

As Introduced

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

H. B. No. 366

Representative Ghanbari

A BILL

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

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

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

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

(1) Money paid to the treasurer of state pursuant to the 18
judgment of a court in a criminal case as reimbursement of 19

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

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

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

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

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

Sec. 177.02. (A) Any person may file with the organized 41
crime investigations commission a complaint that alleges that 42
organized criminal activity has occurred in a county. A person 43
who files a complaint under this division also may file with the 44
commission information relative to the complaint. 45

~~(B)~~ (B) (1) Upon the filing of a complaint under division 46
(A) of this section or upon its own initiative, the commission 47
may establish an organized crime task force to investigate 48

organized criminal activity in a single county or in two or more 49
counties if it determines, based upon the complaint filed and 50
the information relative to it or based upon any information 51
that it may have received, that there is reason to believe that 52
organized criminal activity has occurred and continues to occur 53
in that county or in each of those counties. The commission 54
shall not establish an organized crime task force to investigate 55
organized criminal activity in any single county unless it makes 56
the determination required under this division relative to that 57
county and shall not establish an organized crime task force to 58
investigate organized criminal activity in two or more counties 59
unless it makes the determination required under this division 60
relative to each of those counties. The commission, at any time, 61
may terminate an organized crime task force it has established 62
under this section. 63

(2) An organized retail theft task force is established 64
within the commission to investigate organized retail theft 65
activity. The task force may investigate based on any complaint 66
filed or information the task force receives that gives reason 67
to believe organized retail theft has occurred and continues to 68
occur in one or more counties. 69

The task force director and members of the organized 70
retail theft task force shall be appointed in the same manner as 71
an organized crime task force under division (C) of this 72
section. In addition to the task force members referenced in 73
that division, the president or chief executive officer of the 74
Ohio council of retail merchants shall be a member of the 75
organized retail theft task force. 76

(C) (1) If the commission establishes an organized crime 77
task force to investigate organized criminal activity in a 78

single county or in two or more counties pursuant to division 79
(B) of this section, the commission initially shall appoint a 80
task force director to directly supervise the investigation. The 81
task force director shall be either the sheriff or a deputy 82
sheriff of any county in the state, the chief law enforcement 83
officer or a member of a law enforcement agency of any municipal 84
corporation or township in the state, or an agent of the bureau 85
of criminal identification and investigation. No person shall be 86
appointed as task force director without the person's consent 87
and, if applicable, the consent of the person's employing 88
sheriff or law enforcement agency or of the superintendent of 89
the bureau of criminal identification and investigation if the 90
person is an employee of the bureau. Upon appointment of a task 91
force director, the commission shall meet with the director and 92
establish the scope and limits of the investigation to be 93
conducted by the task force and the size of the task force 94
investigatory staff to be appointed by the task force director. 95
The commission, at any time, may remove a task force director 96
appointed under this division and may replace any director so 97
removed according to the guidelines for the initial appointment 98
of a director. 99

(2) A task force director appointed under this section 100
shall assemble a task force investigatory staff, of a size 101
determined by the commission and the director, to conduct the 102
investigation. Unless it appears to the commission and the 103
director, based upon the complaint filed and any information 104
relative to it or based upon any information that the commission 105
may have received, that there is reason to believe that the 106
office of the prosecuting attorney of the county or one of the 107
counties served by the task force is implicated in the organized 108
criminal activity to be investigated, one member of the 109

investigatory staff shall be the prosecuting attorney or an 110
assistant prosecuting attorney of the county or one of the 111
counties served by the task force. If a prosecuting attorney or 112
assistant prosecuting attorney is not a participating member of 113
the task force, the office of the attorney general shall provide 114
legal assistance to the task force upon request. Each of the 115
other members of the investigatory staff shall be either the 116
sheriff or a deputy sheriff of any county in the state, the 117
chief law enforcement officer or a member of a law enforcement 118
agency of any municipal corporation or township in the state, or 119
an agent of the bureau of criminal identification and 120
investigation. No person shall be appointed to the investigatory 121
staff without the person's consent and, if applicable, the 122
consent of the person's employing sheriff or law enforcement 123
agency or the superintendent of the bureau of criminal 124
identification and investigation if the person is an employee of 125
the bureau. To the extent possible, the investigatory staff 126
shall be composed of persons familiar with investigatory 127
techniques that generally would be utilized in an investigation 128
of organized criminal activity. To the extent practicable, the 129
investigatory staff shall be assembled in such a manner that 130
numerous law enforcement agencies within the county or the 131
counties served by the task force are represented on the 132
investigatory staff. The investigatory staff shall be assembled 133
in such a manner that at least one sheriff, deputy sheriff, 134
municipal corporation law enforcement officer, or township law 135
enforcement officer from each of the counties served by the task 136
force is represented on the investigatory staff. A task force 137
director, at any time, may remove any member of the 138
investigatory staff the task force director has assembled under 139
this division and may replace any member so removed according to 140
the guidelines for the initial assembly of the investigatory 141

staff.	142
(3) The commission may provide an organized crime task	143
force established under this section with technical and clerical	144
employees and with equipment necessary to efficiently conduct	145
its investigation into organized criminal activity.	146
(4) Upon the establishment of a task force, the commission	147
shall issue to the task force director and each member of the	148
task force investigatory staff appropriate credentials stating	149
the person's identity, position, and authority.	150
(D) (1) A task force investigatory staff, during the period	151
of the investigation for which it is assembled, is responsible	152
only to the task force director and shall operate under the	153
direction and control of the task force director. Any necessary	154
and actual expenses incurred by a task force director or	155
investigatory staff, including any such expenses incurred for	156
food, lodging, or travel, and any other necessary and actual	157
expenses of an investigation into organized criminal activity	158
conducted by a task force, shall be paid by the commission.	159
(2) For purposes of workers' compensation and the	160
allocation of liability for any death, injury, or damage they	161
may cause in the performance of their duties, a task force	162
director and investigatory staff, during the period of the	163
investigation for which the task force is assembled, shall be	164
considered to be employees of the commission and of the state.	165
(3) For purposes of compensation, pension or indemnity	166
fund rights, and other rights and benefits to which they may be	167
entitled, a task force director and investigatory staff, during	168
the period of the performance of their duties as director and	169
investigatory staff, shall be considered to be performing their	170

duties in their normal capacity as prosecuting attorney, 171
assistant prosecuting attorney, sheriff, deputy sheriff, chief 172
law enforcement officer or member of a law enforcement agency of 173
a municipal corporation or township, or agent of the bureau of 174
criminal identification and investigation. 175

(4) The commission may reimburse a political subdivision 176
for any costs incurred under division (D) (3) of this section 177
resulting from the payment of any compensation, rights, or 178
benefits as described in that division from the organized crime 179
commission fund created in section 177.011 of the Revised Code. 180
Reimbursement related to service on an organized crime task 181
force shall derive from the funding described in division (A) (1) 182
of that section. Reimbursement related to service on the 183
organized retail theft task force shall derive from the funding 184
described in division (A) (2) of that section. 185

(E) Except as provided in this division, upon the 186
establishment of a task force, the commission shall provide the 187
prosecuting attorney of each of the counties served by the task 188
force with written notice that the task force has been 189
established to investigate organized criminal activity in that 190
county. Such notice shall not be provided to a prosecuting 191
attorney if it appears to the commission, based upon the 192
complaint filed and any information relative to it or based upon 193
any information that the commission may have received, that 194
there is reason to believe that the office of that prosecuting 195
attorney is implicated in the organized criminal activity to be 196
investigated. 197

(F) The filing of a complaint alleging organized criminal 198
activity, the establishment of an organized crime task force, 199
the appointment of a task force director and the identity of the 200

task force director, the assembly of an investigatory staff and 201
the identity of its members, the conduct of an investigation 202
into organized criminal activity, and the identity of any person 203
who is being or is expected to be investigated by the task force 204
shall be kept confidential by the commission and its director 205
and employees, and by the task force and its director, 206
investigatory staff, and employees until an indictment is 207
returned or a criminal action or proceeding is initiated in a 208
court of proper jurisdiction. 209

(G) For purposes of divisions (C) and (E) of this section, 210
the office of a prosecuting attorney shall be considered as 211
being implicated in organized criminal activity only if the 212
prosecuting attorney, one or more of the prosecuting attorney's 213
assistants, or one or more of the prosecuting attorney's 214
employees has committed or attempted or conspired to commit, is 215
committing or attempting or conspiring to commit, or has engaged 216
in or is engaging in complicity in the commission of, organized 217
criminal activity. 218

Sec. 177.04. (A) The organized retail theft advisory 219
council is created within the office of the attorney general. 220
The council consists of the following members: 221

(1) The attorney general or the attorney general's 222
designee; 223

(2) An assistant attorney general appointed by the 224
attorney general; 225

(3) The president or chief executive officer of the Ohio 226
council of retail merchants; 227

(4) Two loss prevention representatives from retail 228
businesses with more than two hundred fifty employees and two 229

loss prevention representatives from retail businesses with less 230
than two hundred fifty employees. 231

(B) The attorney general shall appoint loss prevention 232
representatives to the council after consulting with statewide 233
trade and professional organizations that represent the 234
interests of retail businesses and loss prevention. The 235
organizations may nominate persons to be considered for 236
appointment as council members. 237

(C) (1) The council shall advise the organized crime 238
investigations commission on organized retail theft and 239
recommend actions for the commission to detect, deter, prevent, 240
and prosecute organized retail theft. The council shall meet at 241
least quarterly, and the attorney general or the attorney 242
general's designee shall serve as chairperson. 243

(2) The assistant attorney general appointed to the 244
council shall serve as liaison to the organized retail theft 245
task force established in section 177.02 of the Revised Code. 246

(D) The council shall operate a secure retail theft web 247
portal, compliant with applicable data privacy laws, to share 248
real time crime information and intelligence on organized retail 249
theft between retail businesses and law enforcement agencies to 250
enhance identification of offenders and the targeting of 251
criminal enterprises. The council may utilize, or coordinate 252
operations with, commercially operated retail theft information 253
sharing services. 254

(E) In addition to other duties described in this section, 255
the council may engage in the following activities: 256

(1) Compiling and disseminating to retail businesses and 257
law enforcement agencies innovative methods of detecting, 258

<u>detering, preventing, and prosecuting organized retail theft;</u>	259
<u>(2) Conducting training conferences to educate retail</u>	260
<u>businesses and law enforcement agencies regarding current and</u>	261
<u>emerging crime trends;</u>	262
<u>(3) Consulting with national, state, and local law</u>	263
<u>enforcement agencies and retail associations concerning</u>	264
<u>organized retail theft;</u>	265
<u>(4) Educating the public on the problems associated with</u>	266
<u>organized retail theft.</u>	267
<u>(F) Members of the council shall serve without</u>	268
<u>compensation but shall be reimbursed for actual and necessary</u>	269
<u>expenses incurred in performing their official duties. The</u>	270
<u>organized crime investigations commission may provide the</u>	271
<u>council with technical and clerical employees as necessary to</u>	272
<u>accomplish its responsibilities under this section.</u>	273
Sec. 2909.07. (A) No person shall:	274
(1) Without privilege to do so, knowingly move, deface,	275
damage, destroy, or otherwise improperly tamper with either of	276
the following:	277
(a) The property of another;	278
(b) One's own residential real property with the purpose	279
to decrease the value of or enjoyment of the residential real	280
property, if both of the following apply:	281
(i) The residential real property is subject to a	282
mortgage.	283
(ii) The person has been served with a summons and	284
complaint in a pending residential mortgage loan foreclosure	285

action relating to that real property. As used in this division, 286
"pending" includes the time between judgment entry and 287
confirmation of sale. 288

(2) With purpose to interfere with the use or enjoyment of 289
property of another, employ a tear gas device, stink bomb, smoke 290
generator, or other device releasing a substance that is harmful 291
or offensive to persons exposed or that tends to cause public 292
alarm; 293

(3) Without privilege to do so, knowingly move, deface, 294
damage, destroy, or otherwise improperly tamper with a bench 295
mark, triangulation station, boundary marker, or other survey 296
station, monument, or marker; 297

(4) Without privilege to do so, knowingly move, deface, 298
damage, destroy, or otherwise improperly tamper with any safety 299
device, the property of another, or the property of the offender 300
when required or placed for the safety of others, so as to 301
destroy or diminish its effectiveness or availability for its 302
intended purpose; 303

(5) With purpose to interfere with the use or enjoyment of 304
the property of another, set a fire on the land of another or 305
place personal property that has been set on fire on the land of 306
another, which fire or personal property is outside and apart 307
from any building, other structure, or personal property that is 308
on that land; 309

(6) Without privilege to do so, and with intent to impair 310
the functioning of any computer, computer system, computer 311
network, computer software, or computer program, knowingly do 312
any of the following: 313

(a) In any manner or by any means, including, but not 314

limited to, computer hacking, alter, damage, destroy, or modify 315
a computer, computer system, computer network, computer 316
software, or computer program or data contained in a computer, 317
computer system, computer network, computer software, or 318
computer program; 319

(b) Introduce a computer contaminant into a computer, 320
computer system, computer network, computer software, or 321
computer program. 322

(7) Without privilege to do so, knowingly destroy or 323
improperly tamper with a critical infrastructure facility. 324

(B) As used in this section: 325

(1) "Safety device" means any fire extinguisher, fire 326
hose, or fire axe, or any fire escape, emergency exit, or 327
emergency escape equipment, or any life line, life-saving ring, 328
life preserver, or life boat or raft, or any alarm, light, 329
flare, signal, sign, or notice intended to warn of danger or 330
emergency, or intended for other safety purposes, or any guard 331
railing or safety barricade, or any traffic sign or signal, or 332
any railroad grade crossing sign, signal, or gate, or any first 333
aid or survival equipment, or any other device, apparatus, or 334
equipment intended for protecting or preserving the safety of 335
persons or property. 336

(2) "Critical infrastructure facility" has the same 337
meaning as in section 2911.21 of the Revised Code. 338

(3) "Improperly tamper" means to change the physical 339
location or the physical condition of the property. 340

(C) (1) Whoever violates this section is guilty of criminal 341
mischief, and shall be punished as provided in division (C) (2), 342
(3), or (4) of this section. 343

(2) Except as otherwise provided in this division, 344
criminal mischief committed in violation of division (A) (1), 345
(2), (3), (4), or (5) of this section is a misdemeanor of the 346
third degree. Except as otherwise provided in this division, if 347
the violation of division (A) (1), (2), (3), (4), or (5) of this 348
section creates a risk of physical harm to any person, criminal 349
mischief committed in violation of division (A) (1), (2), (3), 350
(4), or (5) of this section is a misdemeanor of the first 351
degree. If the property involved is a retail pump or meter of an 352
electric vehicle charging station, criminal mischief committed 353
in violation of division (A) (1) (a) of this section is a felony 354
of the third degree. If the property involved in the violation 355
of division (A) (1), (2), (3), (4), or (5) of this section is an 356
aircraft, an aircraft engine, propeller, appliance, spare part, 357
fuel, lubricant, hydraulic fluid, any other equipment, 358
implement, or material used or intended to be used in the 359
operation of an aircraft, or any cargo carried or intended to be 360
carried in an aircraft, criminal mischief committed in violation 361
of division (A) (1), (2), (3), (4), or (5) of this section is one 362
of the following: 363

(a) If the violation creates a risk of physical harm to 364
any person, except as otherwise provided in division (C) (2) (b) 365
of this section, criminal mischief committed in violation of 366
division (A) (1), (2), (3), (4), or (5) of this section is a 367
felony of the fifth degree. 368

(b) If the violation creates a substantial risk of 369
physical harm to any person or if the property involved in a 370
violation of this section is an occupied aircraft, criminal 371
mischief committed in violation of division (A) (1), (2), (3), 372
(4), or (5) of this section is a felony of the fourth degree. 373

(3) Except as otherwise provided in this division, 374
criminal mischief committed in violation of division (A) (6) of 375
this section is a misdemeanor of the first degree. Except as 376
otherwise provided in this division, if the value of the 377
computer, computer system, computer network, computer software, 378
computer program, or data involved in the violation of division 379
(A) (6) of this section or the loss to the victim resulting from 380
the violation is one thousand dollars or more and less than ten 381
thousand dollars, or if the computer, computer system, computer 382
network, computer software, computer program, or data involved 383
in the violation of division (A) (6) of this section is used or 384
intended to be used in the operation of an aircraft and the 385
violation creates a risk of physical harm to any person, 386
criminal mischief committed in violation of division (A) (6) of 387
this section is a felony of the fifth degree. If the value of 388
the computer, computer system, computer network, computer 389
software, computer program, or data involved in the violation of 390
division (A) (6) of this section or the loss to the victim 391
resulting from the violation is ten thousand dollars or more, or 392
if the computer, computer system, computer network, computer 393
software, computer program, or data involved in the violation of 394
division (A) (6) of this section is used or intended to be used 395
in the operation of an aircraft and the violation creates a 396
substantial risk of physical harm to any person or the aircraft 397
in question is an occupied aircraft, criminal mischief committed 398
in violation of division (A) (6) of this section is a felony of 399
the fourth degree. 400

(4) Criminal mischief committed in violation of division 401
(A) (7) of this section is a felony of the third degree. 402

Sec. 2913.01. As used in this chapter, unless the context 403
requires that a term be given a different meaning: 404

(A) "Deception" means knowingly deceiving another or 405
causing another to be deceived by any false or misleading 406
representation, by withholding information, by preventing 407
another from acquiring information, or by any other conduct, 408
act, or omission that creates, confirms, or perpetuates a false 409
impression in another, including a false impression as to law, 410
value, state of mind, or other objective or subjective fact. 411

(B) "Defraud" means to knowingly obtain, by deception, 412
some benefit for oneself or another, or to knowingly cause, by 413
deception, some detriment to another. 414

(C) "Deprive" means to do any of the following: 415

(1) Withhold property of another permanently, or for a 416
period that appropriates a substantial portion of its value or 417
use, or with purpose to restore it only upon payment of a reward 418
or other consideration; 419

(2) Dispose of property so as to make it unlikely that the 420
owner will recover it; 421

(3) Accept, use, or appropriate money, property, or 422
services, with purpose not to give proper consideration in 423
return for the money, property, or services, and without 424
reasonable justification or excuse for not giving proper 425
consideration. 426

(D) "Owner" means, unless the context requires a different 427
meaning, any person, other than the actor, who is the owner of, 428
who has possession or control of, or who has any license or 429
interest in property or services, even though the ownership, 430
possession, control, license, or interest is unlawful. 431

(E) "Services" include labor, personal services, 432
professional services, rental services, public utility services 433

including wireless service as defined in division (F) (1) of 434
section 128.01 of the Revised Code, common carrier services, and 435
food, drink, transportation, entertainment, and cable television 436
services and, for purposes of section 2913.04 of the Revised 437
Code, include cable services as defined in that section. 438

(F) "Writing" means any computer software, document, 439
letter, memorandum, note, paper, plate, data, film, or other 440
thing having in or upon it any written, typewritten, or printed 441
matter, and any token, stamp, seal, credit card, badge, 442
trademark, label, or other symbol of value, right, privilege, 443
license, or identification. 444

(G) "Forge" means to fabricate or create, in whole or in 445
part and by any means, any spurious writing, or to make, 446
execute, alter, complete, reproduce, or otherwise purport to 447
authenticate any writing, when the writing in fact is not 448
authenticated by that conduct. 449

(H) "Utter" means to issue, publish, transfer, use, put or 450
send into circulation, deliver, or display. 451

(I) "Coin machine" means any mechanical or electronic 452
device designed to do both of the following: 453

(1) Receive a coin, bill, or token made for that purpose; 454

(2) In return for the insertion or deposit of a coin, 455
bill, or token, automatically dispense property, provide a 456
service, or grant a license. 457

(J) "Slug" means an object that, by virtue of its size, 458
shape, composition, or other quality, is capable of being 459
inserted or deposited in a coin machine as an improper 460
substitute for a genuine coin, bill, or token made for that 461
purpose. 462

(K) "Theft offense" means any of the following:	463
(1) A violation of section 2911.01, 2911.02, 2911.11,	464
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04,	465
2913.041, 2913.05, 2913.06, <u>2913.08</u> , 2913.11, 2913.21, 2913.31,	466
2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44,	467
2913.45, 2913.47, 2913.48, former section 2913.47 or 2913.48, or	468
section 2913.51, 2915.05, or 2921.41 of the Revised Code;	469
(2) A violation of an existing or former municipal	470
ordinance or law of this or any other state, or of the United	471
States, substantially equivalent to any section listed in	472
division (K) (1) of this section or a violation of section	473
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed	474
prior to July 1, 1996;	475
(3) An offense under an existing or former municipal	476
ordinance or law of this or any other state, or of the United	477
States, involving robbery, burglary, breaking and entering,	478
theft, embezzlement, wrongful conversion, forgery,	479
counterfeiting, deceit, or fraud;	480
(4) A conspiracy or attempt to commit, or complicity in	481
committing, any offense under division (K) (1), (2), or (3) of	482
this section.	483
(L) "Computer services" includes, but is not limited to,	484
the use of a computer system, computer network, computer	485
program, data that is prepared for computer use, or data that is	486
contained within a computer system or computer network.	487
(M) "Computer" means an electronic device that performs	488
logical, arithmetic, and memory functions by the manipulation of	489
electronic or magnetic impulses. "Computer" includes, but is not	490
limited to, all input, output, processing, storage, computer	491

program, or communication facilities that are connected, or 492
related, in a computer system or network to an electronic device 493
of that nature. 494

(N) "Computer system" means a computer and related 495
devices, whether connected or unconnected, including, but not 496
limited to, data input, output, and storage devices, data 497
communications links, and computer programs and data that make 498
the system capable of performing specified special purpose data 499
processing tasks. 500

(O) "Computer network" means a set of related and remotely 501
connected computers and communication facilities that includes 502
more than one computer system that has the capability to 503
transmit among the connected computers and communication 504
facilities through the use of computer facilities. 505

(P) "Computer program" means an ordered set of data 506
representing coded instructions or statements that, when 507
executed by a computer, cause the computer to process data. 508

(Q) "Computer software" means computer programs, 509
procedures, and other documentation associated with the 510
operation of a computer system. 511

(R) "Data" means a representation of information, 512
knowledge, facts, concepts, or instructions that are being or 513
have been prepared in a formalized manner and that are intended 514
for use in a computer, computer system, or computer network. For 515
purposes of section 2913.47 of the Revised Code, "data" has the 516
additional meaning set forth in division (A) of that section. 517

(S) "Cable television service" means any services provided 518
by or through the facilities of any cable television system or 519
other similar closed circuit coaxial cable communications 520

system, or any microwave or similar transmission service used in 521
connection with any cable television system or other similar 522
closed circuit coaxial cable communications system. 523

(T) "Gain access" means to approach, instruct, communicate 524
with, store data in, retrieve data from, or otherwise make use 525
of any resources of a computer, computer system, or computer 526
network, or any cable service or cable system both as defined in 527
section 2913.04 of the Revised Code. 528

(U) "Credit card" includes, but is not limited to, a card, 529
code, device, or other means of access to a customer's account 530
for the purpose of obtaining money, property, labor, or services 531
on credit, or for initiating an electronic fund transfer at a 532
point-of-sale terminal, an automated teller machine, or a cash 533
dispensing machine. It also includes a county procurement card 534
issued under section 301.29 of the Revised Code. 535

(V) "Electronic fund transfer" has the same meaning as in 536
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 537

(W) "Rented property" means personal property in which the 538
right of possession and use of the property is for a short and 539
possibly indeterminate term in return for consideration; the 540
rentee generally controls the duration of possession of the 541
property, within any applicable minimum or maximum term; and the 542
amount of consideration generally is determined by the duration 543
of possession of the property. 544

(X) "Telecommunication" means the origination, emission, 545
dissemination, transmission, or reception of data, images, 546
signals, sounds, or other intelligence or equivalence of 547
intelligence of any nature over any communications system by any 548
method, including, but not limited to, a fiber optic, 549

electronic, magnetic, optical, digital, or analog method. 550

(Y) "Telecommunications device" means any instrument, 551
equipment, machine, or other device that facilitates 552
telecommunication, including, but not limited to, a computer, 553
computer network, computer chip, computer circuit, scanner, 554
telephone, cellular telephone, pager, personal communications 555
device, transponder, receiver, radio, modem, or device that 556
enables the use of a modem. 557

(Z) "Telecommunications service" means the providing, 558
allowing, facilitating, or generating of any form of 559
telecommunication through the use of a telecommunications device 560
over a telecommunications system. 561

(AA) "Counterfeit telecommunications device" means a 562
telecommunications device that, alone or with another 563
telecommunications device, has been altered, constructed, 564
manufactured, or programmed to acquire, intercept, receive, or 565
otherwise facilitate the use of a telecommunications service or 566
information service without the authority or consent of the 567
provider of the telecommunications service or information 568
service. "Counterfeit telecommunications device" includes, but 569
is not limited to, a clone telephone, clone microchip, tumbler 570
telephone, or tumbler microchip; a wireless scanning device 571
capable of acquiring, intercepting, receiving, or otherwise 572
facilitating the use of telecommunications service or 573
information service without immediate detection; or a device, 574
equipment, hardware, or software designed for, or capable of, 575
altering or changing the electronic serial number in a wireless 576
telephone. 577

(BB) (1) "Information service" means, subject to division 578

(BB) (2) of this section, the offering of a capability for 579

generating, acquiring, storing, transforming, processing, 580
retrieving, utilizing, or making available information via 581
telecommunications, including, but not limited to, electronic 582
publishing. 583

(2) "Information service" does not include any use of a 584
capability of a type described in division (BB)(1) of this 585
section for the management, control, or operation of a 586
telecommunications system or the management of a 587
telecommunications service. 588

(CC) "Elderly person" means a person who is sixty-five 589
years of age or older. 590

(DD) "Disabled adult" means a person who is eighteen years 591
of age or older and has some impairment of body or mind that 592
makes the person unable to work at any substantially 593
remunerative employment that the person otherwise would be able 594
to perform and that will, with reasonable probability, continue 595
for a period of at least twelve months without any present 596
indication of recovery from the impairment, or who is eighteen 597
years of age or older and has been certified as permanently and 598
totally disabled by an agency of this state or the United States 599
that has the function of so classifying persons. 600

(EE) "Firearm" and "dangerous ordnance" have the same 601
meanings as in section 2923.11 of the Revised Code. 602

(FF) "Motor vehicle" has the same meaning as in section 603
4501.01 of the Revised Code. 604

(GG) "Dangerous drug" has the same meaning as in section 605
4729.01 of the Revised Code. 606

(HH) "Drug abuse offense" has the same meaning as in 607
section 2925.01 of the Revised Code. 608

(II) (1) "Computer hacking" means any of the following:	609
(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime;	610 611 612 613
(b) Misusing computer or network services including, but not limited to, mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes, but is not limited to, the unauthorized use of any of the following:	614 615 616 617 618 619 620 621
(i) Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;	622 623
(ii) File transfer program proxy services or proxy servers to access other computers, computer systems, or computer networks;	624 625 626
(iii) Web servers to redirect users to other web pages or web servers.	627 628
(c) (i) Subject to division (II) (1) (c) (ii) of this section, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another	629 630 631 632 633 634 635 636 637

computer network to determine any of the following: the presence 638
or types of computers or computer systems on a network; the 639
computer network's facilities and capabilities; the availability 640
of computer or network services; the presence or versions of 641
computer software including, but not limited to, operating 642
systems, computer services, or computer contaminants; the 643
presence of a known computer software deficiency that can be 644
used to gain unauthorized access to a computer, computer system, 645
or computer network; or any other information about a computer, 646
computer system, or computer network not necessary for the 647
normal and lawful operation of the computer initiating the 648
access. 649

(ii) The group of computer programs referred to in 650
division (II) (1) (c) (i) of this section does not include standard 651
computer software used for the normal operation, administration, 652
management, and test of a computer, computer system, or computer 653
network including, but not limited to, domain name services, 654
mail transfer services, and other operating system services, 655
computer programs commonly called "ping," "tcpdump," and 656
"traceroute" and other network monitoring and management 657
computer software, and computer programs commonly known as 658
"nslookup" and "whois" and other systems administration computer 659
software. 660

(d) The intentional use of a computer, computer system, or 661
a computer network in a manner that exceeds any right or 662
permission granted by the owner of the computer, computer 663
system, or computer network or other person authorized to give 664
consent. 665

(2) "Computer hacking" does not include the introduction 666
of a computer contaminant, as defined in section 2909.01 of the 667

Revised Code, into a computer, computer system, computer
program, or computer network. 668
669

(JJ) "Police dog or horse" has the same meaning as in
section 2921.321 of the Revised Code. 670
671

(KK) "Anhydrous ammonia" is a compound formed by the
combination of two gaseous elements, nitrogen and hydrogen, in
the manner described in this division. Anhydrous ammonia is one
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia
by weight is fourteen parts nitrogen to three parts hydrogen,
which is approximately eighty-two per cent nitrogen to eighteen
per cent hydrogen. 672
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(LL) "Assistance dog" has the same meaning as in section
955.011 of the Revised Code. 679
680

(MM) "Federally licensed firearms dealer" has the same
meaning as in section 5502.63 of the Revised Code. 681
682

(NN) "Active duty service member" means any member of the
armed forces of the United States performing active duty under
title 10 of the United States Code. 683
684
685

Sec. 2913.02. (A) No person, with purpose to deprive the
owner of property or services, shall knowingly obtain or exert
control over either the property or services in any of the
following ways: 686
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689

(1) Without the consent of the owner or person authorized
to give consent; 690
691

(2) Beyond the scope of the express or implied consent of
the owner or person authorized to give consent; 692
693

(3) By deception; 694

(4) By threat;	695
(5) By intimidation.	696
(B) (1) Whoever violates this section is guilty of theft.	697
(2) Except as otherwise provided in this division or	698
division (B) (3), (4), (5), (6), (7), (8), or (9) of this	699
section, a violation of this section is misdemeanor theft, a	700
misdemeanor of the first degree. If the value of the property or	701
services stolen is one thousand dollars or more and is less than	702
seven thousand five hundred dollars or if the property stolen is	703
any of the property listed in section 2913.71 of the Revised	704
Code, a violation of this section is theft, a felony of the	705
fifth degree. If the value of the property or services stolen is	706
seven thousand five hundred dollars or more and is less than one	707
hundred fifty thousand dollars, a violation of this section is	708
grand theft, a felony of the fourth degree. If the value of the	709
property or services stolen is one hundred fifty thousand	710
dollars or more and is less than seven hundred fifty thousand	711
dollars, a violation of this section is aggravated theft, a	712
felony of the third degree. If the value of the property or	713
services is seven hundred fifty thousand dollars or more and is	714
less than one million five hundred thousand dollars, a violation	715
of this section is aggravated theft, a felony of the second	716
degree. If the value of the property or services stolen is one	717
million five hundred thousand dollars or more, a violation of	718
this section is aggravated theft of one million five hundred	719
thousand dollars or more, a felony of the first degree.	720
(3) Except as otherwise provided in division (B) (4), (5),	721
(6), (7), (8), or (9) of this section, if the victim of the	722
offense is an elderly person, disabled adult, active duty	723
service member, or spouse of an active duty service member, a	724

violation of this section is theft from a person in a protected class, and division (B) (3) of this section applies. Except as otherwise provided in this division, theft from a person in a protected class is a felony of the fifth degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars, theft from a person in a protected class is a felony of the fourth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than thirty-seven thousand five hundred dollars, theft from a person in a protected class is a felony of the third degree. If the value of the property or services stolen is thirty-seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, theft from a person in a protected class is a felony of the second degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more, theft from a person in a protected class is a felony of the first degree. If the victim of the offense is an elderly person, in addition to any other penalty imposed for the offense, the offender shall be required to pay full restitution to the victim and to pay a fine of up to fifty thousand dollars. The clerk of court shall forward all fines collected under division (B) (3) of this section to the county department of job and family services to be used for the reporting and investigation of elder abuse, neglect, and exploitation or for the provision or arrangement of protective services under sections 5101.61 to 5101.71 of the Revised Code.

(4) If the property stolen is a firearm or dangerous ordnance, a violation of this section is grand theft. Except as otherwise provided in this division, grand theft when the property stolen is a firearm or dangerous ordnance is a felony

of the third degree, and there is a presumption in favor of the 756
court imposing a prison term for the offense. If the firearm or 757
dangerous ordnance was stolen from a federally licensed firearms 758
dealer, grand theft when the property stolen is a firearm or 759
dangerous ordnance is a felony of the first degree. The offender 760
shall serve a prison term imposed for grand theft when the 761
property stolen is a firearm or dangerous ordnance consecutively 762
to any other prison term or mandatory prison term previously or 763
subsequently imposed upon the offender. 764

(5) If the property stolen is a motor vehicle, a violation 765
of this section is grand theft of a motor vehicle, a felony of 766
the fourth degree. 767

(6) If the property stolen is any dangerous drug, a 768
violation of this section is theft of drugs, a felony of the 769
fourth degree, or, if the offender previously has been convicted 770
of a felony drug abuse offense, a felony of the third degree. 771

(7) If the property stolen is a police dog or horse or an 772
assistance dog and the offender knows or should know that the 773
property stolen is a police dog or horse or an assistance dog, a 774
violation of this section is theft of a police dog or horse or 775
an assistance dog, a felony of the third degree. 776

(8) If the property stolen is anhydrous ammonia, a 777
violation of this section is theft of anhydrous ammonia, a 778
felony of the third degree. 779

(9) Except as provided in division (B) (2) of this section 780
with respect to property with a value of seven thousand five 781
hundred dollars or more and division (B) (3) of this section with 782
respect to property with a value of one thousand dollars or 783
more, if the property stolen is a special purpose article as 784

defined in section 4737.04 of the Revised Code or is a bulk 785
merchandise container as defined in section 4737.012 of the 786
Revised Code, a violation of this section is theft of a special 787
purpose article or articles or theft of a bulk merchandise 788
container or containers, a felony of the fifth degree. 789

(10) In addition to the penalties described in division 790
(B) (2) of this section, if the offender committed the violation 791
by causing a motor vehicle to leave the premises of an 792
establishment at which gasoline is offered for retail sale 793
without the offender making full payment for gasoline that was 794
dispensed into the fuel tank of the motor vehicle or into 795
another container, the court may do one of the following: 796

(a) Unless division (B) (10) (b) of this section applies, 797
suspend for not more than six months the offender's driver's 798
license, probationary driver's license, commercial driver's 799
license, temporary instruction permit, or nonresident operating 800
privilege; 801

(b) If the offender's driver's license, probationary 802
driver's license, commercial driver's license, temporary 803
instruction permit, or nonresident operating privilege has 804
previously been suspended pursuant to division (B) (10) (a) of 805
this section, impose a class seven suspension of the offender's 806
license, permit, or privilege from the range specified in 807
division (A) (7) of section 4510.02 of the Revised Code, provided 808
that the suspension shall be for at least six months. 809

(c) The court, in lieu of suspending the offender's 810
driver's or commercial driver's license, probationary driver's 811
license, temporary instruction permit, or nonresident operating 812
privilege pursuant to division (B) (10) (a) or (b) of this 813
section, instead may require the offender to perform community 814

service for a number of hours determined by the court. 815

(11) In addition to the penalties described in division 816
(B) (2) of this section, if the offender committed the violation 817
by stealing rented property or rental services, the court may 818
order that the offender make restitution pursuant to section 819
2929.18 or 2929.28 of the Revised Code. Restitution may include, 820
but is not limited to, the cost of repairing or replacing the 821
stolen property, or the cost of repairing the stolen property 822
and any loss of revenue resulting from deprivation of the 823
property due to theft of rental services that is less than or 824
equal to the actual value of the property at the time it was 825
rented. Evidence of intent to commit theft of rented property or 826
rental services shall be determined pursuant to the provisions 827
of section 2913.72 of the Revised Code. 828

(12) If the property stolen is mail, a violation of this 829
section is theft of mail, a felony of the fifth degree except as 830
provided in division (B) (2) of this section with respect to 831
property with a value of seven thousand five hundred dollars or 832
more and division (B) (3) of this section with respect to 833
property with a value of one thousand dollars or more. As used 834
in this division, "mail" means any letter, card, parcel, or 835
other material, along with its contents, that is received, 836
accepted for delivery, delivered, or left for collection by a 837
postal service, including the United States postal service, a 838
common carrier, or a private delivery service. 839

(C) The sentencing court that suspends an offender's 840
license, permit, or nonresident operating privilege under 841
division (B) (10) of this section may grant the offender limited 842
driving privileges during the period of the suspension in 843
accordance with Chapter 4510. of the Revised Code. 844

<u>Sec. 2913.08. (A) As used in this section:</u>	845
<u>(1) "Enterprise" has the same meaning as in section</u>	846
<u>2923.31 of the Revised Code.</u>	847
<u>(2) "Retail property" means any tangible personal property</u>	848
<u>displayed, held, stored, or offered for sale in or by a retail</u>	849
<u>establishment or an online marketplace as defined in section</u>	850
<u>1349.65 of the Revised Code. "Retail property" includes gift</u>	851
<u>cards as defined in section 1349.61 of the Revised Code.</u>	852
<u>(3) "Retail property fence" means an enterprise that</u>	853
<u>possesses, procures, receives, or conceals retail property that</u>	854
<u>was represented to the enterprise as being stolen or that the</u>	855
<u>enterprise knows or believes to be stolen.</u>	856
<u>(4) "Retail value" means the full retail value of the</u>	857
<u>retail property, including all applicable taxes and shipping</u>	858
<u>costs.</u>	859
<u>(5) "Theft" means conduct that would constitute a</u>	860
<u>violation of section 2913.02 of the Revised Code.</u>	861
<u>(B) No person shall knowingly commit theft of retail</u>	862
<u>property with a retail value of one thousand dollars or more</u>	863
<u>from a retail establishment for either of the following</u>	864
<u>purposes:</u>	865
<u>(1) To sell, deliver, or transfer that property to a</u>	866
<u>retail property fence;</u>	867
<u>(2) To sell, deliver, transfer, exchange, or return the</u>	868
<u>retail property for value.</u>	869
<u>(C) No person employed by, or associated with, an</u>	870
<u>enterprise shall receive, purchase, or possess retail property</u>	871
<u>with a retail value of one thousand dollars or more if the</u>	872

person knows, believes, or has reasonable cause to believe that 873
the property has been obtained by theft. 874

(D) No person shall knowingly act as an agent of an 875
enterprise to steal retail property with a retail value of one 876
thousand dollars or more from a retail establishment as part of 877
an organized plan to commit theft. 878

(E) No person shall knowingly recruit, coordinate, 879
organize, supervise, direct, manage, or finance an enterprise to 880
undertake any of the acts described in division (B), (C), or (D) 881
of this section. 882

(F) Whoever violates this section is guilty of organized 883
theft of retail property. If the retail value is less than seven 884
hundred fifty thousand dollars, organized theft of retail 885
property is a felony of the third degree. If the retail value is 886
seven hundred fifty thousand dollars or more but less than one 887
million five hundred thousand dollars, organized theft of retail 888
property is a felony of the second degree. If the retail value 889
is one million five hundred thousand dollars or more, organized 890
retail theft is a felony of the first degree. 891

(G) In determining whether the retail value of retail 892
property equals or exceeds one thousand dollars, the value of 893
all retail property stolen from the retail establishment or 894
retail establishments by the same person or persons within any 895
twelve-month period shall be aggregated. 896

(H) A prosecution for a violation of this section does not 897
preclude a prosecution for a violation of section 2913.02, 898
2913.51, or 2913.32 of the Revised Code based on the same 899
conduct. However, if an offender is convicted of or pleads 900
guilty to a violation of this section and is also convicted of 901

or pleads guilty to a violation of section 2913.02, 2913.51, or 902
2913.32 of the Revised Code based on the same conduct that was 903
the basis of the violation of this section, the two or more 904
offenses are allied offenses of similar import under section 905
2941.25 of the Revised Code. 906

Sec. 2913.30. (A) As used in this section: 907

(1) "Access device" means any debit or credit card 908
representing a monetary security or retail amount by any 909
financial institution, including a bank, savings bank, savings 910
and loan association, credit union, or business entity. "Access 911
device" includes a gift card as defined in section 1349.61 of 912
the Revised Code. 913

(2) "Obligation or other security" means an instrument 914
recognized as currency or legal tender or that is issued by the 915
United States treasury, including bills, coins, bonds, or 916
checks. 917

(3) "Encoding machine" means an electronic device that is 918
used to encode information onto an access device. 919

(4) "Merchant" means an owner or operator of a retail 920
establishment or an agent, employee, lessee, consignee, officer, 921
director, franchisee, or independent contractor of the owner or 922
operator. 923

(5) "Scanning device" means a scanner, reader, wireless 924
access device, radio frequency identification scanner, an 925
electronic device that utilizes near field communication 926
technology, or any other electronic device that is used to 927
access, read, scan, obtain, memorize, or store, temporarily or 928
permanently, information encoded on an access device. 929

(B) No person, with purpose to defraud or knowing that the 930

person is facilitating a fraud, shall do any of the following: 931

(1) Falsely make, forge, counterfeit, or alter any 932
obligation or other security of the United States; 933

(2) Pass, utter, sell, purchase, conceal, or transfer any 934
counterfeit obligation or other security of the United States; 935

(3) Possess with the purpose to utter any obligation or 936
other security of the United States, knowing that the obligation 937
or other security has been counterfeited; 938

(4) Without authorization of the issuer, falsely make, 939
forge, counterfeit, alter, or knowingly possess any access 940
device; 941

(5) Directly or indirectly use a scanning device to 942
access, read, obtain, memorize, or store, temporarily or 943
permanently, information encoded on an access device without the 944
permission of the authorized user of the access device, the 945
financial institution issuing the authorized user's access 946
device, or a merchant; 947

(6) Directly or indirectly use an encoding machine to 948
place information encoded on an access device onto a different 949
access device without the permission of the authorized user of 950
the access device from which the information was obtained, the 951
financial institution issuing the authorized user's access 952
device, or a merchant. 953

(C) Whoever violates this section is guilty of 954
counterfeiting. Except as otherwise provided in this division, 955
counterfeiting is a felony of the fourth degree, and in 956
addition, the court shall impose on the offender a fine from the 957
range of fines for a felony of the fourth degree that is not 958
less than five hundred dollars. 959

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

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

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

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

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

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

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

(2) The interest of a person as a beneficiary under any

other trust arrangement under which any other person holds title 989
to personal or real property for the benefit of such person; 990

(3) The interest of a person under any other form of 991
express fiduciary arrangement under which any other person holds 992
title to personal or real property for the benefit of such 993
person. 994

"Beneficial interest" does not include the interest of a 995
stockholder in a corporation or the interest of a partner in 996
either a general or limited partnership. 997

(B) "Costs of investigation and prosecution" and "costs of 998
investigation and litigation" mean all of the costs incurred by 999
the state or a county or municipal corporation under sections 1000
2923.31 to 2923.36 of the Revised Code in the prosecution and 1001
investigation of any criminal action or in the litigation and 1002
investigation of any civil action, and includes, but is not 1003
limited to, the costs of resources and personnel. 1004

(C) "Enterprise" includes any individual, sole 1005
proprietorship, partnership, limited partnership, corporation, 1006
trust, union, government agency, or other legal entity, or any 1007
organization, association, or group of persons associated in 1008
fact although not a legal entity. "Enterprise" includes illicit 1009
as well as licit enterprises. 1010

(D) "Innocent person" includes any bona fide purchaser of 1011
property that is allegedly involved in a violation of section 1012
2923.32 of the Revised Code, including any person who 1013
establishes a valid claim to or interest in the property in 1014
accordance with division (E) of section 2981.04 of the Revised 1015
Code, and any victim of an alleged violation of that section or 1016
of any underlying offense involved in an alleged violation of 1017

that section. 1018

(E) "Pattern of corrupt activity" means two or more 1019
incidents of corrupt activity, whether or not there has been a 1020
prior conviction, that are related to the affairs of the same 1021
enterprise, are not isolated, and are not so closely related to 1022
each other and connected in time and place that they constitute 1023
a single event. 1024

At least one of the incidents forming the pattern shall 1025
occur on or after January 1, 1986. Unless any incident was an 1026
aggravated murder or murder, the last of the incidents forming 1027
the pattern shall occur within six years after the commission of 1028
any prior incident forming the pattern, excluding any period of 1029
imprisonment served by any person engaging in the corrupt 1030
activity. 1031

For the purposes of the criminal penalties that may be 1032
imposed pursuant to section 2923.32 of the Revised Code, at 1033
least one of the incidents forming the pattern shall constitute 1034
a felony under the laws of this state in existence at the time 1035
it was committed or, if committed in violation of the laws of 1036
the United States or of any other state, shall constitute a 1037
felony under the law of the United States or the other state and 1038
would be a criminal offense under the law of this state if 1039
committed in this state. 1040

(F) "Pecuniary value" means money, a negotiable 1041
instrument, a commercial interest, or anything of value, as 1042
defined in section 1.03 of the Revised Code, or any other 1043
property or service that has a value in excess of one hundred 1044
dollars. 1045

(G) "Person" means any person, as defined in section 1.59 1046

of the Revised Code, and any governmental officer, employee, or 1047
entity. 1048

(H) "Personal property" means any personal property, any 1049
interest in personal property, or any right, including, but not 1050
limited to, bank accounts, debts, corporate stocks, patents, or 1051
copyrights. Personal property and any beneficial interest in 1052
personal property are deemed to be located where the trustee of 1053
the property, the personal property, or the instrument 1054
evidencing the right is located. 1055

(I) "Corrupt activity" means engaging in, attempting to 1056
engage in, conspiring to engage in, or soliciting, coercing, or 1057
intimidating another person to engage in any of the following: 1058

(1) Conduct defined as "racketeering activity" under the 1059
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1060
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 1061

(2) Conduct constituting any of the following: 1062

(a) A violation of section 1315.55, 1322.07, 2903.01, 1063
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 1064
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 1065
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1066
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 1067
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 1068
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 1069
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 1070
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 1071
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 1072
or (F) of section 1707.44; division (A)(1) or (2) of section 1073
2923.20; division (E) or (G) of section 3772.99; division (J)(1) 1074
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 1075

division (C), (D), or (E) of section 4719.07; section 4719.08; 1076
or division (A) of section 4719.09 of the Revised Code. 1077

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 1078
3769.19 of the Revised Code as it existed prior to July 1, 1996, 1079
any violation of section 2915.02 of the Revised Code that occurs 1080
on or after July 1, 1996, and that, had it occurred prior to 1081
that date, would have been a violation of section 3769.11 of the 1082
Revised Code as it existed prior to that date, or any violation 1083
of section 2915.05 of the Revised Code that occurs on or after 1084
July 1, 1996, and that, had it occurred prior to that date, 1085
would have been a violation of section 3769.15, 3769.16, or 1086
3769.19 of the Revised Code as it existed prior to that date. 1087

(c) Any violation of section 2907.21, 2907.22, 2907.31, 1088
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 1089
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1090
of the Revised Code, any violation of section 2925.11 of the 1091
Revised Code that is a felony of the first, second, third, or 1092
fourth degree and that occurs on or after July 1, 1996, any 1093
violation of section 2915.02 of the Revised Code that occurred 1094
prior to July 1, 1996, any violation of section 2915.02 of the 1095
Revised Code that occurs on or after July 1, 1996, and that, had 1096
it occurred prior to that date, would not have been a violation 1097
of section 3769.11 of the Revised Code as it existed prior to 1098
that date, any violation of section 2915.06 of the Revised Code 1099
as it existed prior to July 1, 1996, or any violation of 1100
division (B) of section 2915.05 of the Revised Code as it exists 1101
on and after July 1, 1996, when the proceeds of the violation, 1102
the payments made in the violation, the amount of a claim for 1103
payment or for any other benefit that is false or deceptive and 1104
that is involved in the violation, or the value of the 1105
contraband or other property illegally possessed, sold, or 1106

purchased in the violation exceeds one thousand dollars, or any 1107
combination of violations described in division (I) (2) (c) of 1108
this section when the total proceeds of the combination of 1109
violations, payments made in the combination of violations, 1110
amount of the claims for payment or for other benefits that is 1111
false or deceptive and that is involved in the combination of 1112
violations, or value of the contraband or other property 1113
illegally possessed, sold, or purchased in the combination of 1114
violations exceeds one thousand dollars; 1115

(d) Any violation of section 5743.112 of the Revised Code 1116
when the amount of unpaid tax exceeds one hundred dollars; 1117

(e) Any violation or combination of violations of section 1118
2907.32 of the Revised Code involving any material or 1119
performance containing a display of bestiality or of sexual 1120
conduct, as defined in section 2907.01 of the Revised Code, that 1121
is explicit and depicted with clearly visible penetration of the 1122
genitals or clearly visible penetration by the penis of any 1123
orifice when the total proceeds of the violation or combination 1124
of violations, the payments made in the violation or combination 1125
of violations, or the value of the contraband or other property 1126
illegally possessed, sold, or purchased in the violation or 1127
combination of violations exceeds one thousand dollars; 1128

(f) Any combination of violations described in division 1129
(I) (2) (c) of this section and violations of section 2907.32 of 1130
the Revised Code involving any material or performance 1131
containing a display of bestiality or of sexual conduct, as 1132
defined in section 2907.01 of the Revised Code, that is explicit 1133
and depicted with clearly visible penetration of the genitals or 1134
clearly visible penetration by the penis of any orifice when the 1135
total proceeds of the combination of violations, payments made 1136

in the combination of violations, amount of the claims for 1137
payment or for other benefits that is false or deceptive and 1138
that is involved in the combination of violations, or value of 1139
the contraband or other property illegally possessed, sold, or 1140
purchased in the combination of violations exceeds one thousand 1141
dollars; 1142

(g) Any violation of section 2905.32 of the Revised Code 1143
to the extent the violation is not based solely on the same 1144
conduct that constitutes corrupt activity pursuant to division 1145
(I) (2) (c) of this section due to the conduct being in violation 1146
of section 2907.21 of the Revised Code. 1147

(3) Conduct constituting a violation of any law of any 1148
state other than this state that is substantially similar to the 1149
conduct described in division (I) (2) of this section, provided 1150
the defendant was convicted of the conduct in a criminal 1151
proceeding in the other state; 1152

(4) Animal or ecological terrorism; 1153

(5) (a) ~~Conduct constituting any of the following:~~ 1154

~~(i) Organized retail theft;~~ 1155

~~(ii) Conduct that constitutes one or more violations of~~ 1156
~~any law of any state other than this state, that is~~ 1157
~~substantially similar to organized retail theft, and that if~~ 1158
~~committed in this state would be organized retail theft, if the~~ 1159
~~defendant was convicted of or pleaded guilty to the conduct in a~~ 1160
~~criminal proceeding in the other state.~~ 1161

(b) By enacting division (I) (5) (a) of this section, it is 1162
the intent of the general assembly to add organized retail theft 1163
~~and the conduct described in division (I) (5) (a) (ii) of this~~ 1164
~~section as~~ conduct constituting corrupt activity. The enactment 1165

of division (I) (5) (a) of this section and the addition by 1166
division (I) (5) (a) of this section of organized retail theft ~~and~~ 1167
~~the conduct described in division (I) (5) (a) (ii) of this section~~ 1168
as conduct constituting corrupt activity does not limit or 1169
preclude, and shall not be construed as limiting or precluding, 1170
any prosecution for a violation of section 2923.32 of the 1171
Revised Code that is based on one or more violations of section 1172
2913.02 or 2913.51 of the Revised Code, one or more similar 1173
offenses under the laws of this state or any other state, or any 1174
combination of any of those violations or similar offenses, even 1175
though the conduct constituting the basis for those violations 1176
or offenses could be construed as also constituting organized 1177
retail theft ~~or conduct of the type described in division (I) (5)~~ 1178
~~(a) (ii) of this section.~~ 1179

(J) "Real property" means any real property or any 1180
interest in real property, including, but not limited to, any 1181
lease of, or mortgage upon, real property. Real property and any 1182
beneficial interest in it is deemed to be located where the real 1183
property is located. 1184

(K) "Trustee" means any of the following: 1185

(1) Any person acting as trustee under a trust in which 1186
the trustee holds title to personal or real property; 1187

(2) Any person who holds title to personal or real 1188
property for which any other person has a beneficial interest; 1189

(3) Any successor trustee. 1190

"Trustee" does not include an assignee or trustee for an 1191
insolvent debtor or an executor, administrator, administrator 1192
with the will annexed, testamentary trustee, guardian, or 1193
committee, appointed by, under the control of, or accountable to 1194

a court. 1195

(L) "Unlawful debt" means any money or other thing of 1196
value constituting principal or interest of a debt that is 1197
legally unenforceable in this state in whole or in part because 1198
the debt was incurred or contracted in violation of any federal 1199
or state law relating to the business of gambling activity or 1200
relating to the business of lending money at an usurious rate 1201
unless the creditor proves, by a preponderance of the evidence, 1202
that the usurious rate was not intentionally set and that it 1203
resulted from a good faith error by the creditor, 1204
notwithstanding the maintenance of procedures that were adopted 1205
by the creditor to avoid an error of that nature. 1206

(M) "Animal activity" means any activity that involves the 1207
use of animals or animal parts, including, but not limited to, 1208
hunting, fishing, trapping, traveling, camping, the production, 1209
preparation, or processing of food or food products, clothing or 1210
garment manufacturing, medical research, other research, 1211
entertainment, recreation, agriculture, biotechnology, or 1212
service activity that involves the use of animals or animal 1213
parts. 1214

(N) "Animal facility" means a vehicle, building, 1215
structure, nature preserve, or other premises in which an animal 1216
is lawfully kept, handled, housed, exhibited, bred, or offered 1217
for sale, including, but not limited to, a zoo, rodeo, circus, 1218
amusement park, hunting preserve, or premises in which a horse 1219
or dog event is held. 1220

(O) "Animal or ecological terrorism" means the commission 1221
of any felony that involves causing or creating a substantial 1222
risk of physical harm to any property of another, the use of a 1223
deadly weapon or dangerous ordnance, or purposely, knowingly, or 1224

recklessly causing serious physical harm to property and that 1225
involves an intent to obstruct, impede, or deter any person from 1226
participating in a lawful animal activity, from mining, 1227
forestry, harvesting, gathering, or processing natural 1228
resources, or from being lawfully present in or on an animal 1229
facility or research facility. 1230

(P) "Research facility" means a place, laboratory, 1231
institution, medical care facility, government facility, or 1232
public or private educational institution in which a scientific 1233
test, experiment, or investigation involving the use of animals 1234
or other living organisms is lawfully carried out, conducted, or 1235
attempted. 1236

(Q) "Organized retail theft" means ~~the theft of retail~~ 1237
~~property with a retail value of one thousand dollars or more~~ 1238
~~from one or more retail establishments with the intent to sell,~~ 1239
~~deliver, or transfer that property to a retail property~~ 1240
~~fence~~conduct constituting a violation of section 2913.08 of the 1241
Revised Code or conduct that constitutes a violation of any law 1242
of any state other than this state that is substantially similar 1243
to section 2913.08 of the Revised Code, provided the defendant 1244
was convicted of or pleaded guilty to the conduct in a criminal 1245
proceeding in the other state. 1246

~~(R) "Retail property" means any tangible personal property~~ 1247
~~displayed, held, stored, or offered for sale in or by a retail~~ 1248
~~establishment.~~ 1249

~~(S) "Retail property fence" means a person who possesses,~~ 1250
~~procures, receives, or conceals retail property that was~~ 1251
~~represented to the person as being stolen or that the person~~ 1252
~~knows or believes to be stolen.~~ 1253

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

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

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

A purchase of securities on the open market with intent to make an investment, without intent to control or participate in the control of the issuer, and without intent to assist another to do so is not a violation of this division, if the securities of the issuer held after the purchase by the purchaser, the members of the purchaser's immediate family, and the purchaser's or the immediate family members' accomplices in any pattern of

corrupt activity or the collection of an unlawful debt do not 1284
aggregate one per cent of the outstanding securities of any one 1285
class of the issuer and do not confer, in law or in fact, the 1286
power to elect one or more directors of the issuer. 1287

(B) (1) Whoever violates this section is guilty of engaging 1288
in a pattern of corrupt activity. Except as otherwise provided 1289
in this division, engaging in corrupt activity is a felony of 1290
the second degree. Except as otherwise provided in this 1291
division, if at least one of the incidents of corrupt activity 1292
is a felony of the first, second, or third degree, aggravated 1293
murder, or murder, if at least one of the incidents was a felony 1294
under the law of this state that was committed prior to July 1, 1295
1996, and that would constitute a felony of the first, second, 1296
or third degree, aggravated murder, or murder if committed on or 1297
after July 1, 1996, or if at least one of the incidents of 1298
corrupt activity is a felony under the law of the United States 1299
or of another state that, if committed in this state on or after 1300
July 1, 1996, would constitute a felony of the first, second, or 1301
third degree, aggravated murder, or murder under the law of this 1302
state, engaging in a pattern of corrupt activity is a felony of 1303
the first degree. If the offender also is convicted of or pleads 1304
guilty to a specification as described in section 2941.1422 of 1305
the Revised Code that was included in the indictment, count in 1306
the indictment, or information charging the offense, engaging in 1307
a pattern of corrupt activity is a felony of the first degree, 1308
and the court shall sentence the offender to a mandatory prison 1309
term as provided in division (B) (7) of section 2929.14 of the 1310
Revised Code and shall order the offender to make restitution as 1311
provided in division (B) (8) of section 2929.18 of the Revised 1312
Code. Notwithstanding any other provision of law, a person may 1313
be convicted of violating the provisions of this section as well 1314

as of a conspiracy to violate one or more of those provisions 1315
under section 2923.01 of the Revised Code. 1316

(2) Notwithstanding the financial sanctions authorized by 1317
section 2929.18 of the Revised Code, the court may do all of the 1318
following with respect to any person who derives pecuniary value 1319
or causes property damage, personal injury other than pain and 1320
suffering, or other loss through or by the violation of this 1321
section: 1322

(a) In lieu of the fine authorized by that section, impose 1323
a fine not exceeding the greater of three times the gross value 1324
gained or three times the gross loss caused and order the clerk 1325
of the court to pay the fine into the state treasury to the 1326
credit of the corrupt activity investigation and prosecution 1327
fund, which is hereby created; 1328

(b) In addition to the fine described in division (B) (2) 1329
(a) of this section and the financial sanctions authorized by 1330
section 2929.18 of the Revised Code, order the person to pay 1331
court costs; 1332

(c) In addition to the fine described in division (B) (2) 1333
(a) of this section and the financial sanctions authorized by 1334
section 2929.18 of the Revised Code, order the person to pay to 1335
the state, municipal, or county law enforcement agencies that 1336
handled the investigation and prosecution the costs of 1337
investigation and prosecution that are reasonably incurred. 1338

The court shall hold a hearing to determine the amount of 1339
fine, court costs, and other costs to be imposed under this 1340
division. 1341

(3) In addition to any other penalty or disposition 1342
authorized or required by law, the court shall order any person 1343

who is convicted of or pleads guilty to a violation of this 1344
section or who is adjudicated delinquent by reason of a 1345
violation of this section to criminally forfeit to the state 1346
under Chapter 2981. of the Revised Code any personal or real 1347
property in which the person has an interest and that was used 1348
in the course of or intended for use in the course of a 1349
violation of this section, or that was derived from or realized 1350
through conduct in violation of this section, including any 1351
property constituting an interest in, means of control over, or 1352
influence over the enterprise involved in the violation and any 1353
property constituting proceeds derived from the violation, 1354
including all of the following: 1355

(a) Any position, office, appointment, tenure, commission, 1356
or employment contract of any kind acquired or maintained by the 1357
person in violation of this section, through which the person, 1358
in violation of this section, conducted or participated in the 1359
conduct of an enterprise, or that afforded the person a source 1360
of influence or control over an enterprise that the person 1361
exercised in violation of this section; 1362

(b) Any compensation, right, or benefit derived from a 1363
position, office, appointment, tenure, commission, or employment 1364
contract described in division (B) (3) (a) of this section that 1365
accrued to the person in violation of this section during the 1366
period of the pattern of corrupt activity; 1367

(c) Any interest in, security of, claim against, or 1368
property or contractual right affording the person a source of 1369
influence or control over the affairs of an enterprise that the 1370
person exercised in violation of this section; 1371

(d) Any amount payable or paid under any contract for 1372
goods or services that was awarded or performed in violation of 1373

this section. 1374

(C) If a pattern of corrupt activity involves one or more 1375
incidents of organized retail theft, the retail establishment or 1376
group of establishments whose retail property is alleged to have 1377
been stolen may contact the prosecuting attorney and request 1378
that the charge be aggregated with other thefts of retail 1379
property about which the retail establishment or group of 1380
establishments is aware. If the prosecuting attorney declines 1381
the request, the prosecuting attorney shall promptly inform the 1382
retail establishment or group of establishments and provide the 1383
basis for the prosecuting attorney's decision. 1384

In determining whether the retail value of stolen retail 1385
property equals or exceeds one thousand dollars, the value of 1386
all retail property stolen from the retail establishment or 1387
group of establishments by the same person or persons within any 1388
twelve-month period shall be aggregated. 1389

Sec. 5739.17. (A) No person shall engage in making retail 1390
sales subject to a tax imposed by or pursuant to section 1391
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code as 1392
a business without having a license therefor, except as 1393
otherwise provided in divisions (A) (1), (2), and (3) of this 1394
section. 1395

(1) In the dissolution of a partnership by death, the 1396
surviving partner may operate under the license of the 1397
partnership for a period of sixty days. 1398

(2) The heirs or legal representatives of deceased 1399
persons, and receivers and trustees in bankruptcy, appointed by 1400
any competent authority, may operate under the license of the 1401
person so succeeded in possession. 1402

(3) Two or more persons who are not partners may operate a 1403
single place of business under one license. In such case neither 1404
the retirement of any such person from business at that place of 1405
business, nor the entrance of any person, under an existing 1406
arrangement, shall affect the license or require the issuance of 1407
a new license, unless the person retiring from the business is 1408
the individual named on the vendor's license. 1409

Except as otherwise provided in this section, each 1410
applicant for a license shall make out and deliver to the county 1411
auditor of each county in which the applicant desires to engage 1412
in business, upon a blank to be furnished by such auditor for 1413
that purpose, a statement showing the name of the applicant, 1414
each place of business in the county where the applicant will 1415
make retail sales, the nature of the business, and any other 1416
information the tax commissioner reasonably prescribes in the 1417
form of a statement prescribed by the commissioner. 1418

At the time of making the application, the applicant shall 1419
pay into the county treasury a license fee in the sum of ~~twenty-~~ 1420
~~five-fifty~~ dollars for each fixed place of business in the 1421
county that will be the situs of retail sales. Upon receipt of 1422
the application and exhibition of the county treasurer's 1423
receipt, showing the payment of the license fee, the county 1424
auditor shall issue to the applicant a license for each fixed 1425
place of business designated in the application, authorizing the 1426
applicant to engage in business at that location. The county 1427
auditor shall transmit twenty-five dollars of each license fee 1428
to the treasurer of state for deposit into the state treasury to 1429
the credit of the organized crime commission fund for the 1430
purposes specified in section 177.011 of the Revised Code. The 1431
remaining twenty-five dollars of each license fee shall be 1432
credited to the general fund of the county. 1433

(B) If a vendor's identity changes, the vendor shall apply 1434
for a new license. If a vendor wishes to move an existing fixed 1435
place of business to a new location within the same county, the 1436
vendor shall obtain a new vendor's license or submit a request 1437
to the commissioner to transfer the existing vendor's license to 1438
the new location. When the new location has been verified as 1439
being within the same county, the commissioner shall authorize 1440
the transfer and notify the county auditor of the change of 1441
location. If a vendor wishes to move an existing fixed place of 1442
business to another county, the vendor's license shall not 1443
transfer and the vendor shall obtain a new vendor's license from 1444
the county in which the business is to be located. The form of 1445
the license shall be prescribed by the commissioner. The fees 1446
collected shall be credited ~~to the general fund of the county~~ as 1447
specified in division (A) (3) of this section. If a vendor fails 1448
to notify the commissioner of a change of location of its fixed 1449
place of business or that its business has closed, the 1450
commissioner may cancel the vendor's license if ordinary mail 1451
sent to the location shown on the license is returned because of 1452
an undeliverable address. 1453

(C) The commissioner may establish or participate in a 1454
registration system whereby any vendor may obtain a vendor's 1455
license by submitting to the commissioner a vendor's license 1456
application and a license fee of ~~twenty-five~~ fifty dollars for 1457
each fixed place of business at which the vendor intends to make 1458
retail sales. Under this registration system, the commissioner 1459
shall issue a vendor's license to the applicant on behalf of the 1460
county auditor of the county in which the applicant desires to 1461
engage in business, and shall forward a copy of the application 1462
and license fee to that county. ~~All such Twenty-five dollars of~~ 1463
each license fees-fee received by the commissioner for the 1464

issuance of vendor's licenses shall be deposited into the 1465
vendor's license application fund, which is hereby created in 1466
the state treasury. The remaining twenty-five dollars of each 1467
license fee shall be deposited into the organized crime 1468
commission fund for the purposes specified in section 177.011 of 1469
the Revised Code. The commissioner shall certify to the director 1470
of budget and management within ten business days after the 1471
close of a month the license fees to be transmitted to each 1472
county from the vendor's license application fund for vendor's 1473
license applications received by the commissioner during that 1474
month. License fees transmitted to a county for which payment 1475
was not received by the commissioner may be netted against a 1476
future distribution to that county, including distributions made 1477
pursuant to section 5739.21 of the Revised Code. 1478

A vendor that makes retail sales subject to tax under 1479
Chapter 5739. of the Revised Code pursuant to a permit issued by 1480
the division of liquor control shall obtain a vendor's license 1481
in the identical name and for the identical address as shown on 1482
the permit. 1483

Except as otherwise provided in this section, if a vendor 1484
has no fixed place of business and sells from a vehicle, each 1485
vehicle intended to be used within a county constitutes a place 1486
of business for the purpose of this section. 1487

(D) As used in this section, "transient vendor" means any 1488
person who makes sales of tangible personal property from 1489
vending machines located on land owned by others, who leases 1490
titled motor vehicles, titled watercraft, or titled outboard 1491
motors, who effectuates leases that are taxed according to 1492
division (A) (2) of section 5739.02 of the Revised Code, or who, 1493
in the usual course of the person's business, transports 1494

inventory, stock of goods, or similar tangible personal property 1495
to a temporary place of business or temporary exhibition, show, 1496
fair, flea market, or similar event in a county in which the 1497
person has no fixed place of business, for the purpose of making 1498
retail sales of such property. A "temporary place of business" 1499
means any public or quasi-public place including, but not 1500
limited to, a hotel, rooming house, storeroom, building, part of 1501
a building, tent, vacant lot, railroad car, or motor vehicle 1502
that is temporarily occupied for the purpose of making retail 1503
sales of goods to the public. A place of business is not 1504
temporary if the same person conducted business at the place 1505
continuously for more than six months or occupied the premises 1506
as the person's permanent residence for more than six months, or 1507
if the person intends it to be a fixed place of business. 1508

Any transient vendor, in lieu of obtaining a vendor's 1509
license under division (A) of this section for counties in which 1510
the transient vendor has no fixed place of business, may apply 1511
to the tax commissioner, on a form prescribed by the 1512
commissioner, for a transient vendor's license. The transient 1513
vendor's license authorizes the transient vendor to make retail 1514
sales in any county in which the transient vendor does not 1515
maintain a fixed place of business. Any holder of a transient 1516
vendor's license shall not be required to obtain a separate 1517
vendor's license from the county auditor in that county. Upon 1518
the commissioner's determination that an applicant is a 1519
transient vendor, the applicant shall pay a license fee in the 1520
amount of ~~twenty-five~~ twenty-five ~~fifty~~ fifty dollars, at which time the tax 1521
commissioner shall issue the license. Twenty-five dollars of 1522
that license fee shall be deposited into the organized crime 1523
commission fund for the purposes specified in section 177.011 of 1524
the Revised Code. The tax commissioner may require a vendor to 1525

be licensed as a transient vendor if, in the opinion of the 1526
commissioner, such licensing is necessary for the efficient 1527
administration of the tax. 1528

Any holder of a valid transient vendor's license may make 1529
retail sales at a temporary place of business or temporary 1530
exhibition, show, fair, flea market, or similar event, held 1531
anywhere in the state without complying with any provision of 1532
section 311.37 of the Revised Code. Any holder of a valid 1533
vendor's license may make retail sales as a transient vendor at 1534
a temporary place of business or temporary exhibition, show, 1535
fair, flea market, or similar event held in any county in which 1536
the vendor maintains a fixed place of business for which the 1537
vendor holds a vendor's license without obtaining a transient 1538
vendor's license. 1539

(E) Any vendor who is issued a license pursuant to this 1540
section shall display the license or a copy of it prominently, 1541
in plain view, at every place of business of the vendor. 1542

(F) No owner, organizer, or promoter who operates a fair, 1543
flea market, show, exhibition, convention, or similar event at 1544
which transient vendors are present shall fail to keep a 1545
comprehensive record of all such vendors, listing the vendor's 1546
name, permanent address, vendor's license number, and the type 1547
of goods sold. Such records shall be kept for four years and 1548
shall be open to inspection by the commissioner. 1549

(G) The commissioner may issue additional types of 1550
licenses if required to efficiently administer the tax imposed 1551
by this chapter. 1552

Section 2. That existing sections 177.011, 177.02, 1553
2909.07, 2913.01, 2913.02, 2913.30, 2923.31, 2923.32, and 1554

5739.17 of the Revised Code are hereby repealed. 1555

Section 3. All items in this act are hereby appropriated 1556
as designated out of any moneys in the state treasury to the 1557
credit of the designated fund. For all operating appropriations 1558
made in this act, those in the first column are for fiscal year 1559
2024 and those in the second column are for fiscal year 2025. 1560
The operating appropriations made in this act are in addition to 1561
any other operating appropriations made for these fiscal years. 1562

Section 4. 1563

1564

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

ORGANIZED RETAIL THEFT TASK FORCE 1565

On the effective date of this section, or as soon as 1566
possible thereafter, the Director of Budget and Management shall 1567
transfer \$1,500,000 cash from the General Revenue Fund to the 1568
Organized Crime Commission Fund (Fund R042) to support the 1569
appropriation made in this act. 1570

The foregoing appropriation item 055601, Organized Crime 1571

Commission Distributions, shall be used to support the 1572
operations of the organized retail theft task force established 1573
in section 177.02 of the Revised Code. 1574

An amount equal to the unexpended, unencumbered balance of 1575
the foregoing appropriation item 055601, Organized Crime 1576
Commission Distributions, at the end of fiscal year 2024 is 1577
hereby reappropriated for the same purpose in fiscal year 2025. 1578

Section 5. Within the limits set forth in this act, the 1579
Director of Budget and Management shall establish accounts 1580
indicating the source and amount of funds for each appropriation 1581
made in this act, and shall determine the manner in which 1582
appropriation accounts shall be maintained. Expenditures from 1583
operating appropriations contained in this act shall be 1584
accounted for as though made in, and are subject to all 1585
applicable provisions of, H.B. 33 of the 135th General Assembly. 1586

Section 6. This act shall be known as the Fight Organized 1587
Retail Crime and Empower Law Enforcement (FORCE) Act. 1588

Section 7. Section 2923.31 of the Revised Code is 1589
presented in this act as a composite of the section as amended 1590
by both H.B. 199 and H.B. 405 of the 132nd General Assembly. The 1591
General Assembly, applying the principle stated in division (B) 1592
of section 1.52 of the Revised Code that amendments are to be 1593
harmonized if reasonably capable of simultaneous operation, 1594
finds that the composite is the resulting version of the section 1595
in effect prior to the effective date of the section as 1596
presented in this act. 1597