

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 16

Senator Schaffer

Cosponsors: Senators Brenner, Cirino



A BILL

To amend sections 2903.11, 2903.13, 2903.22, 1
2909.01, 2909.04, 2909.05, 2917.01, 2921.01, 2
2921.03, 2921.15, 2921.31, 2923.31, and 2929.41 3
and to enact sections 2307.68, 2909.031, 4
2917.06, 2917.14, 2921.332, and 2921.333 of the 5
Revised Code regarding a civil action for an 6
emergency service responder based on a civil 7
rights abridgement or false complaint, and 8
certain crimes regarding conduct directed at an 9
actual or perceived emergency service responder, 10
public servant, family member, co-worker, or 11
BCII investigator or at a public emergency. 12

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

Section 1. That sections 2903.11, 2903.13, 2903.22, 13
2909.01, 2909.04, 2909.05, 2917.01, 2921.01, 2921.03, 2921.15, 14
2921.31, 2923.31, and 2929.41 be amended and sections 2307.68, 15
2909.031, 2917.06, 2917.14, 2921.332, and 2921.333 of the 16
Revised Code be enacted to read as follows: 17

Sec. 2307.68. (A) As used in this section: 18

(1) "Emergency service responder" has the same meaning as 19
in section 2921.01 of the Revised Code. 20

(2) "Known false complaint" means a complaint filed by a 21
person against an emergency service responder that alleges 22
misconduct by the responder and that the person filing the 23
complaint knew to be false at the time of the filing of the 24
complaint. 25

(B) Any emergency service responder who suffers injury, 26
death, or loss to person or property as a result of an 27
abridgment of the responder's civil rights arising out of the 28
responder's performance of official duties or as a result of a 29
known false complaint being filed against the responder, 30
including such a complaint being filed regarding a peace officer 31
in violation of section 2921.15 of the Revised Code, has a civil 32
action against any person, group of persons, organization, 33
corporation, or head of an organization or corporation that 34
abridged the responder's civil rights or filed the known false 35
complaint. The emergency service responder may recover in the 36
action full compensatory damages, including, but not limited to, 37
damages for emotional distress, and may recover punitive or 38
exemplary damages, court costs, other reasonable expenses 39
incurred in maintaining that action, and the reasonable 40
attorney's fees incurred in maintaining that action. 41

(C) A civil action may be maintained under division (B) of 42
this section based on a person's filing of a known false 43
complaint regarding a peace officer in violation of section 44
2921.15 of the Revised Code regardless of whether the person who 45
committed the violation has been charged with a violation of 46
that section, or has been convicted of, pleaded guilty to, or 47
been adjudicated a delinquent child for committing a violation 48

of that section. 49

A civil action may be maintained under division (B) of 50
this section based on a person's filing of a known false 51
complaint even if the filing is not a violation of section 52
2921.15 of the Revised Code or of any other provision of the 53
Revised Code. 54

Sec. 2903.11. (A) No person shall knowingly do either of 55
the following: 56

(1) Cause serious physical harm to another or to another's 57
unborn; 58

(2) Cause or attempt to cause physical harm to another or 59
to another's unborn by means of a deadly weapon or dangerous 60
ordnance. 61

(B) No person, with knowledge that the person has tested 62
positive as a carrier of a virus that causes acquired 63
immunodeficiency syndrome, shall knowingly do any of the 64
following: 65

(1) Engage in sexual conduct with another person without 66
disclosing that knowledge to the other person prior to engaging 67
in the sexual conduct; 68

(2) Engage in sexual conduct with a person whom the 69
offender knows or has reasonable cause to believe lacks the 70
mental capacity to appreciate the significance of the knowledge 71
that the offender has tested positive as a carrier of a virus 72
that causes acquired immunodeficiency syndrome; 73

(3) Engage in sexual conduct with a person under eighteen 74
years of age who is not the spouse of the offender. 75

(C) The prosecution of a person under this section does 76

not preclude prosecution of that person under section 2907.02 of 77
the Revised Code. 78

(D) (1) (a) Whoever violates this section is guilty of 79
felonious assault. Except as otherwise provided in this division 80
or division (D) (1) (b) of this section, felonious assault is a 81
felony of the second degree. If the Felonious assault is a 82
felony of the first degree if either of the following applies: 83

(i) The victim of a violation of division (A) of this 84
section is a peace officer or an investigator of the bureau of 85
criminal identification and investigation, ~~felonious assault is~~ 86
~~a felony of the first degree.~~ 87

(ii) The violation is a violation of division (A) (1) of 88
this section, and the offender committed the violation in an 89
attempt to intimidate, harass, or terrorize another person 90
because of that other person's actual or perceived employment as 91
an emergency service responder or public servant or because that 92
other person is a family or household member or co-worker of a 93
person who is employed or is perceived as being employed as an 94
emergency service responder or public servant. 95

(b) Regardless of whether the felonious assault is a 96
felony of the first or second degree under division (D) (1) (a) of 97
this section, if the offender also is convicted of or pleads 98
guilty to a specification as described in section 2941.1423 of 99
the Revised Code that was included in the indictment, count in 100
the indictment, or information charging the offense, except as 101
otherwise provided in this division or unless a longer prison 102
term is required under any other provision of law, the court 103
shall sentence the offender to a mandatory prison term as 104
provided in division (B) (8) of section 2929.14 of the Revised 105
Code. If the victim of the offense is a peace officer or an 106

investigator of the bureau of criminal identification and 107
investigation, and if the victim suffered serious physical harm 108
as a result of the commission of the offense, felonious assault 109
is a felony of the first degree, and the court, pursuant to 110
division (F) of section 2929.13 of the Revised Code, shall 111
impose as a mandatory prison term one of the definite prison 112
terms prescribed for a felony of the first degree in division 113
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 114
the violation is committed on or after ~~the effective date of~~ 115
~~this amendment~~ March 22, 2019, the court shall impose as the 116
minimum prison term for the offense a mandatory prison term that 117
is one of the minimum terms prescribed for a felony of the first 118
degree in division (A) (1) (a) of section 2929.14 of the Revised 119
Code. 120

(c) If an offender is sentenced to a prison term for a 121
violation of division (A) (1) of this section and division (D) (1) 122
(a) (ii) of this section applies, the prison term shall run 123
consecutively to any prison or jail term imposed for any other 124
offense related to the act or acts establishing the violation of 125
division (A) (1) of this section. 126

(2) In addition to any other sanctions imposed pursuant to 127
division (D) (1) of this section for felonious assault committed 128
in violation of division (A) (1) or (2) of this section, if the 129
offender also is convicted of or pleads guilty to a 130
specification of the type described in section 2941.1425 of the 131
Revised Code that was included in the indictment, count in the 132
indictment, or information charging the offense, the court shall 133
sentence the offender to a mandatory prison term under division 134
(B) (9) of section 2929.14 of the Revised Code. 135

(3) If the victim of a felonious assault committed in 136

violation of division (A) of this section is a child under ten 137
years of age and if the offender also is convicted of or pleads 138
guilty to a specification of the type described in section 139
2941.1426 of the Revised Code that was included in the 140
indictment, count in the indictment, or information charging the 141
offense, in addition to any other sanctions imposed pursuant to 142
division (D) (1) of this section, the court shall sentence the 143
offender to a mandatory prison term pursuant to division (B) (10) 144
of section 2929.14 of the Revised Code. 145

(4) In addition to any other sanctions imposed pursuant to 146
division (D) (1) of this section for felonious assault committed 147
in violation of division (A) (2) of this section, if the deadly 148
weapon used in the commission of the violation is a motor 149
vehicle, the court shall impose upon the offender a class two 150
suspension of the offender's driver's license, commercial 151
driver's license, temporary instruction permit, probationary 152
license, or nonresident operating privilege as specified in 153
division (A) (2) of section 4510.02 of the Revised Code. 154

(E) As used in this section: 155

(1) "Deadly weapon" and "dangerous ordnance" have the same 156
meanings as in section 2923.11 of the Revised Code. 157

(2) "Motor vehicle" has the same meaning as in section 158
4501.01 of the Revised Code. 159

(3) "Peace officer" has the same meaning as in section 160
2935.01 of the Revised Code. 161

(4) "Sexual conduct" has the same meaning as in section 162
2907.01 of the Revised Code, except that, as used in this 163
section, it does not include the insertion of an instrument, 164
apparatus, or other object that is not a part of the body into 165

the vaginal or anal opening of another, unless the offender knew 166
at the time of the insertion that the instrument, apparatus, or 167
other object carried the offender's bodily fluid. 168

(5) "Investigator of the bureau of criminal identification 169
and investigation" means an investigator of the bureau of 170
criminal identification and investigation who is commissioned by 171
the superintendent of the bureau as a special agent for the 172
purpose of assisting law enforcement officers or providing 173
emergency assistance to peace officers pursuant to authority 174
granted under section 109.541 of the Revised Code. 175

(6) "Investigator" has the same meaning as in section 176
109.541 of the Revised Code. 177

(7) "Emergency service responder," "co-worker," "family or 178
household member," and "public servant" have the same meanings 179
as in section 2921.01 of the Revised Code. 180

(F) The provisions of division (D)(2) of this section and 181
of division (F)(20) of section 2929.13, divisions (B)(9) and (C) 182
(6) of section 2929.14, and section 2941.1425 of the Revised 183
Code shall be known as "Judy's Law." 184

Sec. 2903.13. (A) No person shall knowingly cause or 185
attempt to cause physical harm to another or to another's 186
unborn. 187

(B) No person shall recklessly cause serious physical harm 188
to another or to another's unborn. 189

(C)(1) Whoever violates this section is guilty of assault, 190
and the court shall sentence the offender as provided in this 191
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), 192
(8), (9), and (10) of this section. Except as otherwise provided 193
in division (C)(2), (3), (4), (5), (6), (7), or (8), ~~or~~ (9) of 194

this section, assault is a misdemeanor of the first degree. 195

(2) Except as otherwise provided in this division, if the 196
offense is committed by a caretaker against a functionally 197
impaired person under the caretaker's care, assault is a felony 198
of the fourth degree. If the offense is committed by a caretaker 199
against a functionally impaired person under the caretaker's 200
care, if the offender previously has been convicted of or 201
pleaded guilty to a violation of this section or section 2903.11 202
or 2903.16 of the Revised Code, and if in relation to the 203
previous conviction the offender was a caretaker and the victim 204
was a functionally impaired person under the offender's care, 205
assault is a felony of the third degree. 206

(3) If the offense occurs in or on the grounds of a state 207
correctional institution or an institution of the department of 208
youth services, the victim of the offense is an employee of the 209
department of rehabilitation and correction or the department of 210
youth services, and the offense is committed by a person 211
incarcerated in the state correctional institution or by a 212
person institutionalized in the department of youth services 213
institution pursuant to a commitment to the department of youth 214
services, assault is a felony of the third degree. 215

(4) If the offense is committed in any of the following 216
circumstances, assault is a felony of the fifth degree: 217

(a) The offense occurs in or on the grounds of a local 218
correctional facility, the victim of the offense is an employee 219
of the local correctional facility or a probation department or 220
is on the premises of the facility for business purposes or as a 221
visitor, and the offense is committed by a person who is under 222
custody in the facility subsequent to the person's arrest for 223
any crime or delinquent act, subsequent to the person's being 224

charged with or convicted of any crime, or subsequent to the 225
person's being alleged to be or adjudicated a delinquent child. 226

(b) The offense occurs off the grounds of a state 227
correctional institution and off the grounds of an institution 228
of the department of youth services, the victim of the offense 229
is an employee of the department of rehabilitation and 230
correction, the department of youth services, or a probation 231
department, the offense occurs during the employee's official 232
work hours and while the employee is engaged in official work 233
responsibilities, and the offense is committed by a person 234
incarcerated in a state correctional institution or 235
institutionalized in the department of youth services who 236
temporarily is outside of the institution for any purpose, by a 237
parolee, by an offender under transitional control, under a 238
community control sanction, or on an escorted visit, by a person 239
under post-release control, or by an offender under any other 240
type of supervision by a government agency. 241

(c) The offense occurs off the grounds of a local 242
correctional facility, the victim of the offense is an employee 243
of the local correctional facility or a probation department, 244
the offense occurs during the employee's official work hours and 245
while the employee is engaged in official work responsibilities, 246
and the offense is committed by a person who is under custody in 247
the facility subsequent to the person's arrest for any crime or 248
delinquent act, subsequent to the person being charged with or 249
convicted of any crime, or subsequent to the person being 250
alleged to be or adjudicated a delinquent child and who 251
temporarily is outside of the facility for any purpose or by a 252
parolee, by an offender under transitional control, under a 253
community control sanction, or on an escorted visit, by a person 254
under post-release control, or by an offender under any other 255

type of supervision by a government agency. 256

(d) The victim of the offense is a school teacher or 257
administrator or a school bus operator, and the offense occurs 258
in a school, on school premises, in a school building, on a 259
school bus, or while the victim is outside of school premises or 260
a school bus and is engaged in duties or official 261
responsibilities associated with the victim's employment or 262
position as a school teacher or administrator or a school bus 263
operator, including, but not limited to, driving, accompanying, 264
or chaperoning students at or on class or field trips, athletic 265
events, or other school extracurricular activities or functions 266
outside of school premises. 267

(5) If the assault is committed in any of the following 268
circumstances, assault is a felony of the third degree: 269

(a) The victim of the offense is a peace officer or an 270
investigator of the bureau of criminal identification and 271
investigation, ~~a firefighter, or a person performing emergency-~~ 272
~~medical service, while in the performance of their official-~~ 273
~~duties, assault is a felony of the fourth degree.~~ 274

(b) The offender committed the violation in an attempt to 275
intimidate, harass, or terrorize another person because of that 276
other person's actual or perceived employment as an emergency 277
service responder or public servant or because that other person 278
is a family or household member or co-worker of a person who is 279
employed or is perceived as being employed as an emergency 280
service responder or public servant. 281

~~(6) If the victim of the offense is a peace officer or an~~ 282
~~investigator of the bureau of criminal identification and~~ 283
~~investigation and if the victim suffered serious physical harm-~~ 284

~~as a result of the commission of the offense, assault is a~~ 285
~~felony of the fourth degree, and the court, pursuant to division~~ 286
~~(F) of section 2929.13 of the Revised Code, shall impose as a~~ 287
~~mandatory prison term one of the prison terms prescribed for a~~ 288
~~felony of the fourth degree that is at least twelve months in~~ 289
~~duration.~~ 290

~~(7)~~ If the victim of the offense is an officer or employee 291
of a public children services agency or a private child placing 292
agency and the offense relates to the officer's or employee's 293
performance or anticipated performance of official 294
responsibilities or duties, assault is either a felony of the 295
fifth degree or, if the offender previously has been convicted 296
of or pleaded guilty to an offense of violence, the victim of 297
that prior offense was an officer or employee of a public 298
children services agency or private child placing agency, and 299
that prior offense related to the officer's or employee's 300
performance or anticipated performance of official 301
responsibilities or duties, a felony of the fourth degree. 302

~~(8)~~ (7) If the victim of the offense is a health care 303
professional of a hospital, a health care worker of a hospital, 304
or a security officer of a hospital whom the offender knows or 305
has reasonable cause to know is a health care professional of a 306
hospital, a health care worker of a hospital, or a security 307
officer of a hospital, if the victim is engaged in the 308
performance of the victim's duties, and if the hospital offers 309
de-escalation or crisis intervention training for such 310
professionals, workers, or officers, assault is one of the 311
following: 312

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) 313
(7) (b) of this section, assault committed in the specified 314

circumstances is a misdemeanor of the first degree. 315
Notwithstanding the fine specified in division (A) (2) (b) of 316
section 2929.28 of the Revised Code for a misdemeanor of the 317
first degree, in sentencing the offender under this division and 318
if the court decides to impose a fine, the court may impose upon 319
the offender a fine of not more than five thousand dollars. 320

(b) If the offender previously has been convicted of or 321
pleaded guilty to one or more assault or homicide offenses 322
committed against hospital personnel, assault committed in the 323
specified circumstances is a felony of the fifth degree. 324

~~(9)~~(8) If the victim of the offense is a judge, 325
magistrate, prosecutor, or court official or employee whom the 326
offender knows or has reasonable cause to know is a judge, 327
magistrate, prosecutor, or court official or employee, and if 328
the victim is engaged in the performance of the victim's duties, 329
assault is one of the following: 330

(a) Except as otherwise provided in division (C) (8) (b) of 331
this section, assault committed in the specified circumstances 332
is a misdemeanor of the first degree. In sentencing the offender 333
under this division, if the court decides to impose a fine, 334
notwithstanding the fine specified in division (A) (2) (b) of 335
section 2929.28 of the Revised Code for a misdemeanor of the 336
first degree, the court may impose upon the offender a fine of 337
not more than five thousand dollars. 338

(b) If the offender previously has been convicted of or 339
pleaded guilty to one or more assault or homicide offenses 340
committed against justice system personnel, assault committed in 341
the specified circumstances is a felony of the fifth degree. 342

~~(10)~~(9) If an offender who is convicted of or pleads 343

guilty to assault when it is a misdemeanor also is convicted of 344
or pleads guilty to a specification as described in section 345
2941.1423 of the Revised Code that was included in the 346
indictment, count in the indictment, or information charging the 347
offense, the court shall sentence the offender to a mandatory 348
jail term as provided in division (G) of section 2929.24 of the 349
Revised Code. 350

If an offender who is convicted of or pleads guilty to 351
assault when it is a felony also is convicted of or pleads 352
guilty to a specification as described in section 2941.1423 of 353
the Revised Code that was included in the indictment, count in 354
the indictment, or information charging the offense, except as 355
otherwise provided in division (C) (6) of this section, the court 356
shall sentence the offender to a mandatory prison term as 357
provided in division (B) (8) of section 2929.14 of the Revised 358
Code. 359

(10) If an offender is sentenced to a prison term for a 360
violation of this section that is a felony of the third degree 361
under division (A) (5) of this section, the prison term shall run 362
consecutively to any prison or jail term imposed for any other 363
offense related to the act or acts establishing the violation of 364
this section. 365

(D) As used in this section: 366

(1) "Peace officer" has the same meaning as in section 367
2935.01 of the Revised Code. 368

~~(2) "Firefighter" has the same meaning as in section 369
3937.41 of the Revised Code.~~ 370

~~(3) "Emergency medical service" has the same meaning as in 371
section 4765.01 of the Revised Code.~~ 372

~~(4)~~—"Local correctional facility" means a county, 373
multicounty, municipal, municipal-county, or multicounty- 374
municipal jail or workhouse, a minimum security jail established 375
under section 341.23 or 753.21 of the Revised Code, or another 376
county, multicounty, municipal, municipal-county, or 377
multicounty-municipal facility used for the custody of persons 378
arrested for any crime or delinquent act, persons charged with 379
or convicted of any crime, or persons alleged to be or 380
adjudicated a delinquent child. 381

~~(5)~~—(3) "Employee of a local correctional facility" means 382
a person who is an employee of the political subdivision or of 383
one or more of the affiliated political subdivisions that 384
operates the local correctional facility and who operates or 385
assists in the operation of the facility. 386

~~(6)~~—(4) "School teacher or administrator" means either of 387
the following: 388

(a) A person who is employed in the public schools of the 389
state under a contract described in section 3311.77 or 3319.08 390
of the Revised Code in a position in which the person is 391
required to have a certificate issued pursuant to sections 392
3319.22 to 3319.311 of the Revised Code. 393

(b) A person who is employed by a nonpublic school for 394
which the state board of education prescribes minimum standards 395
under section 3301.07 of the Revised Code and who is 396
certificated in accordance with section 3301.071 of the Revised 397
Code. 398

~~(7)~~—(5) "Community control sanction" has the same meaning 399
as in section 2929.01 of the Revised Code. 400

~~(8)~~—(6) "Escorted visit" means an escorted visit granted 401

under section 2967.27 of the Revised Code. 402

~~(9)~~ (7) "Post-release control" and "transitional control" 403
have the same meanings as in section 2967.01 of the Revised 404
Code. 405

~~(10)~~ (8) "Investigator of the bureau of criminal 406
identification and investigation" has the same meaning as in 407
section 2903.11 of the Revised Code. 408

~~(11)~~ (9) "Health care professional" and "health care 409
worker" have the same meanings as in section 2305.234 of the 410
Revised Code. 411

~~(12)~~ (10) "Assault or homicide offense committed against 412
hospital personnel" means a violation of this section or of 413
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 414
2903.12, or 2903.14 of the Revised Code committed in 415
circumstances in which all of the following apply: 416

(a) The victim of the offense was a health care 417
professional of a hospital, a health care worker of a hospital, 418
or a security officer of a hospital. 419

(b) The offender knew or had reasonable cause to know that 420
the victim was a health care professional of a hospital, a 421
health care worker of a hospital, or a security officer of a 422
hospital. 423

(c) The victim was engaged in the performance of the 424
victim's duties. 425

(d) The hospital offered de-escalation or crisis 426
intervention training for such professionals, workers, or 427
officers. 428

~~(13)~~ (11) "De-escalation or crisis intervention training" 429

means de-escalation or crisis intervention training for health 430
care professionals of a hospital, health care workers of a 431
hospital, and security officers of a hospital to facilitate 432
interaction with patients, members of a patient's family, and 433
visitors, including those with mental impairments. 434

~~(14)~~(12) "Assault or homicide offense committed against 435
justice system personnel" means a violation of this section or 436
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 437
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 438
circumstances in which the victim of the offense was a judge, 439
magistrate, prosecutor, or court official or employee whom the 440
offender knew or had reasonable cause to know was a judge, 441
magistrate, prosecutor, or court official or employee, and the 442
victim was engaged in the performance of the victim's duties. 443

~~(15)~~(13) "Court official or employee" means any official 444
or employee of a court created under the constitution or 445
statutes of this state or of a United States court located in 446
this state. 447

~~(16)~~(14) "Judge" means a judge of a court created under 448
the constitution or statutes of this state or of a United States 449
court located in this state. 450

~~(17)~~(15) "Magistrate" means an individual who is 451
appointed by a court of record of this state and who has the 452
powers and may perform the functions specified in Civil Rule 53, 453
Criminal Rule 19, or Juvenile Rule 40, or an individual who is 454
appointed by a United States court located in this state who has 455
similar powers and functions. 456

~~(18)~~(16) "Prosecutor" has the same meaning as in section 457
2935.01 of the Revised Code. 458

~~(19) (a)~~ (17) (a) "Hospital" means, subject to division ~~(D)~~ 459
~~(19) (b)~~ (D) (17) (b) of this section, an institution classified as 460
a hospital under section 3701.01 of the Revised Code in which 461
are provided to patients diagnostic, medical, surgical, 462
obstetrical, psychiatric, or rehabilitation care or a hospital 463
operated by a health maintenance organization. 464

(b) "Hospital" does not include any of the following: 465

(i) A facility licensed under Chapter 3721. of the Revised 466
Code, a health care facility operated by the department of 467
mental health or the department of developmental disabilities, a 468
health maintenance organization that does not operate a 469
hospital, or the office of any private, licensed health care 470
professional, whether organized for individual or group 471
practice; 472

(ii) An institution for the sick that is operated 473
exclusively for patients who use spiritual means for healing and 474
for whom the acceptance of medical care is inconsistent with 475
their religious beliefs, accredited by a national accrediting 476
organization, exempt from federal income taxation under section 477
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 478
U.S.C. 1, as amended, and providing twenty-four-hour nursing 479
care pursuant to the exemption in division (E) of section 480
4723.32 of the Revised Code from the licensing requirements of 481
Chapter 4723. of the Revised Code. 482

~~(20)~~ (18) "Health maintenance organization" has the same 483
meaning as in section 3727.01 of the Revised Code. 484

(19) "Emergency service responder," "co-worker," and 485
"family or household member" have the same meanings as in 486
section 2921.01 of the Revised Code. 487

Sec. 2903.22. (A) (1) No person shall knowingly cause 488
another to believe that the offender will cause physical harm to 489
the person or property of the other person, the other person's 490
unborn, or a member of the other person's immediate family. In 491
addition to any other basis for the other person's belief that 492
the offender will cause physical harm to the person or property 493
of the other person, the other person's unborn, or a member of 494
the other person's immediate family, the other person's belief 495
may be based on words or conduct of the offender that are 496
directed at or identify a corporation, association, or other 497
organization that employs the other person or to which the other 498
person belongs. 499

(2) No person shall knowingly place or attempt to place 500
another in reasonable fear of physical harm or death by 501
displaying a deadly weapon, if the other person is an emergency 502
service responder or a family or household member of an 503
emergency service responder and the person knows or reasonably 504
should know that the other person is an emergency service 505
responder or is a family or household member of an emergency 506
service responder. This division applies regardless of whether 507
the deadly weapon displayed is operable or inoperable. 508

(B) (1) Whoever violates this section is guilty of menacing 509
and shall be punished as provided in division (B) (2) or (3) of 510
this section. 511

(2) Except as otherwise provided in this division, 512
menacing committed in violation of division (A) (1) of this 513
section is a misdemeanor of the fourth degree. If the victim of 514
the offense is an officer or employee of a public children 515
services agency or a private child placing agency and the 516
offense relates to the officer's or employee's performance or 517

anticipated performance of official responsibilities or duties, 518
menacing committed in violation of division (A) (1) of this 519
section is a misdemeanor of the first degree or, if the offender 520
previously has been convicted of or pleaded guilty to an offense 521
of violence, the victim of that prior offense was an officer or 522
employee of a public children services agency or private child 523
placing agency, and that prior offense related to the officer's 524
or employee's performance or anticipated performance of official 525
responsibilities or duties, a felony of the fourth degree. 526

(3) Menacing committed in violation of division (A) (2) of 527
this section is a felony of the fourth degree. If the offender 528
is sentenced to a prison term for a violation of this section to 529
which this division applies, the prison term shall run 530
consecutively to any prison or jail term imposed for any other 531
offense related to the act or acts establishing the violation of 532
this section. 533

(C) As used in this section, ~~"organization"~~: 534

(1) "Emergency service responder" and "family or household 535
member" have the same meanings as in section 2921.01 of the 536
Revised Code. 537

(2) "Organization" includes an entity that is a 538
governmental employer. 539

Sec. 2909.01. As used in sections 2909.01 to 2909.07 of 540
the Revised Code: 541

(A) To "create a substantial risk of serious physical harm 542
to any person" includes the creation of a substantial risk of 543
serious physical harm to any emergency personnel. 544

(B) "Emergency personnel" means any of the following 545
persons: 546

(1) A peace officer, as defined in section 2935.01 of the Revised Code;	547 548
(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;	549 550 551 552
(3) A member of a private fire company, as defined in section 9.60 of the Revised Code, or a volunteer firefighter;	553 554
(4) A member of a joint ambulance district or joint emergency medical services district;	555 556
(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;	557 558 559 560 561
(6) The state fire marshal, the chief deputy state fire marshal, or an assistant state fire marshal;	562 563
(7) A fire prevention officer of a political subdivision or an arson, fire, or similar investigator of a political subdivision.	564 565 566
(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:	567 568 569 570
(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.	571 572 573
(2) At the time, it is occupied as the permanent or	574

temporary habitation of any person, whether or not any person is	575
actually present.	576
(3) At the time, it is specially adapted for the overnight	577
accommodation of any person, whether or not any person is	578
actually present.	579
(4) At the time, any person is present or likely to be	580
present in it.	581
(D) "Political subdivision" and "state" have the same	582
meanings as in section 2744.01 of the Revised Code.	583
(E) "Computer," "computer hacking," "computer network,"	584
"computer program," "computer software," "computer system,"	585
"data," and "telecommunications device" have the same meanings	586
as in section 2913.01 of the Revised Code.	587
(F) "Computer contaminant" means a computer program that	588
is designed to modify, damage, destroy, disable, deny or degrade	589
access to, allow unauthorized access to, functionally impair,	590
record, or transmit information within a computer, computer	591
system, or computer network without the express or implied	592
consent of the owner or other person authorized to give consent	593
and that is of a type or kind described in divisions (F)(1) to	594
(4) of this section or of a type or kind similar to a type or	595
kind described in divisions (F)(1) to (4) of this section:	596
(1) A group of computer programs commonly known as	597
"viruses" and "worms" that are self-replicating or self-	598
propagating and that are designed to contaminate other computer	599
programs, compromise computer security, consume computer	600
resources, modify, destroy, record, or transmit data, or disrupt	601
the normal operation of the computer, computer system, or	602
computer network;	603

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

(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) "Emergency service responder," "co-worker," "family or household member," and "public servant" have the same meanings as in section 2921.01 of the Revised Code.

Sec. 2909.031. If an offender is sentenced to a prison term for a violation of section 2909.02 of the Revised Code or for a violation of division (A)(4) or (B)(2) of section 2909.03 of the Revised Code, if the offender in committing the violation

caused damage to or destroyed any real or personal property of 633
another person, and if the offender caused the damage or 634
destruction in an attempt to intimidate, harass, or terrorize 635
that other person because of that other person's actual or 636
perceived employment as an emergency service responder or public 637
servant or because that other person is a family or household 638
member or co-worker of a person who is employed or is perceived 639
as being employed as an emergency service responder or public 640
servant, the prison term shall run consecutively to any prison 641
or jail term imposed for any other offense related to the act or 642
acts establishing the violation of section 2909.02 or of 643
division (A)(4) or (B)(2) of section 2909.03 of the Revised 644
Code. 645

Sec. 2909.04. (A) No person, purposely by any means or 646
knowingly by damaging or tampering with any property, shall do 647
any of the following: 648

(1) Interrupt or impair television, radio, telephone, 649
telegraph, or other mass communications service; police, fire, 650
or other public service communications; radar, loran, radio, or 651
other electronic aids to air or marine navigation or 652
communications; or amateur or citizens band radio communications 653
being used for public service or emergency communications; 654

(2) Interrupt or impair public transportation, including 655
without limitation school bus transportation, or water supply, 656
gas, power, or other utility service to the public; 657

(3) Substantially impair the ability of law enforcement 658
officers, firefighters, rescue personnel, emergency medical 659
services personnel, or emergency facility personnel to respond 660
to an emergency or to protect and preserve any person or 661
property from serious physical harm. 662

(B) No person shall knowingly use any computer, computer system, computer network, telecommunications device, or other electronic device or system or the internet so as to disrupt, interrupt, or impair the functions of any police, fire, educational, commercial, or governmental operations.

(C) No person shall knowingly cause damage or destruction to, removal of, or tampering with the operation of, any equipment or apparatus of an emergency service responder with the intent to prevent the useful operation of the equipment or apparatus.

(D) (1) Whoever violates this section is guilty of disrupting public services, a felony of the fourth degree.

~~(D)~~ (2) If an offender is sentenced to a prison term for a violation of division (C) of this section, the prison term shall run consecutively to any prison or jail term imposed for any other offense related to the act or acts establishing the violation of this section.

(E) As used in this section:

(1) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.

(2) "Emergency facility personnel" means any of the following:

(a) Any of the following individuals who perform services in the ordinary course of their professions in an emergency facility:

(i) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(ii) Registered nurses and licensed practical nurses	691
licensed under Chapter 4723. of the Revised Code;	692
(iii) Physician assistants authorized to practice under	693
Chapter 4730. of the Revised Code;	694
(iv) Health care workers;	695
(v) Clerical staffs.	696
(b) Any individual who is a security officer performing	697
security services in an emergency facility;	698
(c) Any individual who is present in an emergency	699
facility, who was summoned to the facility by an individual	700
identified in division (D) (2) (a) <u>(E) (2) (a)</u> or (b) of this	701
section.	702
(3) "Emergency facility" means a hospital emergency	703
department or any other facility that provides emergency medical	704
services.	705
(4) "Hospital" has the same meaning as in section 3727.01	706
of the Revised Code.	707
(5) "Health care worker" means an individual, other than	708
an individual specified in division (D) (2) (a) <u>(E) (2) (a)</u> , (b), or	709
(c) of this section, who provides medical or other health-	710
related care or treatment in an emergency facility, including	711
medical technicians, medical assistants, orderlies, aides, or	712
individuals acting in similar capacities.	713
Sec. 2909.05. (A) No person shall knowingly cause serious	714
physical harm to an occupied structure or any of its contents.	715
(B) (1) No person shall knowingly cause physical harm to	716
property that is owned or possessed by another, when either of	717

the following applies: 718

(a) The property is used by its owner or possessor in the 719
owner's or possessor's profession, business, trade, or 720
occupation, and the value of the property or the amount of 721
physical harm involved is one thousand dollars or more; 722

(b) Regardless of the value of the property or the amount 723
of damage done, the property or its equivalent is necessary in 724
order for its owner or possessor to engage in the owner's or 725
possessor's profession, business, trade, or occupation. 726

(2) No person shall knowingly cause serious physical harm 727
to property that is owned, leased, or controlled by a 728
governmental entity, or any entrance or curtilage to or fixture 729
on such property. ~~A governmental entity includes, but is not~~ 730
~~limited to, the state or a political subdivision of the state, a~~ 731
~~school district, the board of trustees of a public library or~~ 732
~~public university, or any other body corporate and politic~~ 733
~~responsible for governmental activities only in geographical~~ 734
~~areas smaller than that of the state.~~ 735

(C) No person, without privilege to do so, shall knowingly 736
cause serious physical harm to any tomb, monument, gravestone, 737
or other similar structure that is used as a memorial for the 738
dead; to any fence, railing, curb, or other property that is 739
used to protect, enclose, or ornament any cemetery; or to a 740
cemetery. 741

(D) No person, without privilege to do so, shall knowingly 742
cause physical harm to a place of burial by breaking and 743
entering into a tomb, crypt, casket, or other structure that is 744
used as a memorial for the dead or as an enclosure for the dead. 745

(E) Whoever violates this section is guilty of vandalism. 746

Except as otherwise provided in this division, vandalism is a 747
felony of the fifth degree that is punishable by a fine of up to 748
two thousand five hundred dollars in addition to the penalties 749
specified for a felony of the fifth degree in sections 2929.11 750
to 2929.18 of the Revised Code. If the value of the property or 751
the amount of physical harm involved is seven thousand five 752
hundred dollars or more but less than one hundred fifty thousand 753
dollars, vandalism is a felony of the fourth degree. If the 754
value of the property or the amount of physical harm involved is 755
one hundred fifty thousand dollars or more, vandalism is a 756
felony of the third degree. 757

(F) For purposes of this section: 758

(1) "Cemetery" means any place of burial and includes 759
burial sites that contain American Indian burial objects placed 760
with or containing American Indian human remains. 761

(2) A "governmental entity" includes, but is not limited 762
to, any of the following: 763

(a) The state or a political subdivision of the state, a 764
school district, the board of trustees of a public library or 765
public university, or any other body corporate and politic 766
responsible for governmental activities only in geographical 767
areas smaller than that of the state; 768

(b) The government of the United States or any department, 769
agency, or instrumentality, corporate or otherwise, of the 770
government of the United States. 771

(3) "Serious physical harm" means physical harm to 772
property that results in loss to the value of the property of 773
one thousand dollars or more. 774

Sec. 2917.01. (A) No person shall knowingly engage in 775

conduct designed to urge or incite another to commit any offense 776
of violence, when either of the following apply: 777

(1) The conduct takes place under circumstances that 778
create a clear and present danger that any offense of violence 779
will be committed; 780

(2) The conduct proximately results in the commission of 781
any offense of violence. 782

(B) Whoever violates this section is guilty of inciting to 783
violence. If Except as otherwise provided in this division, if 784
the offense of violence that the other person is being urged or 785
incited to commit is a misdemeanor, inciting to violence is a 786
misdemeanor of the first degree. If the offense of violence that 787
the other person is being urged or incited to commit is a 788
felony, inciting to violence is a felony of the third degree. If 789
the offender's conduct in violation of division (A) of this 790
section is designed to urge or incite another to commit an 791
offense of violence against an emergency service responder or a 792
family or household member of an emergency service responder, 793
inciting to violence is a felony of the third degree. 794

(C) If an offender is sentenced to a prison term for a 795
violation of this section when the offender's conduct in 796
violation of division (A) of this section was designed to urge 797
or incite another to commit an offense of violence against an 798
emergency service responder or a family or household member of 799
an emergency service responder, the prison term shall run 800
consecutively to any prison or jail term imposed for any other 801
offense related to the act or acts establishing the violation of 802
this section. 803

(D) As used in this section, "emergency service responder" 804

and "family or household member" have the same meanings as in 805
section 2921.01 of the Revised Code. 806

Sec. 2917.06. (A) As used in this section, "place of 807
public accommodation" has the same meaning as in section 4112.01 808
of the Revised Code. 809

(B) No person shall knowingly harass or intimidate another 810
person in a place of public accommodation while the person is 811
engaging in aggravated riot or riot in violation of section 812
2917.02 or 2917.03 of the Revised Code. 813

(C) Whoever violates division (B) of this section is 814
guilty of harassment in a place of public accommodation, a 815
misdemeanor of the first degree. 816

(D) Division (B) of this section does not limit or affect 817
the application of section 2903.21, 2903.22, 2917.02, 2917.03, 818
2921.03, 2921.31, or 2921.332 of the Revised Code or any other 819
section of the Revised Code. Any conduct that is a violation of 820
division (A) of this section and that also is a violation of 821
section 2903.21, 2903.22, 2917.02, 2917.03, 2921.03, 2921.31, or 822
2921.332 of the Revised Code or any other section of the Revised 823
Code may be prosecuted under this section, the other section, or 824
both sections. 825

Sec. 2917.14. (A) No person, without privilege to do so, 826
shall recklessly do any of the following: 827

(1) Obstruct any highway, street, sidewalk, or any other 828
public passage in such a manner as to render the highway, 829
street, sidewalk, or passage impassable without unreasonable 830
inconvenience or hazard and, upon receipt of a request or order 831
from an emergency service responder to remove or cease the 832
obstruction, refuse to remove or cease the obstruction; 833

(2) Violate division (A) (1) of this section if the 834
obstruction prevents an emergency vehicle from accessing a 835
highway or street, prevents an emergency service responder from 836
responding to an emergency, or prevents access to an exit from 837
an emergency. 838

(B) Division (A) of this section does not limit or affect 839
the application of section 2921.31 or 2921.332 of the Revised 840
Code or any other section of the Revised Code. Any conduct that 841
is a violation of division (A) of this section and that also is 842
a violation of section 2921.31 or 2921.332 of the Revised Code 843
or any other section of the Revised Code may be prosecuted under 844
this section, the other section, or both sections. 845

(C) (1) Whoever violates this section is guilty of 846
unlawfully impeding public passage and shall be punished as 847
provided in divisions (C) (2) to (4) of this section. 848

(2) Except as otherwise provided in this division, 849
unlawfully impeding public passage in violation of division (A) 850
(1) of this section is a misdemeanor of the first degree. If the 851
violation was committed as part of a riot, unlawfully impeding 852
public passage in violation of division (A) (1) of this section 853
is a felony of the fifth degree. 854

(3) Except as otherwise provided in this division, 855
unlawfully impeding public passage in violation of division (A) 856
(2) of this section is a felony of the fifth degree. If the 857
violation was committed as part of a riot, unlawfully impeding 858
public passage in violation of division (A) (2) of this section 859
is a felony of the fourth degree. 860

(4) If an offender is sentenced to a prison term for a 861
violation of division (A) (1) or (2) of this section, the prison 862

term shall run consecutively to any prison or jail term imposed 863
for any other offense related to the act or acts establishing 864
the violation of division (A) (1) or (2) of this section. 865

(D) As used in this section, "emergency service responder" 866
has the same meaning as in section 2921.01 of the Revised Code. 867

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of 868
the Revised Code: 869

(A) "Public official" means any elected or appointed 870
officer, or employee, or agent of the state or any political 871
subdivision, whether in a temporary or permanent capacity, and 872
includes, but is not limited to, legislators, judges, and law 873
enforcement officers. "Public official" does not include an 874
employee, officer, or governor-appointed member of the board of 875
directors of the nonprofit corporation formed under section 876
187.01 of the Revised Code. 877

(B) "Public servant" means any of the following: 878

(1) Any public official; 879

(2) Any person performing ad hoc a governmental function, 880
including, but not limited to, a juror, member of a temporary 881
commission, master, arbitrator, advisor, or consultant; 882

(3) A person who is a candidate for public office, whether 883
or not the person is elected or appointed to the office for 884
which the person is a candidate. A person is a candidate for 885
purposes of this division if the person has been nominated 886
according to law for election or appointment to public office, 887
or if the person has filed a petition or petitions as required 888
by law to have the person's name placed on the ballot in a 889
primary, general, or special election, or if the person 890
campaigns as a write-in candidate in any primary, general, or 891

special election. 892

"Public servant" does not include an employee, officer, or 893
governor-appointed member of the board of directors of the 894
nonprofit corporation formed under section 187.01 of the Revised 895
Code. 896

(C) "Party official" means any person who holds an 897
elective or appointive post in a political party in the United 898
States or this state, by virtue of which the person directs, 899
conducts, or participates in directing or conducting party 900
affairs at any level of responsibility. 901

(D) "Official proceeding" means any proceeding before a 902
legislative, judicial, administrative, or other governmental 903
agency or official authorized to take evidence under oath, and 904
includes any proceeding before a referee, hearing examiner, 905
commissioner, notary, or other person taking testimony or a 906
deposition in connection with an official proceeding. 907

(E) "Detention" means arrest; confinement in any vehicle 908
subsequent to an arrest; confinement in any public or private 909
facility for custody of persons charged with or convicted of 910
crime in this state or another state or under the laws of the 911
United States or alleged or found to be a delinquent child or 912
unruly child in this state or another state or under the laws of 913
the United States; hospitalization, institutionalization, or 914
confinement in any public or private facility that is ordered 915
pursuant to or under the authority of section 2945.37, 2945.371, 916
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 917
Code; confinement in any vehicle for transportation to or from 918
any facility of any of those natures; detention for extradition 919
or deportation; except as provided in this division, supervision 920
by any employee of any facility of any of those natures that is 921

incidental to hospitalization, institutionalization, or 922
confinement in the facility but that occurs outside the 923
facility; supervision by an employee of the department of 924
rehabilitation and correction of a person on any type of release 925
from a state correctional institution; or confinement in any 926
vehicle, airplane, or place while being returned from outside of 927
this state into this state by a private person or entity 928
pursuant to a contract entered into under division (E) of 929
section 311.29 of the Revised Code or division (B) of section 930
5149.03 of the Revised Code. For a person confined in a county 931
jail who participates in a county jail industry program pursuant 932
to section 5147.30 of the Revised Code, "detention" includes 933
time spent at an assigned work site and going to and from the 934
work site. 935

(F) "Detention facility" means any public or private place 936
used for the confinement of a person charged with or convicted 937
of any crime in this state or another state or under the laws of 938
the United States or alleged or found to be a delinquent child 939
or unruly child in this state or another state or under the laws 940
of the United States. 941

(G) "Valuable thing or valuable benefit" includes, but is 942
not limited to, a contribution. This inclusion does not indicate 943
or imply that a contribution was not included in those terms 944
before September 17, 1986. 945

(H) "Campaign committee," "contribution," "political 946
action committee," "legislative campaign fund," "political 947
party," and "political contributing entity" have the same 948
meanings as in section 3517.01 of the Revised Code. 949

(I) "Provider agreement" has the same meaning as in 950
section 5164.01 of the Revised Code. 951

(J) "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. 952
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(K) "Family or household member" means any of the following: 957
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(1) Any of the following who is residing or has resided with a person who is, or is perceived as being, employed as an emergency service responder or public servant: 959
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(a) A spouse, a person living as a spouse, or a former spouse of a person who is, or is perceived as being, employed as an emergency service responder or public servant; 962
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(b) A parent, a foster parent, or a child of a person who is, or is perceived as being, employed as an emergency service responder or public servant, or another person related by consanguinity or affinity to a person who is, or is perceived as being, employed as an emergency service responder or public servant; 965
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(c) A parent or a child of a spouse, person living as a spouse, or former spouse of a person who is, or is perceived as being, employed as an emergency service responder or public servant, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of a person who is, or is perceived as being, employed as an emergency service responder or public servant. 971
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(2) The natural parent of any child of whom a person who is, or is perceived as being, employed as an emergency service responder or public servant is the other natural parent or is 978
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the putative other natural parent. 981

(L) "Firefighter" means any member of a fire department as 982
defined in section 742.01 of the Revised Code or any person who 983
is a firefighter as defined in section 3937.41 of the Revised 984
Code. 985

(M) "First responder," "emergency medical technician- 986
basic," "emergency medical technician-intermediate," and 987
"emergency medical technician-paramedic" have the same meanings 988
as in section 4765.01 of the Revised Code. 989

(N) "Volunteer firefighter" has the same meaning as in 990
section 146.01 of the Revised Code. 991

(O) "Person living as a spouse" means a person who is 992
living or has lived with a person who is, or is perceived as 993
being, employed as an emergency service responder or public 994
servant in a common law marital relationship, who otherwise is 995
cohabiting with a person who is, or is perceived as being, 996
employed as an emergency service responder or public servant, or 997
who otherwise has cohabited with a person who is, or is 998
perceived as being, employed as an emergency service responder 999
or public servant within five years prior to the date of the 1000
alleged commission of the act in question. 1001

(P) "Co-worker" means a person who is employed by the 1002
organization or entity that is served by a person who is, or is 1003
perceived as being, employed as an emergency service responder 1004
or public servant. 1005

Sec. 2921.03. (A) No person, shall knowingly and by do 1006
either of the following: 1007

(1) By force, by unlawful threat of harm to any person or 1008
property, or by filing, recording, or otherwise using a 1009

materially false or fraudulent writing with malicious purpose, 1010
in bad faith, or in a wanton or reckless manner, ~~shall attempt~~ 1011
to influence, intimidate, or hinder a public servant, an 1012
emergency service responder, a party official, or an attorney or 1013
witness involved in a civil action or proceeding in the 1014
discharge of ~~the person's~~ the duties of the public servant, 1015
emergency service responder, party official, attorney, or 1016
witness. 1017

(2) Attempt to intimidate, harass, or terrorize another 1018
person because of that other person's actual or perceived 1019
employment as an emergency service responder or public servant 1020
or because that other person is a family or household member or 1021
co-worker of a person who is employed or is perceived as being 1022
employed as an emergency service responder or public servant, by 1023
causing damage to or destroying any real or personal property of 1024
another person if both of the following apply with respect to 1025
the damage or destruction: 1026

(a) The person caused the damage to or destroyed the 1027
property because of actual or perceived employment of that other 1028
person as an emergency service responder or public servant or 1029
because that other person is a family or household member or co- 1030
worker of a person who is employed or is perceived as being 1031
employed as an emergency service responder or public servant. 1032

(b) The damage or destruction is done without permission. 1033

(B) (1) (a) Whoever violates division (A) (1) or (2) of this 1034
section is guilty of intimidation, a felony of the third degree. 1035

(b) Division (A) (2) of this section does not limit or 1036
affect the application of section 2909.02 or 2909.03 of the 1037
Revised Code or any other section of the Revised Code. Any 1038

conduct that is a violation of division (A) (2) of this section 1039
and that also is a violation of section 2909.02, section 1040
2909.03, or any other section of the Revised Code may be 1041
prosecuted under this section, the other section, or both 1042
sections. 1043

(2) If an offender is sentenced to a prison term for a 1044
violation of division (A) (2) of this section, the term shall run 1045
consecutively to any prison or jail term imposed for any other 1046
offense related to the act or acts establishing the violation of 1047
division (A) (2) of this section. 1048

(C) A person who violates division (A) (1) or (2) of this 1049
section is liable in a civil action to any person harmed by the 1050
violation for injury, death, or loss to person or property 1051
incurred as a result of the commission of the offense and for 1052
reasonable attorney's fees, court costs, and other expenses 1053
incurred as a result of prosecuting the civil action commenced 1054
under this division. A civil action under this division is not 1055
the exclusive remedy of a person who incurs injury, death, or 1056
loss to person or property as a result of a violation of 1057
division (A) (1) or (2) of this section. 1058

Sec. 2921.15. (A) As used in this section, "peace officer" 1059
has the same meaning as in section 2935.01 of the Revised Code. 1060

(B) No person shall knowingly file a complaint against a 1061
peace officer that alleges that the peace officer engaged in 1062
misconduct in the performance of the officer's duties if the 1063
person knows that the allegation is false. 1064

(C) Whoever violates division (B) of this section is 1065
guilty of making a false allegation of peace officer misconduct, 1066
a misdemeanor of the first degree. 1067

(D) A person who violates this section is liable in a 1068
civil action under section 2307.68 of the Revised Code to any 1069
peace officer who suffers injury, death, or loss to person or 1070
property as a result of the violation. A civil action described 1071
under this division is not the exclusive remedy of a person who 1072
suffers injury, death, or loss to person or property as a result 1073
of a violation of this section. 1074

Sec. 2921.31. (A) No person, without privilege to do so 1075
and with purpose to prevent, obstruct, or delay the performance 1076
by a public official of any authorized act within the public 1077
official's official capacity, shall do any act that hampers or 1078
impedes a public official in the performance of the public 1079
official's lawful duties. 1080

(B) (1) Whoever violates this section is guilty of 1081
obstructing official business. Except as otherwise provided in 1082
this division, obstructing official business is a misdemeanor of 1083
the second degree. Except as otherwise provided in this 1084
division, if the violation of this section involves the use or 1085
threatened use of force by the offender against an emergency 1086
service responder, obstructing official business is a 1087
misdemeanor of the first degree. If a-the violation of this 1088
section creates a risk of physical harm to any person or causes 1089
physical harm to the property of an emergency service responder 1090
that is used in the responder's official duties, obstructing 1091
official business is a felony of the fifth degree. 1092

(2) If an offender is sentenced to a prison term for a 1093
violation of this section that is a felony of the fifth degree 1094
when the violation caused physical harm to the property of an 1095
emergency service responder that is used in the responder's 1096
official duties, the prison term shall run consecutively to any 1097

prison or jail term imposed for any other offense related to the 1098
act or acts establishing the violation of this section. 1099

(C) Division (A) of this section does not limit or affect 1100
the application of section 2917.14, 2921.332, or 2921.333 of the 1101
Revised Code or any other section of the Revised Code. Any 1102
conduct that is a violation of division (A) of this section and 1103
that also is a violation of section 2917.14, 2921.332, or 1104
2921.333 of the Revised Code or any other section of the Revised 1105
Code may be prosecuted under this section, the other section, or 1106
both sections. 1107

Sec. 2921.332. (A) No person shall recklessly do any of 1108
the following: 1109

(1) Taunt or torment another person, if the other person 1110
is an emergency service responder or family or household member 1111
of an emergency service responder and the person knows or 1112
reasonably should know that the other person is an emergency 1113
service responder or a family or household member of an 1114
emergency service responder; 1115

(2) Throw, expel, or propel by any means an object or 1116
substance at another person, if the other person is an emergency 1117
service responder or family or household member of an emergency 1118
service responder and the person knows or reasonably should know 1119
that the other person is an emergency service responder or a 1120
family or household member of an emergency service responder. 1121

(B) Division (A) of this section does not limit or affect 1122
the application of section 2917.14 or 2921.31 of the Revised 1123
Code or any other section of the Revised Code. Any conduct that 1124
is a violation of division (A) of this section and that also is 1125
a violation of section 2917.14 or 2921.31 of the Revised Code or 1126

any other section of the Revised Code may be prosecuted under 1127
this section, the other section, or both sections. 1128

(C)(1) Whoever violates this section is guilty of 1129
harassing an emergency service responder or family member. 1130
Except as otherwise provided in this division, harassing an 1131
emergency service responder or family member is a misdemeanor of 1132
the first degree. If the violation causes physical harm to the 1133
emergency service responder or a family or household member of 1134
the emergency service responder, harassing an emergency service 1135
responder or family member is a felony of the fourth degree. 1136

(2) If an offender is sentenced to a prison term for a 1137
violation of this section that is a felony of the fourth degree, 1138
the prison term shall run consecutively to any prison or jail 1139
term imposed for any other offense related to the act or acts 1140
establishing the violation of this section. 1141

Sec. 2921.333. (A) No person, with the intent to cause 1142
physical harm to the emergency service responder, shall 1143
knowingly discharge a laser or other device that creates visible 1144
light into the face of, or toward the head of, an emergency 1145
service responder. 1146

(B) Division (A) of this section does not limit or affect 1147
the application of section 2921.31 or 2921.332 of the Revised 1148
Code or any other section of the Revised Code. Any conduct that 1149
is a violation of division (A) of this section and that also is 1150
a violation of section 2921.31 or 2921.332 of the Revised Code 1151
or any other section of the Revised Code may be prosecuted under 1152
this section, the other section, or both sections. 1153

(C) Whoever violates this section is guilty of interfering 1154
with an emergency service provider by use of a laser, a 1155

misdemeanor of the first degree. 1156

(D) As used in this section, "laser" has the same meaning 1157
as in section 2909.081 of the Revised Code. 1158

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 1159
the Revised Code: 1160

(A) "Beneficial interest" means any of the following: 1161

(1) The interest of a person as a beneficiary under a 1162
trust in which the trustee holds title to personal or real 1163
property; 1164

(2) The interest of a person as a beneficiary under any 1165
other trust arrangement under which any other person holds title 1166
to personal or real property for the benefit of such person; 1167

(3) The interest of a person under any other form of 1168
express fiduciary arrangement under which any other person holds 1169
title to personal or real property for the benefit of such 1170
person. 1171

"Beneficial interest" does not include the interest of a 1172
stockholder in a corporation or the interest of a partner in 1173
either a general or limited partnership. 1174

(B) "Costs of investigation and prosecution" and "costs of 1175
investigation and litigation" mean all of the costs incurred by 1176
the state or a county or municipal corporation under sections 1177
2923.31 to 2923.36 of the Revised Code in the prosecution and 1178
investigation of any criminal action or in the litigation and 1179
investigation of any civil action, and includes, but is not 1180
limited to, the costs of resources and personnel. 1181

(C) "Enterprise" includes any individual, sole 1182
proprietorship, partnership, limited partnership, corporation, 1183

trust, union, government agency, or other legal entity, or any 1184
organization, association, or group of persons associated in 1185
fact although not a legal entity. "Enterprise" includes illicit 1186
as well as licit enterprises. 1187

(D) "Innocent person" includes any bona fide purchaser of 1188
property that is allegedly involved in a violation of section 1189
2923.32 of the Revised Code, including any person who 1190
establishes a valid claim to or interest in the property in 1191
accordance with division (E) of section 2981.04 of the Revised 1192
Code, and any victim of an alleged violation of that section or 1193
of any underlying offense involved in an alleged violation of 1194
that section. 1195

(E) "Pattern of corrupt activity" means two or more 1196
incidents of corrupt activity, whether or not there has been a 1197
prior conviction, that are related to the affairs of the same 1198
enterprise, are not isolated, and are not so closely related to 1199
each other and connected in time and place that they constitute 1200
a single event. 1201

At least one of the incidents forming the pattern shall 1202
occur on or after January 1, 1986. Unless any incident was an 1203
aggravated murder or murder, the last of the incidents forming 1204
the pattern shall occur within six years after the commission of 1205
any prior incident forming the pattern, excluding any period of 1206
imprisonment served by any person engaging in the corrupt 1207
activity. 1208

For the purposes of the criminal penalties that may be 1209
imposed pursuant to section 2923.32 of the Revised Code, at 1210
least one of the incidents forming the pattern shall constitute 1211
a felony under the laws of this state in existence at the time 1212
it was committed or, if committed in violation of the laws of 1213

the United States or of any other state, shall constitute a 1214
felony under the law of the United States or the other state and 1215
would be a criminal offense under the law of this state if 1216
committed in this state. 1217

(F) "Pecuniary value" means money, a negotiable 1218
instrument, a commercial interest, or anything of value, as 1219
defined in section 1.03 of the Revised Code, or any other 1220
property or service that has a value in excess of one hundred 1221
dollars. 1222

(G) "Person" means any person, as defined in section 1.59 1223
of the Revised Code, and any governmental officer, employee, or 1224
entity. 1225

(H) "Personal property" means any personal property, any 1226
interest in personal property, or any right, including, but not 1227
limited to, bank accounts, debts, corporate stocks, patents, or 1228
copyrights. Personal property and any beneficial interest in 1229
personal property are deemed to be located where the trustee of 1230
the property, the personal property, or the instrument 1231
evidencing the right is located. 1232

(I) "Corrupt activity" means engaging in, attempting to 1233
engage in, conspiring to engage in, or soliciting, coercing, or 1234
intimidating another person to engage in any of the following: 1235

(1) Conduct defined as "racketeering activity" under the 1236
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1237
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 1238

(2) Conduct constituting any of the following: 1239

(a) A violation of section 1315.55, 1322.07, 2903.01, 1240
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 1241
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 1242

this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1243
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 1244
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 1245
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 1246
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 1247
division (F) (1) (a), (b), or (c) of section 1315.53; division (A) 1248
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), 1249
or (F) of section 1707.44; division (A) (1) or (2) of section 1250
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 1251
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 1252
division (C), (D), or (E) of section 4719.07; section 4719.08; 1253
or division (A) of section 4719.09 of the Revised Code. 1254

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 1255
3769.19 of the Revised Code as it existed prior to July 1, 1996, 1256
any violation of section 2915.02 of the Revised Code that occurs 1257
on or after July 1, 1996, and that, had it occurred prior to 1258
that date, would have been a violation of section 3769.11 of the 1259
Revised Code as it existed prior to that date, or any violation 1260
of section 2915.05 of the Revised Code that occurs on or after 1261
July 1, 1996, and that, had it occurred prior to that date, 1262
would have been a violation of section 3769.15, 3769.16, or 1263
3769.19 of the Revised Code as it existed prior to that date. 1264

(c) Any violation of section 2907.21, 2907.22, 2907.31, 1265
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 1266
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1267
of the Revised Code, any violation of section 2925.11 of the 1268
Revised Code that is a felony of the first, second, third, or 1269
fourth degree and that occurs on or after July 1, 1996, any 1270
violation of section 2915.02 of the Revised Code that occurred 1271
prior to July 1, 1996, any violation of section 2915.02 of the 1272
Revised Code that occurs on or after July 1, 1996, and that, had 1273

it occurred prior to that date, would not have been a violation 1274
of section 3769.11 of the Revised Code as it existed prior to 1275
that date, any violation of section 2915.06 of the Revised Code 1276
as it existed prior to July 1, 1996, or any violation of 1277
division (B) of section 2915.05 of the Revised Code as it exists 1278
on and after July 1, 1996, when the proceeds of the violation, 1279
the payments made in the violation, the amount of a claim for 1280
payment or for any other benefit that is false or deceptive and 1281
that is involved in the violation, or the value of the 1282
contraband or other property illegally possessed, sold, or 1283
purchased in the violation exceeds one thousand dollars, or any 1284
combination of violations described in division (I) (2) (c) of 1285
this section when the total proceeds of the combination of 1286
violations, payments made in the combination of violations, 1287
amount of the claims for payment or for other benefits that is 1288
false or deceptive and that is involved in the combination of 1289
violations, or value of the contraband or other property 1290
illegally possessed, sold, or purchased in the combination of 1291
violations exceeds one thousand dollars; 1292

(d) Any violation of section 5743.112 of the Revised Code 1293
when the amount of unpaid tax exceeds one hundred dollars; 1294

(e) Any violation or combination of violations of section 1295
2907.32 of the Revised Code involving any material or 1296
performance containing a display of bestiality or of sexual 1297
conduct, as defined in section 2907.01 of the Revised Code, that 1298
is explicit and depicted with clearly visible penetration of the 1299
genitals or clearly visible penetration by the penis of any 1300
orifice when the total proceeds of the violation or combination 1301
of violations, the payments made in the violation or combination 1302
of violations, or the value of the contraband or other property 1303
illegally possessed, sold, or purchased in the violation or 1304

combination of violations exceeds one thousand dollars; 1305

(f) Any combination of violations described in division 1306
(I) (2) (c) of this section and violations of section 2907.32 of 1307
the Revised Code involving any material or performance 1308
containing a display of bestiality or of sexual conduct, as 1309
defined in section 2907.01 of the Revised Code, that is explicit 1310
and depicted with clearly visible penetration of the genitals or 1311
clearly visible penetration by the penis of any orifice when the 1312
total proceeds of the combination of violations, payments made 1313
in the combination of violations, amount of the claims for 1314
payment or for other benefits that is false or deceptive and 1315
that is involved in the combination of violations, or value of 1316
the contraband or other property illegally possessed, sold, or 1317
purchased in the combination of violations exceeds one thousand 1318
dollars; 1319

(g) Any violation of section 2905.32 of the Revised Code 1320
to the extent the violation is not based solely on the same 1321
conduct that constitutes corrupt activity pursuant to division 1322
(I) (2) (c) of this section due to the conduct being in violation 1323
of section 2907.21 of the Revised Code. 1324

(3) Conduct constituting a violation of any law of any 1325
state other than this state that is substantially similar to the 1326
conduct described in division (I) (2) of this section, provided 1327
the defendant was convicted of the conduct in a criminal 1328
proceeding in the other state; 1329

(4) Animal or ecological terrorism; 1330

(5) (a) Conduct constituting any of the following: 1331

(i) Organized retail theft; 1332

(ii) Conduct that constitutes one or more violations of 1333

any law of any state other than this state, that is 1334
substantially similar to organized retail theft, and that if 1335
committed in this state would be organized retail theft, if the 1336
defendant was convicted of or pleaded guilty to the conduct in a 1337
criminal proceeding in the other state. 1338

(b) By enacting division (I) (5) (a) of this section, it is 1339
the intent of the general assembly to add organized retail theft 1340
and the conduct described in division (I) (5) (a) (ii) of this 1341
section as conduct constituting corrupt activity. The enactment 1342
of division (I) (5) (a) of this section and the addition by 1343
division (I) (5) (a) of this section of organized retail theft and 1344
the conduct described in division (I) (5) (a) (ii) of this section 1345
as conduct constituting corrupt activity does not limit or 1346
preclude, and shall not be construed as limiting or precluding, 1347
any prosecution for a violation of section 2923.32 of the 1348
Revised Code that is based on one or more violations of section 1349
2913.02 or 2913.51 of the Revised Code, one or more similar 1350
offenses under the laws of this state or any other state, or any 1351
combination of any of those violations or similar offenses, even 1352
though the conduct constituting the basis for those violations 1353
or offenses could be construed as also constituting organized 1354
retail theft or conduct of the type described in division (I) (5) 1355
(a) (ii) of this section. 1356

(6) Providing material support or resources with purpose 1357
that the material support or resources will be used in whole or 1358
in part to plan, prepare, carry out, or aid in conduct that 1359
constitutes a violation of section 2917.02 or 2917.03 of the 1360
Revised Code; 1361

(7) Organizing persons or calling persons to gather for 1362
the purpose of engaging in a violation of section 2917.02 or 1363

<u>2917.03 of the Revised Code.</u>	1364
(J) "Real property" means any real property or any interest in real property, including, but not limited to, any lease of, or mortgage upon, real property. Real property and any beneficial interest in it is deemed to be located where the real property is located.	1365 1366 1367 1368 1369
(K) "Trustee" means any of the following:	1370
(1) Any person acting as trustee under a trust in which the trustee holds title to personal or real property;	1371 1372
(2) Any person who holds title to personal or real property for which any other person has a beneficial interest;	1373 1374
(3) Any successor trustee.	1375
"Trustee" does not include an assignee or trustee for an insolvent debtor or an executor, administrator, administrator with the will annexed, testamentary trustee, guardian, or committee, appointed by, under the control of, or accountable to a court.	1376 1377 1378 1379 1380
(L) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of any federal or state law relating to the business of gambling activity or relating to the business of lending money at an usurious rate unless the creditor proves, by a preponderance of the evidence, that the usurious rate was not intentionally set and that it resulted from a good faith error by the creditor, notwithstanding the maintenance of procedures that were adopted by the creditor to avoid an error of that nature.	1381 1382 1383 1384 1385 1386 1387 1388 1389 1390 1391

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

(N) "Animal facility" means a vehicle, building, structure, nature preserve, or other premises in which an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, including, but not limited to, a zoo, rodeo, circus, amusement park, hunting preserve, or premises in which a horse or dog event is held.

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

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

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

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

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

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

Sec. 2929.41. (A) Except as provided in division (B) of this section, division (C) of section 2929.14, or division (D) or (E) of section 2971.03 of the Revised Code, a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of imprisonment imposed by a court of this state, another state, or the United States. Except as provided in division (B) (3) of this section, a jail term or sentence of imprisonment for misdemeanor shall be served concurrently with a prison term or sentence of imprisonment for felony served in a state or federal correctional institution.

(B) (1)(a) A prison term for a felony shall be served 1451
consecutively to any other prison term or sentence of 1452
imprisonment when required by division (D) (1) (c) of section 1453
2903.11, division (C) (10) of section 2903.13, division (B) (3) of 1454
section 2903.22, section 2909.031, division (D) (2) of section 1455
2909.04, division (C) of section 2917.01, division (C) (4) of 1456
section 2917.14, division (B) (2) of section 2921.03, division 1457
(B) (2) of section 2921.31, or division (C) (2) of section 1458
2921.332 of the Revised Code. When consecutive prison terms are 1459
imposed pursuant to this division, the term to be served shall 1460
be determined in accordance with divisions (C) (9) and (10) of 1461
section 2929.14 of the Revised Code. 1462

(b) A jail term or sentence of imprisonment for a 1463
misdemeanor shall be served consecutively to any other prison 1464
term, jail term, or sentence of imprisonment when the trial 1465
court specifies that it is to be served consecutively or when it 1466
is imposed for a misdemeanor violation of section 2907.322, 1467
2921.34, or 2923.131 of the Revised Code. 1468

When consecutive sentences are imposed for misdemeanor 1469
under this division, the term to be served is the aggregate of 1470
the consecutive terms imposed, except that the aggregate term to 1471
be served shall not exceed eighteen months. 1472

(2) If a court of this state imposes a prison term upon 1473
the offender for the commission of a felony and a court of 1474
another state or the United States also has imposed a prison 1475
term upon the offender for the commission of a felony, the court 1476
of this state may order that the offender serve the prison term 1477
it imposes consecutively to any prison term imposed upon the 1478
offender by the court of another state or the United States. 1479

(3) A jail term or sentence of imprisonment imposed for a 1480

misdemeanor violation of section 4510.11, 4510.14, 4510.16, 1481
4510.21, or 4511.19 of the Revised Code shall be served 1482
consecutively to a prison term that is imposed for a felony 1483
violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of 1484
the Revised Code or a felony violation of section 2903.04 of the 1485
Revised Code involving the operation of a motor vehicle by the 1486
offender and that is served in a state correctional institution 1487
when the trial court specifies that it is to be served 1488
consecutively. 1489

When consecutive jail terms or sentences of imprisonment 1490
and prison terms are imposed for one or more misdemeanors and 1491
one or more felonies under this division, the term to be served 1492
is the aggregate of the consecutive terms imposed, and the 1493
offender shall serve all terms imposed for a felony before 1494
serving any term imposed for a misdemeanor. 1495

Section 2. That existing sections 2903.11, 2903.13, 1496
2903.22, 2909.01, 2909.04, 2909.05, 2917.01, 2921.01, 2921.03, 1497
2921.15, 2921.31, 2923.31, and 2929.41 of the Revised Code are 1498
hereby repealed. 1499

Section 3. The General Assembly, applying the principle 1500
stated in division (B) of section 1.52 of the Revised Code that 1501
amendments are to be harmonized if reasonably capable of 1502
simultaneous operation, finds that the following sections, 1503
presented in this act as composites of the sections as amended 1504
by the acts indicated, are the resulting versions of the 1505
sections in effect prior to the effective date of the sections 1506
as presented in this act: 1507

Section 2903.11 of the Revised Code as amended by both 1508
S.B. 20 and S.B. 201 of the 132nd General Assembly. 1509

Section 2921.03 of the Revised Code as amended by both	1510
H.B. 88 and H.B. 644 of the 121st General Assembly.	1511
Section 2923.31 of the Revised Code as amended by both	1512
H.B. 199 and H.B. 405 of the 132nd General Assembly.	1513