

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 415

Representative Powell

**Cosponsors: Representatives Wiggam, Becker, Carfagna, Koehler, Vitale, Riedel,
LaRe, Keller, Romanchuk, Abrams, Blair, Manchester, McClain, O'Brien**

A BILL

To amend section 2923.31 and to enact section 1
2907.251 of the Revised Code to prohibit a 2
person from receiving proceeds of prostitution. 3

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

Section 1. That section 2923.31 be amended and section 4
2907.251 of the Revised Code be enacted to read as follows: 5

Sec. 2907.251. (A) As used in this section, "sexual 6
activity for hire" has the same meaning as in section 2907.24 of 7
the Revised Code. 8

(B) No person shall knowingly receive or acquire money or 9
any other thing of value from a prostitute earned from sexual 10
activity for hire. 11

(C) (1) Whoever violates this section is guilty of 12
receiving proceeds of prostitution. Except as provided in 13
division (C) (2) of this section, receiving proceeds of 14
prostitution is a felony of the third degree. 15

(2) If a person violates this section by knowingly 16

receiving or acquiring money or any other thing of value from a 17
prostitute under division (B) of this section and the prostitute 18
is under eighteen years of age, receiving proceeds of 19
prostitution is a felony of the second degree. 20

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 21
the Revised Code: 22

(A) "Beneficial interest" means any of the following: 23

(1) The interest of a person as a beneficiary under a 24
trust in which the trustee holds title to personal or real 25
property; 26

(2) The interest of a person as a beneficiary under any 27
other trust arrangement under which any other person holds title 28
to personal or real property for the benefit of such person; 29

(3) The interest of a person under any other form of 30
express fiduciary arrangement under which any other person holds 31
title to personal or real property for the benefit of such 32
person. 33

"Beneficial interest" does not include the interest of a 34
stockholder in a corporation or the interest of a partner in 35
either a general or limited partnership. 36

(B) "Costs of investigation and prosecution" and "costs of 37
investigation and litigation" mean all of the costs incurred by 38
the state or a county or municipal corporation under sections 39
2923.31 to 2923.36 of the Revised Code in the prosecution and 40
investigation of any criminal action or in the litigation and 41
investigation of any civil action, and includes, but is not 42
limited to, the costs of resources and personnel. 43

(C) "Enterprise" includes any individual, sole 44

proprietorship, partnership, limited partnership, corporation, 45
trust, union, government agency, or other legal entity, or any 46
organization, association, or group of persons associated in 47
fact although not a legal entity. "Enterprise" includes illicit 48
as well as licit enterprises. 49

(D) "Innocent person" includes any bona fide purchaser of 50
property that is allegedly involved in a violation of section 51
2923.32 of the Revised Code, including any person who 52
establishes a valid claim to or interest in the property in 53
accordance with division (E) of section 2981.04 of the Revised 54
Code, and any victim of an alleged violation of that section or 55
of any underlying offense involved in an alleged violation of 56
that section. 57

(E) "Pattern of corrupt activity" means two or more 58
incidents of corrupt activity, whether or not there has been a 59
prior conviction, that are related to the affairs of the same 60
enterprise, are not isolated, and are not so closely related to 61
each other and connected in time and place that they constitute 62
a single event. 63

At least one of the incidents forming the pattern shall 64
occur on or after January 1, 1986. Unless any incident was an 65
aggravated murder or murder, the last of the incidents forming 66
the pattern shall occur within six years after the commission of 67
any prior incident forming the pattern, excluding any period of 68
imprisonment served by any person engaging in the corrupt 69
activity. 70

For the purposes of the criminal penalties that may be 71
imposed pursuant to section 2923.32 of the Revised Code, at 72
least one of the incidents forming the pattern shall constitute 73
a felony under the laws of this state in existence at the time 74

it was committed or, if committed in violation of the laws of 75
the United States or of any other state, shall constitute a 76
felony under the law of the United States or the other state and 77
would be a criminal offense under the law of this state if 78
committed in this state. 79

(F) "Pecuniary value" means money, a negotiable 80
instrument, a commercial interest, or anything of value, as 81
defined in section 1.03 of the Revised Code, or any other 82
property or service that has a value in excess of one hundred 83
dollars. 84

(G) "Person" means any person, as defined in section 1.59 85
of the Revised Code, and any governmental officer, employee, or 86
entity. 87

(H) "Personal property" means any personal property, any 88
interest in personal property, or any right, including, but not 89
limited to, bank accounts, debts, corporate stocks, patents, or 90
copyrights. Personal property and any beneficial interest in 91
personal property are deemed to be located where the trustee of 92
the property, the personal property, or the instrument 93
evidencing the right is located. 94

(I) "Corrupt activity" means engaging in, attempting to 95
engage in, conspiring to engage in, or soliciting, coercing, or 96
intimidating another person to engage in any of the following: 97

(1) Conduct defined as "racketeering activity" under the 98
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 99
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 100

(2) Conduct constituting any of the following: 101

(a) A violation of section 1315.55, 1322.07, 2903.01, 102
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 103

2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 104
this section, 2907.251, 2907.321, 2907.322, 2907.323, 2909.02, 105
2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 106
2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 107
2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 108
2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 109
2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; 110
division (A)(1) or (2) of section 1707.042; division (B), (C) 111
(4), (D), (E), or (F) of section 1707.44; division (A)(1) or (2) 112
of section 2923.20; division (E) or (G) of section 3772.99; 113
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 114
4719.06; division (C), (D), or (E) of section 4719.07; section 115
4719.08; or division (A) of section 4719.09 of the Revised Code. 116

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 117
3769.19 of the Revised Code as it existed prior to July 1, 1996, 118
any violation of section 2915.02 of the Revised Code that occurs 119
on or after July 1, 1996, and that, had it occurred prior to 120
that date, would have been a violation of section 3769.11 of the 121
Revised Code as it existed prior to that date, or any violation 122
of section 2915.05 of the Revised Code that occurs on or after 123
July 1, 1996, and that, had it occurred prior to that date, 124
would have been a violation of section 3769.15, 3769.16, or 125
3769.19 of the Revised Code as it existed prior to that date. 126

(c) Any violation of section 2907.21, 2907.22, 2907.31, 127
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 128
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 129
of the Revised Code, any violation of section 2925.11 of the 130
Revised Code that is a felony of the first, second, third, or 131
fourth degree and that occurs on or after July 1, 1996, any 132
violation of section 2915.02 of the Revised Code that occurred 133
prior to July 1, 1996, any violation of section 2915.02 of the 134

Revised Code that occurs on or after July 1, 1996, and that, had 135
it occurred prior to that date, would not have been a violation 136
of section 3769.11 of the Revised Code as it existed prior to 137
that date, any violation of section 2915.06 of the Revised Code 138
as it existed prior to July 1, 1996, or any violation of 139
division (B) of section 2915.05 of the Revised Code as it exists 140
on and after July 1, 1996, when the proceeds of the violation, 141
the payments made in the violation, the amount of a claim for 142
payment or for any other benefit that is false or deceptive and 143
that is involved in the violation, or the value of the 144
contraband or other property illegally possessed, sold, or 145
purchased in the violation exceeds one thousand dollars, or any 146
combination of violations described in division (I) (2) (c) of 147
this section when the total proceeds of the combination of 148
violations, payments made in the combination of violations, 149
amount of the claims for payment or for other benefits that is 150
false or deceptive and that is involved in the combination of 151
violations, or value of the contraband or other property 152
illegally possessed, sold, or purchased in the combination of 153
violations exceeds one thousand dollars; 154

(d) Any violation of section 5743.112 of the Revised Code 155
when the amount of unpaid tax exceeds one hundred dollars; 156

(e) Any violation or combination of violations of section 157
2907.32 of the Revised Code involving any material or 158
performance containing a display of bestiality or of sexual 159
conduct, as defined in section 2907.01 of the Revised Code, that 160
is explicit and depicted with clearly visible penetration of the 161
genitals or clearly visible penetration by the penis of any 162
orifice when the total proceeds of the violation or combination 163
of violations, the payments made in the violation or combination 164
of violations, or the value of the contraband or other property 165

illegally possessed, sold, or purchased in the violation or	166
combination of violations exceeds one thousand dollars;	167
(f) Any combination of violations described in division	168
(I) (2) (c) of this section and violations of section 2907.32 of	169
the Revised Code involving any material or performance	170
containing a display of bestiality or of sexual conduct, as	171
defined in section 2907.01 of the Revised Code, that is explicit	172
and depicted with clearly visible penetration of the genitals or	173
clearly visible penetration by the penis of any orifice when the	174
total proceeds of the combination of violations, payments made	175
in the combination of violations, amount of the claims for	176
payment or for other benefits that is false or deceptive and	177
that is involved in the combination of violations, or value of	178
the contraband or other property illegally possessed, sold, or	179
purchased in the combination of violations exceeds one thousand	180
dollars;	181
(g) Any violation of section 2905.32 of the Revised Code	182
to the extent the violation is not based solely on the same	183
conduct that constitutes corrupt activity pursuant to division	184
(I) (2) (c) of this section due to the conduct being in violation	185
of section 2907.21 of the Revised Code.	186
(3) Conduct constituting a violation of any law of any	187
state other than this state that is substantially similar to the	188
conduct described in division (I) (2) of this section, provided	189
the defendant was convicted of the conduct in a criminal	190
proceeding in the other state;	191
(4) Animal or ecological terrorism;	192
(5) (a) Conduct constituting any of the following:	193
(i) Organized retail theft;	194

(ii) Conduct that constitutes one or more violations of 195
any law of any state other than this state, that is 196
substantially similar to organized retail theft, and that if 197
committed in this state would be organized retail theft, if the 198
defendant was convicted of or pleaded guilty to the conduct in a 199
criminal proceeding in the other state. 200

(b) By enacting division (I) (5) (a) of this section, it is 201
the intent of the general assembly to add organized retail theft 202
and the conduct described in division (I) (5) (a) (ii) of this 203
section as conduct constituting corrupt activity. The enactment 204
of division (I) (5) (a) of this section and the addition by 205
division (I) (5) (a) of this section of organized retail theft and 206
the conduct described in division (I) (5) (a) (ii) of this section 207
as conduct constituting corrupt activity does not limit or 208
preclude, and shall not be construed as limiting or precluding, 209
any prosecution for a violation of section 2923.32 of the 210
Revised Code that is based on one or more violations of section 211
2913.02 or 2913.51 of the Revised Code, one or more similar 212
offenses under the laws of this state or any other state, or any 213
combination of any of those violations or similar offenses, even 214
though the conduct constituting the basis for those violations 215
or offenses could be construed as also constituting organized 216
retail theft or conduct of the type described in division (I) (5) 217
(a) (ii) of this section. 218

(J) "Real property" means any real property or any 219
interest in real property, including, but not limited to, any 220
lease of, or mortgage upon, real property. Real property and any 221
beneficial interest in it is deemed to be located where the real 222
property is located. 223

(K) "Trustee" means any of the following: 224

(1) Any person acting as trustee under a trust in which	225
the trustee holds title to personal or real property;	226
(2) Any person who holds title to personal or real	227
property for which any other person has a beneficial interest;	228
(3) Any successor trustee.	229
"Trustee" does not include an assignee or trustee for an	230
insolvent debtor or an executor, administrator, administrator	231
with the will annexed, testamentary trustee, guardian, or	232
committee, appointed by, under the control of, or accountable to	233
a court.	234
(L) "Unlawful debt" means any money or other thing of	235
value constituting principal or interest of a debt that is	236
legally unenforceable in this state in whole or in part because	237
the debt was incurred or contracted in violation of any federal	238
or state law relating to the business of gambling activity or	239
relating to the business of lending money at an usurious rate	240
unless the creditor proves, by a preponderance of the evidence,	241
that the usurious rate was not intentionally set and that it	242
resulted from a good faith error by the creditor,	243
notwithstanding the maintenance of procedures that were adopted	244
by the creditor to avoid an error of that nature.	245
(M) "Animal activity" means any activity that involves the	246
use of animals or animal parts, including, but not limited to,	247
hunting, fishing, trapping, traveling, camping, the production,	248
preparation, or processing of food or food products, clothing or	249
garment manufacturing, medical research, other research,	250
entertainment, recreation, agriculture, biotechnology, or	251
service activity that involves the use of animals or animal	252
parts.	253

(N) "Animal facility" means a vehicle, building, 254
structure, nature preserve, or other premises in which an animal 255
is lawfully kept, handled, housed, exhibited, bred, or offered 256
for sale, including, but not limited to, a zoo, rodeo, circus, 257
amusement park, hunting preserve, or premises in which a horse 258
or dog event is held. 259

(O) "Animal or ecological terrorism" means the commission 260
of any felony that involves causing or creating a substantial 261
risk of physical harm to any property of another, the use of a 262
deadly weapon or dangerous ordnance, or purposely, knowingly, or 263
recklessly causing serious physical harm to property and that 264
involves an intent to obstruct, impede, or deter any person from 265
participating in a lawful animal activity, from mining, 266
forestry, harvesting, gathering, or processing natural 267
resources, or from being lawfully present in or on an animal 268
facility or research facility. 269

(P) "Research facility" means a place, laboratory, 270
institution, medical care facility, government facility, or 271
public or private educational institution in which a scientific 272
test, experiment, or investigation involving the use of animals 273
or other living organisms is lawfully carried out, conducted, or 274
attempted. 275

(Q) "Organized retail theft" means the theft of retail 276
property with a retail value of one thousand dollars or more 277
from one or more retail establishments with the intent to sell, 278
deliver, or transfer that property to a retail property fence. 279

(R) "Retail property" means any tangible personal property 280
displayed, held, stored, or offered for sale in or by a retail 281
establishment. 282

(S) "Retail property fence" means a person who possesses, 283
procures, receives, or conceals retail property that was 284
represented to the person as being stolen or that the person 285
knows or believes to be stolen. 286

(T) "Retail value" means the full retail value of the 287
retail property. In determining whether the retail value of 288
retail property equals or exceeds one thousand dollars, the 289
value of all retail property stolen from the retail 290
establishment or retail establishments by the same person or 291
persons within any one-hundred-eighty-day period shall be 292
aggregated. 293

Section 2. That existing section 2923.31 of the Revised 294
Code is hereby repealed. 295

Section 3. Section 2923.31 of the Revised Code is 296
presented in this act as a composite of the section as amended 297
by both H.B. 199 and H.B. 405 of the 132nd General Assembly. The 298
General Assembly, applying the principle stated in division (B) 299
of section 1.52 of the Revised Code that amendments are to be 300
harmonized if reasonably capable of simultaneous operation, 301
finds that the composite is the resulting version of the section 302
in effect prior to the effective date of the section as 303
presented in this act. 304