) Except as otherwise provided in division (D) (4) (b), 2484
(c), or (d) of this section, a felony of the fifth degree; 2485

(b) If the loss to the victim is one thousand dollars or 2486
more and is less than seven thousand five hundred dollars, a 2487
felony of the fourth degree; 2488

(c) If the loss to the victim is seven thousand five 2489
hundred dollars or more and is less than thirty-seven thousand 2490
five hundred dollars, a felony of the third degree; 2491

(d) If the loss to the victim is thirty-seven thousand 2492
five hundred dollars or more, a felony of the second degree. 2493

Sec. 2913.04. (A) No person shall knowingly use or operate 2494
the property of another without the consent of the owner or 2495
person authorized to give consent. 2496

(B) No person, in any manner and by any means, including, 2497
but not limited to, computer hacking, shall knowingly gain 2498

access to, attempt to gain access to, or cause access to be 2499
gained to any computer, computer system, computer network, cable 2500
service, cable system, telecommunications device, 2501
telecommunications service, or information service without the 2502
consent of, or beyond the scope of the express or implied 2503
consent of, the owner of the computer, computer system, computer 2504
network, cable service, cable system, telecommunications device, 2505
telecommunications service, or information service or other 2506
person authorized to give consent. 2507

(C) Except as permitted under section 5503.101 of the 2508
Revised Code, no person shall knowingly gain access to, attempt 2509
to gain access to, cause access to be granted to, or disseminate 2510
information gained from access to the law enforcement automated 2511
database system created pursuant to section 5503.10 of the 2512
Revised Code without the consent of, or beyond the scope of the 2513
express or implied consent of, the chair of the law enforcement 2514
automated data system steering committee. 2515

(D) No person shall knowingly gain access to, attempt to 2516
gain access to, cause access to be granted to, or disseminate 2517
information gained from access to the Ohio law enforcement 2518
gateway established and operated pursuant to division (C)(1) of 2519
section 109.57 of the Revised Code without the consent of, or 2520
beyond the scope of the express or implied consent of, the 2521
superintendent of the bureau of criminal identification and 2522
investigation. 2523

(E) The affirmative defenses contained in division (C) of 2524
section 2913.03 of the Revised Code are affirmative defenses to 2525
a charge under this section. 2526

(F)(1) Whoever violates division (A) of this section is 2527
guilty of unauthorized use of property. 2528

(2) Except as otherwise provided in division (F) (3) or (4) 2529
of this section, unauthorized use of property is a misdemeanor 2530
of the fourth degree. 2531

(3) Except as otherwise provided in division (F) (4) of 2532
this section, if unauthorized use of property is committed for 2533
the purpose of devising or executing a scheme to defraud or to 2534
obtain property or services, unauthorized use of property is 2535
whichever of the following is applicable: 2536

(a) Except as otherwise provided in division (F) (3) (b), 2537
(c), or (d) of this section, a misdemeanor of the first degree. 2538

(b) If the value of the property or services or the loss 2539
to the victim is one thousand dollars or more and is less than 2540
seven thousand five hundred dollars, a felony of the fifth 2541
degree. 2542

(c) If the value of the property or services or the loss 2543
to the victim is seven thousand five hundred dollars or more and 2544
is less than one hundred fifty thousand dollars, a felony of the 2545
fourth degree. 2546

(d) If the value of the property or services or the loss 2547
to the victim is one hundred fifty thousand dollars or more, a 2548
felony of the third degree. 2549

(4) If the victim of the offense is an elderly person or 2550
~~disabled adult~~ a person with a disability and the offender knows 2551
or reasonably should know that the victim is a person with a 2552
disability, unauthorized use of property is whichever of the 2553
following is applicable: 2554

(a) Except as otherwise provided in division (F) (4) (b), 2555
(c), or (d) of this section, a felony of the fifth degree; 2556

(b) If the value of the property or services or loss to 2557
the victim is one thousand dollars or more and is less than 2558
seven thousand five hundred dollars, a felony of the fourth 2559
degree; 2560

(c) If the value of the property or services or loss to 2561
the victim is seven thousand five hundred dollars or more and is 2562
less than thirty-seven thousand five hundred dollars, a felony 2563
of the third degree; 2564

(d) If the value of the property or services or loss to 2565
the victim is thirty-seven thousand five hundred dollars or 2566
more, a felony of the second degree. 2567

(G) (1) Whoever violates division (B) of this section is 2568
guilty of unauthorized use of computer, cable, or 2569
telecommunication property, and shall be punished as provided in 2570
division (G) (2), (3), or (4) of this section. 2571

(2) Except as otherwise provided in division (G) (3) or (4) 2572
of this section, unauthorized use of computer, cable, or 2573
telecommunication property is a felony of the fifth degree. 2574

(3) Except as otherwise provided in division (G) (4) of 2575
this section, if unauthorized use of computer, cable, or 2576
telecommunication property is committed for the purpose of 2577
devising or executing a scheme to defraud or to obtain property 2578
or services, for obtaining money, property, or services by false 2579
or fraudulent pretenses, or for committing any other criminal 2580
offense, unauthorized use of computer, cable, or 2581
telecommunication property is whichever of the following is 2582
applicable: 2583

(a) Except as otherwise provided in division (G) (3) (b) of 2584
this section, if the value of the property or services involved 2585

or the loss to the victim is seven thousand five hundred dollars 2586
or more and less than one hundred fifty thousand dollars, a 2587
felony of the fourth degree; 2588

(b) If the value of the property or services involved or 2589
the loss to the victim is one hundred fifty thousand dollars or 2590
more, a felony of the third degree. 2591

(4) If the victim of the offense is an elderly person or 2592
~~disabled adult~~ a person with a disability and the offender knows 2593
or reasonably should know that the victim is a person with a 2594
disability, unauthorized use of computer, cable, or 2595
telecommunication property is whichever of the following is 2596
applicable: 2597

(a) Except as otherwise provided in division (G) (4) (b), 2598
(c), or (d) of this section, a felony of the fifth degree; 2599

(b) If the value of the property or services or loss to 2600
the victim is one thousand dollars or more and is less than 2601
seven thousand five hundred dollars, a felony of the fourth 2602
degree; 2603

(c) If the value of the property or services or loss to 2604
the victim is seven thousand five hundred dollars or more and is 2605
less than thirty-seven thousand five hundred dollars, a felony 2606
of the third degree; 2607

(d) If the value of the property or services or loss to 2608
the victim is thirty-seven thousand five hundred dollars or 2609
more, a felony of the second degree. 2610

(H) Whoever violates division (C) of this section is 2611
guilty of unauthorized use of the law enforcement automated 2612
database system, a felony of the fifth degree. 2613

(I) Whoever violates division (D) of this section is 2614
guilty of unauthorized use of the Ohio law enforcement gateway, 2615
a felony of the fifth degree. 2616

(J) As used in this section: 2617

(1) "Cable operator" means any person or group of persons 2618
that does either of the following: 2619

(a) Provides cable service over a cable system and 2620
directly or through one or more affiliates owns a significant 2621
interest in that cable system; 2622

(b) Otherwise controls or is responsible for, through any 2623
arrangement, the management and operation of a cable system. 2624

(2) "Cable service" means any of the following: 2625

(a) The one-way transmission to subscribers of video 2626
programming or of information that a cable operator makes 2627
available to all subscribers generally; 2628

(b) Subscriber interaction, if any, that is required for 2629
the selection or use of video programming or of information that 2630
a cable operator makes available to all subscribers generally, 2631
both as described in division (J) (2) (a) of this section; 2632

(c) Any cable television service. 2633

(3) "Cable system" means any facility, consisting of a set 2634
of closed transmission paths and associated signal generation, 2635
reception, and control equipment that is designed to provide 2636
cable service that includes video programming and that is 2637
provided to multiple subscribers within a community. "Cable 2638
system" does not include any of the following: 2639

(a) Any facility that serves only to retransmit the 2640

television signals of one or more television broadcast stations; 2641

(b) Any facility that serves subscribers without using any 2642
public right-of-way; 2643

(c) Any facility of a common carrier that, under 47 2644
U.S.C.A. 522(7) (c), is excluded from the term "cable system" as 2645
defined in 47 U.S.C.A. 522(7); 2646

(d) Any open video system that complies with 47 U.S.C.A. 2647
573; 2648

(e) Any facility of any electric utility used solely for 2649
operating its electric utility system. 2650

Sec. 2913.05. (A) No person, having devised a scheme to 2651
defraud, shall knowingly disseminate, transmit, or cause to be 2652
disseminated or transmitted by means of a wire, radio, 2653
satellite, telecommunication, telecommunications device, 2654
telecommunications service, or voice over internet protocol 2655
service any writing, data, sign, signal, picture, sound, or 2656
image with purpose to execute or otherwise further the scheme to 2657
defraud. 2658

(B) No person, with the intent to defraud, cause harm, or 2659
wrongfully obtain anything of value, shall knowingly cause, 2660
directly or indirectly, any caller identification service to 2661
transmit or display misleading or inaccurate caller 2662
identification information in connection with any 2663
telecommunication service or voice over internet protocol 2664
service. 2665

(C) Divisions (A) and (B) of this section do not apply to 2666
any of the following: 2667

(1) A person who uses a telephone number that is 2668

identified as "unknown" or "blocked" or who leaves a message and 2669
includes the person's true identity; 2670

(2) Any lawfully authorized investigative, protective, or 2671
intelligence activity of a law enforcement agency of the United 2672
States, a state, a county, or a political subdivision of a 2673
state; 2674

(3) Any activity engaged in pursuant to a court order that 2675
specifically authorizes the use of caller identification 2676
manipulation. 2677

(D) If an offender commits a violation of division (A) or 2678
(B) of this section and the violation occurs as part of a course 2679
of conduct involving other violations of division (A) or (B) of 2680
this section or violations of, attempts to violate, conspiracies 2681
to violate, or complicity in violations of section 2913.02, 2682
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 2683
of the Revised Code, the court, in determining the degree of the 2684
offense pursuant to division (E) of this section, may aggregate 2685
the value of the benefit obtained by the offender or of the 2686
detriment to the victim of the fraud in the violations involved 2687
in that course of conduct. The course of conduct may involve one 2688
victim or more than one victim. 2689

(E) (1) Whoever violates this section is guilty of 2690
telecommunications fraud. Except as otherwise provided in this 2691
division, telecommunications fraud is a felony of the fifth 2692
degree. If the value of the benefit obtained by the offender or 2693
of the detriment to the victim of the fraud is one thousand 2694
dollars or more but less than seven thousand five hundred 2695
dollars, telecommunications fraud is a felony of the fourth 2696
degree. If the value of the benefit obtained by the offender or 2697
of the detriment to the victim of the fraud is seven thousand 2698

five hundred dollars or more but less than one hundred fifty 2699
thousand dollars, telecommunications fraud is a felony of the 2700
third degree. If the value of the benefit obtained by the 2701
offender or of the detriment to the victims of the fraud is one 2702
hundred fifty thousand dollars or more but less than one million 2703
dollars, telecommunications fraud is a felony of the second 2704
degree. If the value of the benefit obtained by the offender or 2705
of the detriment to the victims of the fraud is one million 2706
dollars or more, telecommunications fraud is a felony of the 2707
first degree. 2708

(2) If the victim of a violation of this section is an 2709
elderly person, ~~disabled adult~~person with a disability who the 2710
offender knows or reasonably should know has a disability, 2711
active duty service member, or spouse of an active duty service 2712
member, telecommunications fraud is a felony of the fourth 2713
degree. 2714

(F) As used in this section, "voice over internet protocol 2715
service" has the same meaning as in section 4927.01 of the 2716
Revised Code. 2717

Sec. 2913.21. (A) No person shall do any of the following: 2718

(1) Practice deception for the purpose of procuring the 2719
issuance of a credit card, when a credit card is issued in 2720
actual reliance thereon; 2721

(2) Knowingly buy or sell a credit card from or to a 2722
person other than the issuer; 2723

(3) As an officer, employee, or appointee of a political 2724
subdivision or as a public servant as defined under section 2725
2921.01 of the Revised Code, knowingly misuse a credit card 2726
account held by a political subdivision. 2727

(B) No person, with purpose to defraud, shall do any of	2728
the following:	2729
(1) Obtain control over a credit card as security for a	2730
debt;	2731
(2) Obtain property or services by the use of a credit	2732
card, in one or more transactions, knowing or having reasonable	2733
cause to believe that the card has expired or been revoked, or	2734
was obtained, is retained, or is being used in violation of law;	2735
(3) Furnish property or services upon presentation of a	2736
credit card, knowing that the card is being used in violation of	2737
law;	2738
(4) Represent or cause to be represented to the issuer of	2739
a credit card that property or services have been furnished,	2740
knowing that the representation is false.	2741
(C) No person, with purpose to violate this section, shall	2742
receive, possess, control, or dispose of a credit card.	2743
(D) (1) Whoever violates this section is guilty of misuse	2744
of credit cards.	2745
(2) Except as otherwise provided in division (D) (4) of	2746
this section, a violation of division (A), (B) (1), or (C) of	2747
this section is a misdemeanor of the first degree.	2748
(3) Except as otherwise provided in this division or	2749
division (D) (4) of this section, a violation of division (B) (2),	2750
(3), or (4) of this section is a misdemeanor of the first	2751
degree. If the cumulative retail value of the property and	2752
services involved in one or more violations of division (B) (2),	2753
(3), or (4) of this section, which violations involve one or	2754
more credit card accounts and occur within a period of ninety	2755

consecutive days commencing on the date of the first violation, 2756
is one thousand dollars or more and is less than seven thousand 2757
five hundred dollars, misuse of credit cards in violation of any 2758
of those divisions is a felony of the fifth degree. If the 2759
cumulative retail value of the property and services involved in 2760
one or more violations of division (B) (2), (3), or (4) of this 2761
section, which violations involve one or more credit card 2762
accounts and occur within a period of ninety consecutive days 2763
commencing on the date of the first violation, is seven thousand 2764
five hundred dollars or more and is less than one hundred fifty 2765
thousand dollars, misuse of credit cards in violation of any of 2766
those divisions is a felony of the fourth degree. If the 2767
cumulative retail value of the property and services involved in 2768
one or more violations of division (B) (2), (3), or (4) of this 2769
section, which violations involve one or more credit card 2770
accounts and occur within a period of ninety consecutive days 2771
commencing on the date of the first violation, is one hundred 2772
fifty thousand dollars or more, misuse of credit cards in 2773
violation of any of those divisions is a felony of the third 2774
degree. 2775

(4) If the victim of the offense is an elderly person or 2776
disabled adult a person with a disability and the offender knows 2777
or reasonably should know that the victim is a person with a 2778
disability, and if the offense involves a violation of division 2779
(B) (1) or (2) of this section, division (D) (4) of this section 2780
applies. Except as otherwise provided in division (D) (4) of this 2781
section, a violation of division (B) (1) or (2) of this section 2782
is a felony of the fifth degree. If the debt for which the card 2783
is held as security or the cumulative retail value of the 2784
property or services involved in the violation is one thousand 2785
dollars or more and is less than seven thousand five hundred 2786

dollars, a violation of either of those divisions is a felony of 2787
the fourth degree. If the debt for which the card is held as 2788
security or the cumulative retail value of the property or 2789
services involved in the violation is seven thousand five 2790
hundred dollars or more and is less than thirty-seven thousand 2791
five hundred dollars, a violation of either of those divisions 2792
is a felony of the third degree. If the debt for which the card 2793
is held as security or the cumulative retail value of the 2794
property or services involved in the violation is thirty-seven 2795
thousand five hundred dollars or more, a violation of either of 2796
those divisions is a felony of the second degree. In addition to 2797
any other penalty imposed under division (D) (4) of this section, 2798
the offender shall be required to pay full restitution to the 2799
victim and to pay a fine of up to fifty thousand dollars. The 2800
clerk of court shall forward all fines collected under division 2801
(D) (4) of this section to the county department of job and 2802
family services to be used for the reporting and investigation 2803
of elder abuse, neglect, and exploitation or for the provision 2804
or arrangement of protective services under sections 5101.61 to 2805
5101.71 of the Revised Code. 2806

Sec. 2913.31. (A) No person, with purpose to defraud, or 2807
knowing that the person is facilitating a fraud, shall do any of 2808
the following: 2809

(1) Forge any writing of another without the other 2810
person's authority; 2811

(2) Forge any writing so that it purports to be genuine 2812
when it actually is spurious, or to be the act of another who 2813
did not authorize that act, or to have been executed at a time 2814
or place or with terms different from what in fact was the case, 2815
or to be a copy of an original when no such original existed; 2816

(3) Utter, or possess with purpose to utter, any writing 2817
that the person knows to have been forged. 2818

(B) No person shall knowingly do either of the following: 2819

(1) Forge an identification card; 2820

(2) Sell or otherwise distribute a card that purports to 2821
be an identification card, knowing it to have been forged. 2822

As used in this division, "identification card" means a 2823
card that includes personal information or characteristics of an 2824
individual, a purpose of which is to establish the identity of 2825
the bearer described on the card, whether the words "identity," 2826
"identification," "identification card," or other similar words 2827
appear on the card. 2828

(C) (1) (a) Whoever violates division (A) of this section is 2829
guilty of forgery. 2830

(b) Except as otherwise provided in this division or 2831
division (C) (1) (c) of this section and subject to division (C) 2832
(1) (d) of this section, forgery is a felony of the fifth degree. 2833
If property or services are involved in the offense or the 2834
victim suffers a loss, forgery is one of the following: 2835

(i) If the value of the property or services or the loss 2836
to the victim is seven thousand five hundred dollars or more and 2837
is less than one hundred fifty thousand dollars, a felony of the 2838
fourth degree; 2839

(ii) If the value of the property or services or the loss 2840
to the victim is one hundred fifty thousand dollars or more, a 2841
felony of the third degree. 2842

(c) If the victim of the offense is an elderly person or 2843
~~disabled adult~~ a person with a disability and the offender knows 2844

or reasonably should know that the victim is a person with a 2845
disability, division (C) (1) (c) of this section applies to the 2846
forgery. Except as otherwise provided in division (C) (1) (c) of 2847
this section, forgery is a felony of the fifth degree. If 2848
property or services are involved in the offense or if the 2849
victim suffers a loss, forgery is one of the following: 2850

(i) If the value of the property or services or the loss 2851
to the victim is one thousand dollars or more and is less than 2852
seven thousand five hundred dollars, a felony of the fourth 2853
degree; 2854

(ii) If the value of the property or services or the loss 2855
to the victim is seven thousand five hundred dollars or more and 2856
is less than thirty-seven thousand five hundred dollars, a 2857
felony of the third degree; 2858

(iii) If the value of the property or services or the loss 2859
to the victim is thirty-seven thousand five hundred dollars or 2860
more, a felony of the second degree. 2861

(d) If the victim of the offense is an elderly person, 2862
division (C) (1) (d) of this section applies to the forgery. In 2863
addition to any other penalty imposed for the offense under 2864
division (C) (1) (c) of this section, the offender shall be 2865
required to pay full restitution to the victim and to pay a fine 2866
of up to fifty thousand dollars. The clerk of court shall 2867
forward all fines collected under division (C) (1) (d) of this 2868
section to the county department of job and family services to 2869
be used for the reporting and investigation of elder abuse, 2870
neglect, and exploitation or for the provision or arrangement of 2871
protective services under sections 5101.61 to 5101.71 of the 2872
Revised Code. 2873

(2) (a) Whoever violates division (B) of this section is 2874
guilty of forging identification cards or selling or 2875
distributing forged identification cards. Except as otherwise 2876
provided in this division, forging identification cards or 2877
selling or distributing forged identification cards is a 2878
misdemeanor of the first degree. If the offender previously has 2879
been convicted of a violation of division (B) of this section, 2880
forging identification cards or selling or distributing forged 2881
identification cards is a misdemeanor of the first degree and, 2882
in addition, the court shall impose upon the offender a fine of 2883
not less than two hundred fifty dollars. 2884

(b) If the victim of a violation of division (B) of this 2885
section is an elderly person, division (C) (2) (b) of this section 2886
applies to the offense. In addition to any other penalty imposed 2887
for the offense under division (C) (2) (a) of this section, 2888
whoever violates division (B) of this section shall be required 2889
to pay full restitution to the victim and to pay a fine of up to 2890
fifty thousand dollars. The clerk of court shall forward all 2891
fines collected under division (C) (2) (b) of this section to the 2892
county department of job and family services to be used for the 2893
reporting and investigation of elder abuse, neglect, and 2894
exploitation or for the provision or arrangement of protective 2895
services under sections 5101.61 to 5101.71 of the Revised Code. 2896

Sec. 2913.43. (A) No person, by deception, shall cause 2897
another to execute any writing that disposes of or encumbers 2898
property, or by which a pecuniary obligation is incurred. 2899

(B) (1) Whoever violates this section is guilty of securing 2900
writings by deception. 2901

(2) Except as otherwise provided in this division or 2902
division (B) (3) of this section, securing writings by deception 2903

is a misdemeanor of the first degree. If the value of the property or the obligation involved is one thousand dollars or more and less than seven thousand five hundred dollars, securing writings by deception is a felony of the fifth degree. If the value of the property or the obligation involved is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, securing writings by deception is a felony of the fourth degree. If the value of the property or the obligation involved is one hundred fifty thousand dollars or more, securing writings by deception is a felony of the third degree.

(3) If the victim of the offense is an elderly person, ~~disabled adult person with a disability who the offender knows or reasonably should know has a disability~~, active duty service member, or spouse of an active duty service member, division (B) (3) of this section applies. Except as otherwise provided in division (B) (3) of this section, securing writings by deception is a felony of the fifth degree. If the value of the property or obligation involved is one thousand dollars or more and is less than seven thousand five hundred dollars, securing writings by deception is a felony of the fourth degree. If the value of the property or obligation involved is seven thousand five hundred dollars or more and is less than thirty-seven thousand five hundred dollars, securing writings by deception is a felony of the third degree. If the value of the property or obligation involved is thirty-seven thousand five hundred dollars or more, securing writings by deception is a felony of the second degree. If the victim of the offense is an elderly person, in addition to any other penalty imposed for the offense, the offender shall be required to pay full restitution to the victim and to pay a fine of up to fifty thousand dollars. The clerk of court shall

forward all fines collected under division (B) (3) of this 2935
section to the county department of job and family services to 2936
be used for the reporting and investigation of elder abuse, 2937
neglect, and exploitation or for the provision or arrangement of 2938
protective services under sections 5101.61 to 5101.71 of the 2939
Revised Code. 2940

Sec. 2913.49. (A) As used in this section, "personal 2941
identifying information" includes, but is not limited to, the 2942
following: the name, address, telephone number, driver's 2943
license, driver's license number, commercial driver's license, 2944
commercial driver's license number, state identification card, 2945
state identification card number, social security card, social 2946
security number, birth certificate, place of employment, 2947
employee identification number, mother's maiden name, demand 2948
deposit account number, savings account number, money market 2949
account number, mutual fund account number, other financial 2950
account number, personal identification number, password, or 2951
credit card number of a living or dead individual. 2952

(B) No person, without the express or implied consent of 2953
the other person, shall use, obtain, or possess any personal 2954
identifying information of another person with intent to do 2955
either of the following: 2956

(1) Hold the person out to be the other person; 2957

(2) Represent the other person's personal identifying 2958
information as the person's own personal identifying 2959
information. 2960

(C) No person shall create, obtain, possess, or use the 2961
personal identifying information of any person with the intent 2962
to aid or abet another person in violating division (B) of this 2963

section. 2964

(D) No person, with intent to defraud, shall permit 2965
another person to use the person's own personal identifying 2966
information. 2967

(E) No person who is permitted to use another person's 2968
personal identifying information as described in division (D) of 2969
this section shall use, obtain, or possess the other person's 2970
personal identifying information with intent to defraud any 2971
person by doing any act identified in division (B) (1) or (2) of 2972
this section. 2973

(F) (1) It is an affirmative defense to a charge under 2974
division (B) of this section that the person using the personal 2975
identifying information is acting in accordance with a legally 2976
recognized guardianship or conservatorship or as a trustee or 2977
fiduciary. 2978

(2) It is an affirmative defense to a charge under 2979
division (B), (C), (D), or (E) of this section that either of 2980
the following applies: 2981

(a) The person or entity using, obtaining, possessing, or 2982
creating the personal identifying information or permitting it 2983
to be used is a law enforcement agency, authorized fraud 2984
personnel, or a representative of or attorney for a law 2985
enforcement agency or authorized fraud personnel and is using, 2986
obtaining, possessing, or creating the personal identifying 2987
information or permitting it to be used, with prior consent 2988
given as specified in this division, in a bona fide 2989
investigation, an information security evaluation, a pretext 2990
calling evaluation, or a similar matter. The prior consent 2991
required under this division shall be given by the person whose 2992

personal identifying information is being used, obtained, 2993
possessed, or created or is being permitted to be used or, if 2994
the person whose personal identifying information is being used, 2995
obtained, possessed, or created or is being permitted to be used 2996
is deceased, by that deceased person's executor, or a member of 2997
that deceased person's family, or that deceased person's 2998
attorney. The prior consent required under this division may be 2999
given orally or in writing by the person whose personal 3000
identifying information is being used, obtained, possessed, or 3001
created or is being permitted to be used or that person's 3002
executor, or family member, or attorney. 3003

(b) The personal identifying information was obtained, 3004
possessed, used, created, or permitted to be used for a lawful 3005
purpose, provided that division (F) (2) (b) of this section does 3006
not apply if the person or entity using, obtaining, possessing, 3007
or creating the personal identifying information or permitting 3008
it to be used is a law enforcement agency, authorized fraud 3009
personnel, or a representative of or attorney for a law 3010
enforcement agency or authorized fraud personnel that is using, 3011
obtaining, possessing, or creating the personal identifying 3012
information or permitting it to be used in an investigation, an 3013
information security evaluation, a pretext calling evaluation, 3014
or similar matter. 3015

(G) It is not a defense to a charge under this section 3016
that the person whose personal identifying information was 3017
obtained, possessed, used, created, or permitted to be used was 3018
deceased at the time of the offense. 3019

(H) (1) If an offender commits a violation of division (B), 3020
(D), or (E) of this section and the violation occurs as part of 3021
a course of conduct involving other violations of division (B), 3022

(D), or (E) of this section or violations of, attempts to 3023
violate, conspiracies to violate, or complicity in violations of 3024
division (C) of this section or section 2913.02, 2913.04, 3025
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the 3026
Revised Code, the court, in determining the degree of the 3027
offense pursuant to division (I) of this section, may aggregate 3028
all credit, property, or services obtained or sought to be 3029
obtained by the offender and all debts or other legal 3030
obligations avoided or sought to be avoided by the offender in 3031
the violations involved in that course of conduct. The course of 3032
conduct may involve one victim or more than one victim. 3033

(2) If an offender commits a violation of division (C) of 3034
this section and the violation occurs as part of a course of 3035
conduct involving other violations of division (C) of this 3036
section or violations of, attempts to violate, conspiracies to 3037
violate, or complicity in violations of division (B), (D), or 3038
(E) of this section or section 2913.02, 2913.04, 2913.11, 3039
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 3040
Code, the court, in determining the degree of the offense 3041
pursuant to division (I) of this section, may aggregate all 3042
credit, property, or services obtained or sought to be obtained 3043
by the person aided or abetted and all debts or other legal 3044
obligations avoided or sought to be avoided by the person aided 3045
or abetted in the violations involved in that course of conduct. 3046
The course of conduct may involve one victim or more than one 3047
victim. 3048

(I)(1) Whoever violates this section is guilty of identity 3049
fraud. 3050

(2) Except as otherwise provided in this division or 3051
division (I)(3) of this section, identity fraud is a felony of 3052

the fifth degree. If the value of the credit, property, 3053
services, debt, or other legal obligation involved in the 3054
violation or course of conduct is one thousand dollars or more 3055
and is less than seven thousand five hundred dollars, except as 3056
otherwise provided in division (I) (3) of this section, identity 3057
fraud is a felony of the fourth degree. If the value of the 3058
credit, property, services, debt, or other legal obligation 3059
involved in the violation or course of conduct is seven thousand 3060
five hundred dollars or more and is less than one hundred fifty 3061
thousand dollars, except as otherwise provided in division (I) 3062
(3) of this section, identity fraud is a felony of the third 3063
degree. If the value of the credit, property, services, debt, or 3064
other legal obligation involved in the violation or course of 3065
conduct is one hundred fifty thousand dollars or more, except as 3066
otherwise provided in division (I) (3) of this section, identity 3067
fraud is a felony of the second degree. 3068

(3) If the victim of the offense is an elderly person, 3069
~~disabled adult~~ person with a disability who the offender knows or 3070
reasonably should know has a disability, active duty service 3071
member, or spouse of an active duty service member, a violation 3072
of this section is identity fraud against a person in a 3073
protected class. Except as otherwise provided in this division, 3074
identity fraud against a person in a protected class is a felony 3075
of the fourth degree. If the value of the credit, property, 3076
services, debt, or other legal obligation involved in the 3077
violation or course of conduct is one thousand dollars or more 3078
and is less than seven thousand five hundred dollars, identity 3079
fraud against a person in a protected class is a felony of the 3080
third degree. If the value of the credit, property, services, 3081
debt, or other legal obligation involved in the violation or 3082
course of conduct is seven thousand five hundred dollars or more 3083

and is less than one hundred fifty thousand dollars, identity 3084
fraud against a person in a protected class is a felony of the 3085
second degree. If the value of the credit, property, services, 3086
debt, or other legal obligation involved in the violation or 3087
course of conduct is one hundred fifty thousand dollars or more, 3088
identity fraud against a person in a protected class is a felony 3089
of the first degree. If the victim of the offense is an elderly 3090
person, in addition to any other penalty imposed for the 3091
offense, the offender shall be required to pay full restitution 3092
to the victim and to pay a fine of up to fifty thousand dollars. 3093
The clerk of court shall forward all fines collected under 3094
division (I)(3) of this section to the county department of job 3095
and family services to be used for the reporting and 3096
investigation of elder abuse, neglect, and exploitation or for 3097
the provision or arrangement of protective services under 3098
sections 5101.61 to 5101.71 of the Revised Code. 3099

(J) In addition to the penalties described in division (I) 3100
of this section, anyone injured in person or property by a 3101
violation of division (B), (D), or (E) of this section who is 3102
the owner of the identifying information involved in that 3103
violation has a civil action against the offender pursuant to 3104
section 2307.60 of the Revised Code. That person may also bring 3105
a civil action to enjoin or restrain future acts that would 3106
constitute a violation of division (B), (D), or (E) of this 3107
section. 3108

Sec. 2913.61. (A) When a person is charged with a theft 3109
offense, or with a violation of division (A)(1) of section 3110
1716.14 of the Revised Code involving a victim who is an elderly 3111
person or ~~disabled adult~~ a person with a disability and the 3112
offender knows or reasonably should know that the victim is a 3113
person with a disability that involves property or services 3114

valued at one thousand dollars or more, property or services 3115
valued at one thousand dollars or more and less than seven 3116
thousand five hundred dollars, property or services valued at 3117
one thousand five hundred dollars or more and less than seven 3118
thousand five hundred dollars, property or services valued at 3119
seven thousand five hundred dollars or more and less than 3120
thirty-seven thousand five hundred dollars, property or services 3121
valued at seven thousand five hundred dollars or more and less 3122
than one hundred fifty thousand dollars, property or services 3123
valued at thirty-seven thousand five hundred dollars or more and 3124
less than one hundred fifty thousand dollars, property or 3125
services valued at thirty-seven thousand five hundred dollars or 3126
more, property or services valued at one hundred fifty thousand 3127
dollars or more, property or services valued at one hundred 3128
fifty thousand dollars or more and less than seven hundred fifty 3129
thousand dollars, property or services valued at seven hundred 3130
fifty thousand dollars or more and less than one million five 3131
hundred thousand dollars, or property or services valued at one 3132
million five hundred thousand dollars or more, the jury or court 3133
trying the accused shall determine the value of the property or 3134
services as of the time of the offense and, if a guilty verdict 3135
is returned, shall return the finding of value as part of the 3136
verdict. In any case in which the jury or court determines that 3137
the value of the property or services at the time of the offense 3138
was one thousand dollars or more, it is unnecessary to find and 3139
return the exact value, and it is sufficient if the finding and 3140
return is to the effect that the value of the property or 3141
services involved was one thousand dollars or more, was one 3142
thousand dollars or more and less than seven thousand five 3143
hundred dollars, was one thousand five hundred dollars or more 3144
and less than seven thousand five hundred dollars, was seven 3145
thousand five hundred dollars or more and less than thirty-seven 3146

thousand five hundred dollars, was seven thousand five hundred 3147
dollars or more and less than one hundred fifty thousand 3148
dollars, was thirty-seven thousand five hundred dollars or more 3149
and less than one hundred fifty thousand dollars, was thirty- 3150
seven thousand five hundred dollars or more, was one hundred 3151
fifty thousand dollars or more, was one hundred fifty thousand 3152
dollars or more and less than seven hundred fifty thousand 3153
dollars, was seven hundred fifty thousand dollars or more and 3154
less than one million five hundred thousand dollars, or was one 3155
million five hundred thousand dollars or more, whichever is 3156
relevant regarding the offense. 3157

(B) If more than one item of property or services is 3158
involved in a theft offense or in a violation of division (A) (1) 3159
of section 1716.14 of the Revised Code involving a victim who is 3160
an elderly person or ~~disabled adult~~ person with a disability 3161
and the offender knows or reasonably should know that the victim 3162
is a person with a disability, the value of the property or 3163
services involved for the purpose of determining the value as 3164
required by division (A) of this section is the aggregate value 3165
of all property or services involved in the offense. 3166

(C) (1) When a series of offenses under section 2913.02 of 3167
the Revised Code, or a series of violations of, attempts to 3168
commit a violation of, conspiracies to violate, or complicity in 3169
violations of division (A) (1) of section 1716.14, section 3170
2913.02, 2913.03, or 2913.04, division (B) (1) or (2) of section 3171
2913.21, or section 2913.31 or 2913.43 of the Revised Code 3172
involving a victim who is an elderly person or ~~disabled adult~~ 3173
person with a disability and the offender knows or reasonably 3174
should know that the victim is a person with a disability, is 3175
committed by the offender in the offender's same employment, 3176
capacity, or relationship to another, all of those offenses 3177

shall be tried as a single offense. When a series of offenses 3178
under section 2913.02 of the Revised Code, or a series of 3179
violations of, attempts to commit a violation of, conspiracies 3180
to violate, or complicity in violations of section 2913.02 or 3181
2913.43 of the Revised Code involving a victim who is an active 3182
duty service member or spouse of an active duty service member 3183
is committed by the offender in the offender's same employment, 3184
capacity, or relationship to another, all of those offenses 3185
shall be tried as a single offense. The value of the property or 3186
services involved in the series of offenses for the purpose of 3187
determining the value as required by division (A) of this 3188
section is the aggregate value of all property and services 3189
involved in all offenses in the series. 3190

(2) If an offender commits a series of offenses under 3191
section 2913.02 of the Revised Code that involves a common 3192
course of conduct to defraud multiple victims, all of the 3193
offenses may be tried as a single offense. If an offender is 3194
being tried for the commission of a series of violations of, 3195
attempts to commit a violation of, conspiracies to violate, or 3196
complicity in violations of division (A) (1) of section 1716.14, 3197
section 2913.02, 2913.03, or 2913.04, division (B) (1) or (2) of 3198
section 2913.21, or section 2913.31 or 2913.43 of the Revised 3199
Code, whether committed against one victim or more than one 3200
victim, involving a victim who is an elderly person or ~~disabled-~~ 3201
adult person with a disability and the offender knows or 3202
reasonably should know that the victim is a person with a 3203
disability, pursuant to a scheme or course of conduct, all of 3204
those offenses may be tried as a single offense. If an offender 3205
is being tried for the commission of a series of violations of, 3206
attempts to commit a violation of, conspiracies to violate, or 3207
complicity in violations of section 2913.02 or 2913.43 of the 3208

Revised Code, whether committed against one victim or more than 3209
one victim, involving a victim who is an active duty service 3210
member or spouse of an active duty service member pursuant to a 3211
scheme or course of conduct, all of those offenses may be tried 3212
as a single offense. If the offenses are tried as a single 3213
offense, the value of the property or services involved for the 3214
purpose of determining the value as required by division (A) of 3215
this section is the aggregate value of all property and services 3216
involved in all of the offenses in the course of conduct. 3217

(3) When a series of two or more offenses under section 3218
2913.40, 2913.48, or 2921.41 of the Revised Code is committed by 3219
the offender in the offender's same employment, capacity, or 3220
relationship to another, all of those offenses may be tried as a 3221
single offense. If the offenses are tried as a single offense, 3222
the value of the property or services involved for the purpose 3223
of determining the value as required by division (A) of this 3224
section is the aggregate value of all property and services 3225
involved in all of the offenses in the series of two or more 3226
offenses. 3227

(4) In prosecuting a single offense under division (C) (1), 3228
(2), or (3) of this section, it is not necessary to separately 3229
allege and prove each offense in the series. Rather, it is 3230
sufficient to allege and prove that the offender, within a given 3231
span of time, committed one or more theft offenses or violations 3232
of section 2913.40, 2913.48, or 2921.41 of the Revised Code in 3233
the offender's same employment, capacity, or relationship to 3234
another as described in division (C) (1) or (3) of this section, 3235
or committed one or more theft offenses that involve a common 3236
course of conduct to defraud multiple victims or a scheme or 3237
course of conduct as described in division (C) (2) of this 3238
section. While it is not necessary to separately allege and 3239

prove each offense in the series in order to prosecute a single 3240
offense under division (C) (1), (2), or (3) of this section, it 3241
remains necessary in prosecuting them as a single offense to 3242
prove the aggregate value of the property or services in order 3243
to meet the requisite statutory offense level sought by the 3244
prosecution. 3245

(D) The following criteria shall be used in determining 3246
the value of property or services involved in a theft offense: 3247

(1) The value of an heirloom, memento, collector's item, 3248
antique, museum piece, manuscript, document, record, or other 3249
thing that has intrinsic worth to its owner and that either is 3250
irreplaceable or is replaceable only on the expenditure of 3251
substantial time, effort, or money, is the amount that would 3252
compensate the owner for its loss. 3253

(2) The value of personal effects and household goods, and 3254
of materials, supplies, equipment, and fixtures used in the 3255
profession, business, trade, occupation, or avocation of its 3256
owner, which property is not covered under division (D) (1) of 3257
this section and which retains substantial utility for its 3258
purpose regardless of its age or condition, is the cost of 3259
replacing the property with new property of like kind and 3260
quality. 3261

(3) The value of any real or personal property that is not 3262
covered under division (D) (1) or (2) of this section, and the 3263
value of services, is the fair market value of the property or 3264
services. As used in this section, "fair market value" is the 3265
money consideration that a buyer would give and a seller would 3266
accept for property or services, assuming that the buyer is 3267
willing to buy and the seller is willing to sell, that both are 3268
fully informed as to all facts material to the transaction, and 3269

that neither is under any compulsion to act.	3270
(E) Without limitation on the evidence that may be used to establish the value of property or services involved in a theft offense:	3271
	3272
	3273
(1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima-facie evidence of its value.	3274
	3275
	3276
(2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest market quotation prior to the offense is prima-facie evidence of the value of the security or commodity.	3277
	3278
	3279
	3280
	3281
(3) When the property involved is livestock, poultry, or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of the livestock, poultry, or products.	3282
	3283
	3284
	3285
	3286
(4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of the instrument.	3287
	3288
	3289
(5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check, or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property is prima-facie evidence of the value of the instrument.	3290
	3291
	3292
	3293
	3294
	3295
	3296
(6) When the property involved is a ticket of admission, ticket for transportation, coupon, token, or other instrument	3297
	3298

entitling the holder or bearer to receive property or services, 3299
the face value or, if there is no face value, the value of the 3300
property or services that may be received by the instrument is 3301
prima-facie evidence of the value of the instrument. 3302

(7) When the services involved are gas, electricity, 3303
water, telephone, transportation, shipping, or other services 3304
for which the rate is established by law, the duly established 3305
rate is prima-facie evidence of the value of the services. 3306

(8) When the services involved are services for which the 3307
rate is not established by law, and the offender has been 3308
notified prior to the offense of the rate for the services, 3309
either in writing, orally, or by posting in a manner reasonably 3310
calculated to come to the attention of potential offenders, the 3311
rate contained in the notice is prima-facie evidence of the 3312
value of the services. 3313

Sec. 2917.21. (A) No person shall knowingly make or cause 3314
to be made a telecommunication, or knowingly permit a 3315
telecommunication to be made from a telecommunications device 3316
under the person's control, to another, if the caller does any 3317
of the following: 3318

(1) Makes the telecommunication with purpose to harass, 3319
intimidate, or abuse any person at the premises to which the 3320
telecommunication is made, whether or not actual communication 3321
takes place between the caller and a recipient; 3322

(2) Describes, suggests, requests, or proposes that the 3323
caller, the recipient of the telecommunication, or any other 3324
person engage in sexual activity, and the recipient or another 3325
person at the premises to which the telecommunication is made 3326
has requested, in a previous telecommunication or in the 3327

immediate telecommunication, that the caller not make a 3328
telecommunication to the recipient or to the premises to which 3329
the telecommunication is made; 3330

(3) During the telecommunication, violates section 2903.21 3331
of the Revised Code; 3332

(4) Knowingly states to the recipient of the 3333
telecommunication that the caller intends to cause damage to or 3334
destroy public or private property, and the recipient, any 3335
member of the recipient's family, or any other person who 3336
resides at the premises to which the telecommunication is made 3337
owns, leases, resides, or works in, will at the time of the 3338
destruction or damaging be near or in, has the responsibility of 3339
protecting, or insures the property that will be destroyed or 3340
damaged; 3341

(5) Knowingly makes the telecommunication to the recipient 3342
of the telecommunication, to another person at the premises to 3343
which the telecommunication is made, or to those premises, and 3344
the recipient or another person at those premises previously has 3345
told the caller not to make a telecommunication to those 3346
premises or to any persons at those premises; 3347

(6) Knowingly makes any comment, request, suggestion, or 3348
proposal to the recipient of the telecommunication that is 3349
threatening, intimidating, menacing, coercive, or obscene with 3350
the intent to abuse, threaten, or harass the recipient; 3351

(7) Without a lawful business purpose, knowingly 3352
interrupts the telecommunication service of any person; 3353

(8) Without a lawful business purpose, knowingly transmits 3354
to any person, regardless of whether the telecommunication is 3355
heard in its entirety, any file, document, or other 3356

communication that prevents that person from using the person's 3357
telephone service or electronic communication device; 3358

(9) Knowingly makes any false statement concerning the 3359
death, injury, illness, disfigurement, reputation, indecent 3360
conduct, or criminal conduct of the recipient of the 3361
telecommunication or family or household member of the recipient 3362
with purpose to abuse, threaten, intimidate, or harass the 3363
recipient; 3364

(10) Knowingly incites another person through a 3365
telecommunication or other means to harass or participate in the 3366
harassment of a person; 3367

(11) Knowingly alarms the recipient by making a 3368
telecommunication without a lawful purpose at an hour or hours 3369
known to be inconvenient to the recipient and in an offensive or 3370
repetitive manner. 3371

(B) (1) No person shall make or cause to be made a 3372
telecommunication, or permit a telecommunication to be made from 3373
a telecommunications device under the person's control, with 3374
purpose to abuse, threaten, or harass another person. 3375

(2) No person shall knowingly post a text or audio 3376
statement or an image on an internet web site or web page for 3377
the purpose of abusing, threatening, or harassing another 3378
person. 3379

(C) (1) Whoever violates this section is guilty of 3380
telecommunications harassment. 3381

(2) Except as otherwise provided in this division, a 3382
violation of division (A) (1), (2), (3), (5), (6), (7), (8), (9), 3383
(10), or (11) or (B) of this section is a misdemeanor of the 3384
first degree on a first offense and a felony of the fifth degree 3385

on each subsequent offense. If the victim is a person with a 3386
disability and the offender knows or reasonably should know that 3387
the victim is a person with a disability, a violation of 3388
division (A) (1), (2), (3), (5), (6), (7), (8), (9), (10), or 3389
(11) or division (B) of this section is a felony of the fifth 3390
degree on a first offense and a felony of the fourth degree on 3391
each subsequent offense. 3392

(3) Except as otherwise provided in this division ~~(C) (3)~~ 3393
~~of this section~~, a violation of division (A) (4) of this section 3394
is a misdemeanor of the first degree on a first offense and a 3395
felony of the fifth degree on each subsequent offense. If the 3396
victim is a person with a disability and the offender knows or 3397
reasonably should know that the victim is a person with a 3398
disability, a violation of division (A) (4) of this section is a 3399
felony of the fifth degree on a first offense and a felony of 3400
the fourth degree on each subsequent offense. If a violation of 3401
division (A) (4) of this section results in economic harm of one 3402
thousand dollars or more but less than seven thousand five 3403
hundred dollars, telecommunications harassment is a felony of 3404
the fifth degree. If the victim is a person with a disability 3405
and the offender knows or reasonably should know that the victim 3406
is a person with a disability, and a violation of division (A) 3407
(4) of this section results in economic harm of one thousand 3408
dollars or more but less than seven thousand five hundred 3409
dollars, telecommunications harassment is a felony of the fourth 3410
degree. If a violation of division (A) (4) of this section 3411
results in economic harm of seven thousand five hundred dollars 3412
or more but less than one hundred fifty thousand dollars, 3413
telecommunications harassment is a felony of the fourth degree. 3414
If the victim is a person with a disability and the offender 3415
knows or reasonably should know that the victim is a person with 3416

a disability, and a violation of division (A) (4) of this section 3417
results in economic harm of seven thousand five hundred dollars 3418
or more but less than one hundred fifty thousand dollars, 3419
telecommunications harassment is a felony of the third degree. 3420
If a violation of division (A) (4) of this section results in 3421
economic harm of one hundred fifty thousand dollars or more, 3422
telecommunications harassment is a felony of the third degree._ 3423
If the victim is a person with a disability and the offender 3424
knows or reasonably should know that the victim is a person with 3425
a disability, and a violation of division (A) (4) of this section 3426
results in economic harm of one hundred fifty thousand dollars 3427
or more, telecommunications harassment is a felony of the second 3428
degree. 3429

(D) No cause of action may be asserted in any court of 3430
this state against any provider of a telecommunications service, 3431
interactive computer service as defined in section 230 of Title 3432
47 of the United States Code, or information service, or against 3433
any officer, employee, or agent of a telecommunication service, 3434
interactive computer service as defined in section 230 of Title 3435
47 of the United States Code, or information service, for any 3436
injury, death, or loss to person or property that allegedly 3437
arises out of the provider's, officer's, employee's, or agent's 3438
provision of information, facilities, or assistance in 3439
accordance with the terms of a court order that is issued in 3440
relation to the investigation or prosecution of an alleged 3441
violation of this section. A provider of a telecommunications 3442
service, interactive computer service as defined in section 230 3443
of Title 47 of the United States Code, or information service, 3444
or an officer, employee, or agent of a telecommunications 3445
service, interactive computer service as defined in section 230 3446
of Title 47 of the United States Code, or information service, 3447

is immune from any civil or criminal liability for injury, 3448
death, or loss to person or property that allegedly arises out 3449
of the provider's, officer's, employee's, or agent's provision 3450
of information, facilities, or assistance in accordance with the 3451
terms of a court order that is issued in relation to the 3452
investigation or prosecution of an alleged violation of this 3453
section. 3454

(E) (1) This section does not apply to a person solely 3455
because the person provided access or connection to or from an 3456
electronic method of remotely transferring information not under 3457
that person's control, including having provided capabilities 3458
that are incidental to providing access or connection to or from 3459
the electronic method of remotely transferring the information, 3460
and that do not include the creation of the content of the 3461
material that is the subject of the access or connection. In 3462
addition, any person providing access or connection to or from 3463
an electronic method of remotely transferring information not 3464
under that person's control shall not be liable for any action 3465
voluntarily taken in good faith to block the receipt or 3466
transmission through its service of any information that the 3467
person believes is, or will be sent, in violation of this 3468
section. 3469

(2) Division (E) (1) of this section does not create an 3470
affirmative duty for any person providing access or connection 3471
to or from an electronic method of remotely transferring 3472
information not under that person's control to block the receipt 3473
or transmission through its service of any information that it 3474
believes is, or will be sent, in violation of this section 3475
except as otherwise provided by law. 3476

(3) Division (E) (1) of this section does not apply to a 3477

person who conspires with a person actively involved in the 3478
creation or knowing distribution of material in violation of 3479
this section or who knowingly advertises the availability of 3480
material of that nature. 3481

(4) A provider or user of an interactive computer service, 3482
as defined in section 230 of Title 47 of the United States Code, 3483
shall neither be treated as the publisher or speaker of any 3484
information provided by another information content provider, as 3485
defined in section 230 of Title 47 of the United States Code, 3486
nor held civilly or criminally liable for the creation or 3487
development of information provided by another information 3488
content provider, as defined in section 230 of Title 47 of the 3489
United States Code. Nothing in this division shall be construed 3490
to protect a person from liability to the extent that the person 3491
developed or created any content in violation of this section. 3492

(F) Divisions (A) (5) to (11) and (B) (2) of this section do 3493
not apply to a person who, while employed or contracted by a 3494
newspaper, magazine, press association, news agency, news wire 3495
service, cable channel or cable operator, or radio or television 3496
station, is gathering, processing, transmitting, compiling, 3497
editing, or disseminating information for the general public 3498
within the scope of the person's employment in that capacity or 3499
the person's contractual authority in that capacity. 3500

(G) As used in this section: 3501

(1) "Economic harm" means all direct, incidental, and 3502
consequential pecuniary harm suffered by a victim as a result of 3503
criminal conduct. "Economic harm" includes, but is not limited 3504
to, all of the following: 3505

(a) All wages, salaries, or other compensation lost as a 3506

result of the criminal conduct;	3507
(b) The cost of all wages, salaries, or other compensation	3508
paid to employees for time those employees are prevented from	3509
working as a result of the criminal conduct;	3510
(c) The overhead costs incurred for the time that a	3511
business is shut down as a result of the criminal conduct;	3512
(d) The loss of value to tangible or intangible property	3513
that was damaged as a result of the criminal conduct.	3514
(2) "Caller" means the person described in division (A) of	3515
this section who makes or causes to be made a telecommunication	3516
or who permits a telecommunication to be made from a	3517
telecommunications device under that person's control.	3518
(3) "Telecommunication" and "telecommunications device"	3519
have the same meanings as in section 2913.01 of the Revised	3520
Code.	3521
(4) "Sexual activity" has the same meaning as in section	3522
2907.01 of the Revised Code.	3523
(5) "Family or household member" means any of the	3524
following:	3525
(a) Any of the following who is residing or has resided	3526
with the recipient of the telecommunication against whom the act	3527
prohibited in division (A) (9) of this section is committed:	3528
(i) A spouse, a person living as a spouse, or a former	3529
spouse of the recipient;	3530
(ii) A parent, a foster parent, or a child of the	3531
recipient, or another person related by consanguinity or	3532
affinity to the recipient;	3533

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the recipient, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the recipient.

(b) The natural parent of any child of whom the recipient of the telecommunication against whom the act prohibited in division (A) (9) of this section is committed is the other natural parent or is the putative other natural parent.

(6) "Person living as a spouse" means a person who is living or has lived with the recipient of the telecommunication against whom the act prohibited in division (A) (9) of this section is committed in a common law marital relationship, who otherwise is cohabiting with the recipient, or who otherwise has cohabited with the recipient within five years prior to the date of the alleged commission of the act in question.

(7) "Cable operator" has the same meaning as in section 1332.21 of the Revised Code.

(8) "Disability" has the same meaning as in section 4112.01 of the Revised Code.

(H) Nothing in this section prohibits a person from making a telecommunication to a debtor that is in compliance with the "Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended.

Sec. 2919.25. (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(B) No person shall recklessly cause serious physical harm to a family or household member.

(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D) (2) to (6) of this section.

(2) Except as otherwise provided in this division or divisions (D) (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree. If the victim is a person with a disability and the offender knows or reasonably should know that the victim is a person with a disability, a violation of division (C) of this section is a misdemeanor of the third degree and a violation of division (A) or (B) of this section is a felony of the fifth degree.

(3) Except as otherwise provided in division (D) (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a

family or household member at the time of the commission of the 3592
offense, a violation of division (A) or (B) of this section is a 3593
felony of the fourth degree, and, if the offender knew that the 3594
victim of the violation was pregnant at the time of the 3595
violation, the court shall impose a mandatory prison term on the 3596
offender pursuant to division (D) (6) of this section, and a 3597
violation of division (C) of this section is a misdemeanor of 3598
the second degree. 3599

(4) If the offender previously has pleaded guilty to or 3600
been convicted of two or more offenses of domestic violence or 3601
two or more violations or offenses of the type described in 3602
division (D) (3) of this section involving a person who was a 3603
family or household member at the time of the violations or 3604
offenses, a violation of division (A) or (B) of this section is 3605
a felony of the third degree, and there is a presumption for a 3606
prison term for the offense, and a violation of division (C) of 3607
this section is a misdemeanor of the first degree. If the 3608
offender previously has pleaded guilty to or been convicted of 3609
two or more offenses of domestic violence or two or more 3610
violations or offenses of the type described in division (D) (3) 3611
of this section involving a person who was a family or household 3612
member at the time of the violations or offenses, and the 3613
offender knew that the victim of the violation was pregnant at 3614
the time of the violation, a violation of division (A) or (B) of 3615
this section is a felony of the third degree, and the court 3616
shall impose a mandatory prison term on the offender pursuant to 3617
division (D) (6) of this section. 3618

(5) Except as otherwise provided in division (D) (3) or (4) 3619
of this section, if the offender knew that the victim of the 3620
violation was pregnant at the time of the violation, a violation 3621
of division (A) or (B) of this section is a felony of the fifth 3622

degree, and the court shall impose a mandatory prison term on 3623
the offender pursuant to division (D)(6) of this section, and a 3624
violation of division (C) of this section is a misdemeanor of 3625
the third degree. 3626

(6) If division (D)(3), (4), or (5) of this section 3627
requires the court that sentences an offender for a violation of 3628
division (A) or (B) of this section to impose a mandatory prison 3629
term on the offender pursuant to this division, the court shall 3630
impose the mandatory prison term as follows: 3631

(a) If the violation of division (A) or (B) of this 3632
section is a felony of the fourth or fifth degree, except as 3633
otherwise provided in division (D)(6)(b) or (c) of this section, 3634
the court shall impose a mandatory prison term on the offender 3635
of at least six months. 3636

(b) If the violation of division (A) or (B) of this 3637
section is a felony of the fifth degree and the offender, in 3638
committing the violation, caused serious physical harm to the 3639
pregnant woman's unborn or caused the termination of the 3640
pregnant woman's pregnancy, the court shall impose a mandatory 3641
prison term on the offender of twelve months. 3642

(c) If the violation of division (A) or (B) of this 3643
section is a felony of the fourth degree and the offender, in 3644
committing the violation, caused serious physical harm to the 3645
pregnant woman's unborn or caused the termination of the 3646
pregnant woman's pregnancy, the court shall impose a mandatory 3647
prison term on the offender of at least twelve months. 3648

(d) If the violation of division (A) or (B) of this 3649
section is a felony of the third degree and the offender knew 3650
that the victim of the violation was pregnant at the time of the 3651

violation, except as otherwise provided in division (D) (6) (e) of 3652
this section and notwithstanding the range of definite prison 3653
terms prescribed in division (A) (3) of section 2929.14 of the 3654
Revised Code for a felony of the third degree, the court shall 3655
impose a mandatory prison term on the offender of either a 3656
definite term of twelve months or one of the prison terms 3657
prescribed in division (A) (3) (a) of section 2929.14 of the 3658
Revised Code for felonies of the third degree. 3659

(e) If the violation of division (A) or (B) of this 3660
section is a felony of the third degree and the offender, in 3661
committing the violation, caused serious physical harm to the 3662
pregnant woman's unborn or caused the termination of the 3663
pregnant woman's pregnancy, notwithstanding the range of 3664
definite prison terms prescribed in division (A) (3) of section 3665
2929.14 of the Revised Code for a felony of the third degree, 3666
the court shall impose a mandatory prison term on the offender 3667
of either a definite term of eighteen months or one of the 3668
prison terms prescribed in division (A) (3) (a) of section 2929.14 3669
of the Revised Code for felonies of the third degree. 3670

(E) Notwithstanding any provision of law to the contrary, 3671
no court or unit of state or local government shall charge any 3672
fee, cost, deposit, or money in connection with the filing of 3673
charges against a person alleging that the person violated this 3674
section or a municipal ordinance substantially similar to this 3675
section or in connection with the prosecution of any charges so 3676
filed. 3677

(F) As used in this section and sections 2919.251 and 3678
2919.26 of the Revised Code: 3679

(1) "Family or household member" means any of the 3680
following: 3681

(a) Any of the following who is residing or has resided	3682
with the offender:	3683
(i) A spouse, a person living as a spouse, or a former	3684
spouse of the offender;	3685
(ii) A parent, a foster parent, or a child of the	3686
offender, or another person related by consanguinity or affinity	3687
to the offender;	3688
(iii) A parent or a child of a spouse, person living as a	3689
spouse, or former spouse of the offender, or another person	3690
related by consanguinity or affinity to a spouse, person living	3691
as a spouse, or former spouse of the offender.	3692
(b) The natural parent of any child of whom the offender	3693
is the other natural parent or is the putative other natural	3694
parent.	3695
(2) "Person living as a spouse" means a person who is	3696
living or has lived with the offender in a common law marital	3697
relationship, who otherwise is cohabiting with the offender, or	3698
who otherwise has cohabited with the offender within five years	3699
prior to the date of the alleged commission of the act in	3700
question.	3701
(3) "Pregnant woman's unborn" has the same meaning as	3702
"such other person's unborn," as set forth in section 2903.09 of	3703
the Revised Code, as it relates to the pregnant woman. Division	3704
(C) of that section applies regarding the use of the term in	3705
this section, except that the second and third sentences of	3706
division (C) (1) of that section shall be construed for purposes	3707
of this section as if they included a reference to this section	3708
in the listing of Revised Code sections they contain.	3709
(4) "Termination of the pregnant woman's pregnancy" has	3710

the same meaning as "unlawful termination of another's pregnancy," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C) (1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

(5) "Disability" has the same meaning as in section 4112.01 of the Revised Code.

Section 2. That existing sections 2903.10, 2903.11, 2903.12, 2903.13, 2903.14, 2903.16, 2903.18, 2903.21, 2903.211, 2903.22, 2903.31, 2905.01, 2905.11, 2905.12, 2905.22, 2905.32, 2907.03, 2907.05, 2909.01, 2909.06, 2909.07, 2911.02, 2911.12, 2913.01, 2913.02, 2913.03, 2913.04, 2913.05, 2913.21, 2913.31, 2913.43, 2913.49, 2913.61, 2917.21, and 2919.25 of the Revised Code are hereby repealed.

Section 3. 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 following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 2903.11 of the Revised Code as amended by both S.B. 20 and S.B. 201 of the 132nd General Assembly.

Section 2907.03 of the Revised Code as amended by H.B. 33, H.B. 161, and S.B. 109, all of the 135th General Assembly.

Section 2913.21 of the Revised Code as amended by both	3740
H.B. 312 and S.B. 158 of the 132nd General Assembly.	3741
	3742