

**As Reported by the Senate Criminal Justice Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Sub. H. B. No. 74**

**Representative Anielski**

**Cosponsors: Representatives Hackett, Ruhl, Fedor, Driehaus, Sprague,  
Gonzales, Buchy, Antonio, Grossman, Pillich, Butler, Baker, Barborak,  
Barnes, Beck, Blair, Blessing, Boose, Brown, Burkley, Cera, Clyde, Conditt,  
Green, Hagan, C., Hall, Hill, Landis, McClain, McGregor, Milkovich, Patmon,  
Perales, Rogers, Sheehy, Smith, Terhar Speaker Batchelder**

—

**A B I L L**

To amend sections 2903.13, 2903.211, 2913.02, and 1  
2917.21 of the Revised Code to expand the offenses 2  
of menacing by stalking and telecommunications 3  
harassment, to prohibit a person from knowingly 4  
causing another person to believe that the 5  
offender will cause physical harm or mental 6  
distress to a family or household member of the 7  
other person, to increase the penalty for assault 8  
when the victim is a volunteer firefighter, and to 9  
correct a cross reference in the theft statute to 10  
special purchase articles. 11

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

**Section 1.** That sections 2903.13, 2903.211, 2913.02, and 12  
2917.21 of the Revised Code be amended to read as follows: 13

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 14  
to cause physical harm to another or to another's unborn. 15

(B) No person shall recklessly cause serious physical harm to another or to another's unborn. 16  
17

(C)(1) Whoever violates this section is guilty of assault, 18  
and the court shall sentence the offender as provided in this 19  
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), 20  
(9), and (10) of this section. Except as otherwise provided in 21  
division (C)(2), (3), (4), (5), (6), (7), (8), or (9) of this 22  
section, assault is a misdemeanor of the first degree. 23

(2) Except as otherwise provided in this division, if the 24  
offense is committed by a caretaker against a functionally 25  
impaired person under the caretaker's care, assault is a felony of 26  
the fourth degree. If the offense is committed by a caretaker 27  
against a functionally impaired person under the caretaker's care, 28  
if the offender previously has been convicted of or pleaded guilty 29  
to a violation of this section or section 2903.11 or 2903.16 of 30  
the Revised Code, and if in relation to the previous conviction 31  
the offender was a caretaker and the victim was a functionally 32  
impaired person under the offender's care, assault is a felony of 33  
the third degree. 34

(3) If the offense occurs in or on the grounds of a state 35  
correctional institution or an institution of the department of 36  
youth services, the victim of the offense is an employee of the 37  
department of rehabilitation and correction or the department of 38  
youth services, and the offense is committed by a person 39  
incarcerated in the state correctional institution or by a person 40  
institutionalized in the department of youth services institution 41  
pursuant to a commitment to the department of youth services, 42  
assault is a felony of the third degree. 43

(4) If the offense is committed in any of the following 44  
circumstances, assault is a felony of the fifth degree: 45

(a) The offense occurs in or on the grounds of a local 46

correctional facility, the victim of the offense is an employee of 47  
the local correctional facility or a probation department or is on 48  
the premises of the facility for business purposes or as a 49  
visitor, and the offense is committed by a person who is under 50  
custody in the facility subsequent to the person's arrest for any 51  
crime or delinquent act, subsequent to the person's being charged 52  
with or convicted of any crime, or subsequent to the person's 53  
being alleged to be or adjudicated a delinquent child. 54

(b) The offense occurs off the grounds of a state 55  
correctional institution and off the grounds of an institution of 56  
the department of youth services, the victim of the offense is an 57  
employee of the department of rehabilitation and correction, the 58  
department of youth services, or a probation department, the 59  
offense occurs during the employee's official work hours and while 60  
the employee is engaged in official work responsibilities, and the 61  
offense is committed by a person incarcerated in a state 62  
correctional institution or institutionalized in the department of 63  
youth services who temporarily is outside of the institution for 64  
any purpose, by a parolee, by an offender under transitional 65  
control, under a community control sanction, or on an escorted 66  
visit, by a person under post-release control, or by an offender 67  
under any other type of supervision by a government agency. 68

(c) The offense occurs off the grounds of a local 69  
correctional facility, the victim of the offense is an employee of 70  
the local correctional facility or a probation department, the 71  
offense occurs during the employee's official work hours and while 72  
the employee is engaged in official work responsibilities, and the 73  
offense is committed by a person who is under custody in the 74  
facility subsequent to the person's arrest for any crime or 75  
delinquent act, subsequent to the person being charged with or 76  
convicted of any crime, or subsequent to the person being alleged 77  
to be or adjudicated a delinquent child and who temporarily is 78

outside of the facility for any purpose or by a parolee, by an 79  
offender under transitional control, under a community control 80  
sanction, or on an escorted visit, by a person under post-release 81  
control, or by an offender under any other type of supervision by 82  
a government agency. 83

(d) The victim of the offense is a school teacher or 84  
administrator or a school bus operator, and the offense occurs in 85  
a school, on school premises, in a school building, on a school 86  
bus, or while the victim is outside of school premises or a school 87  
bus and is engaged in duties or official responsibilities 88  
associated with the victim's employment or position as a school 89  
teacher or administrator or a school bus operator, including, but 90  
not limited to, driving, accompanying, or chaperoning students at 91  
or on class or field trips, athletic events, or other school 92  
extracurricular activities or functions outside of school 93  
premises. 94

(5)(a) If the victim of the offense is a peace officer or an 95  
investigator of the bureau of criminal identification and 96  
investigation, a firefighter, or a person performing emergency 97  
medical service, while in the performance of their official 98  
duties, assault is a felony of the fourth degree. 99

(b) If the victim of the offense is a volunteer firefighter 100  
who the offender knew or should have known was either a 101  
firefighter or a volunteer firefighter while in the performance of 102  
their official duties, assault is a felony of the fourth degree. 103

(6) If the victim of the offense is a peace officer or an 104  
investigator of the bureau of criminal identification and 105  
investigation and if the victim suffered serious physical harm as 106  
a result of the commission of the offense, assault is a felony of 107  
the fourth degree, and the court, pursuant to division (F) of 108  
section 2929.13 of the Revised Code, shall impose as a mandatory 109  
prison term one of the prison terms prescribed for a felony of the 110

fourth degree that is at least twelve months in duration. 111

(7) If the victim of the offense is an officer or employee of 112  
a public children services agency or a private child placing 113  
agency and the offense relates to the officer's or employee's 114  
performance or anticipated performance of official 115  
responsibilities or duties, assault is either a felony of the 116  
fifth degree or, if the offender previously has been convicted of 117  
or pleaded guilty to an offense of violence, the victim of that 118  
prior offense was an officer or employee of a public children 119  
services agency or private child placing agency, and that prior 120  
offense related to the officer's or employee's performance or 121  
anticipated performance of official responsibilities or duties, a 122  
felony of the fourth degree. 123

(8) If the victim of the offense is a health care 124  
professional of a hospital, a health care worker of a hospital, or 125  
a security officer of a hospital whom the offender knows or has 126  
reasonable cause to know is a health care professional of a 127  
hospital, a health care worker of a hospital, or a security 128  
officer of a hospital, if the victim is engaged in the performance 129  
of the victim's duties, and if the hospital offers de-escalation 130  
or crisis intervention training for such professionals, workers, 131  
or officers, assault is one of the following: 132

(a) Except as otherwise provided in division (C)(8)(b) of 133  
this section, assault committed in the specified circumstances is 134  
a misdemeanor of the first degree. Notwithstanding the fine 135  
specified in division (A)(2)(b) of section 2929.28 of the Revised 136  
Code for a misdemeanor of the first degree, in sentencing the 137  
offender under this division and if the court decides to impose a 138  
fine, the court may impose upon the offender a fine of not more 139  
than five thousand dollars. 140

(b) If the offender previously has been convicted of or 141  
pleaded guilty to one or more assault or homicide offenses 142

committed against hospital personnel, assault committed in the 143  
specified circumstances is a felony of the fifth degree. 144

(9) If the victim of the offense is a judge, magistrate, 145  
prosecutor, or court official or employee whom the offender knows 146  
or has reasonable cause to know is a judge, magistrate, 147  
prosecutor, or court official or employee, and if the victim is 148  
engaged in the performance of the victim's duties, assault is one 149  
of the following: 150

(a) Except as otherwise provided in division (C)(8)(b) of 151  
this section, assault committed in the specified circumstances is 152  
a misdemeanor of the first degree. In sentencing the offender 153  
under this division, if the court decides to impose a fine, 154  
notwithstanding the fine specified in division (A)(2)(b) of 155  
section 2929.28 of the Revised Code for a misdemeanor of the first 156  
degree, the court may impose upon the offender a fine of not more 157  
than five thousand dollars. 158

(b) If the offender previously has been convicted of or 159  
pleaded guilty to one or more assault or homicide offenses 160  
committed against justice system personnel, assault committed in 161  
the specified circumstances is a felony of the fifth degree. 162

(10) If an offender who is convicted of or pleads guilty to 163  
assault when it is a misdemeanor also is convicted of or pleads 164  
guilty to a specification as described in section 2941.1423 of the 165  
Revised Code that was included in the indictment, count in the 166  
indictment, or information charging the offense, the court shall 167  
sentence the offender to a mandatory jail term as provided in 168  
division (G) of section 2929.24 of the Revised Code. 169

If an offender who is convicted of or pleads guilty to 170  
assault when it is a felony also is convicted of or pleads guilty 171  
to a specification as described in section 2941.1423 of the 172  
Revised Code that was included in the indictment, count in the 173

indictment, or information charging the offense, except as 174  
otherwise provided in division (C)(6) of this section, the court 175  
shall sentence the offender to a mandatory prison term as provided 176  
in division (B)(8) of section 2929.14 of the Revised Code. 177

(D) As used in this section: 178

(1) "Peace officer" has the same meaning as in section 179  
2935.01 of the Revised Code. 180

(2) "Firefighter" has the same meaning as in section 3937.41 181  
of the Revised Code. 182

(3) "Emergency medical service" has the same meaning as in 183  
section 4765.01 of the Revised Code. 184

(4) "Local correctional facility" means a county, 185  
multicounty, municipal, municipal-county, or multicounty-municipal 186  
jail or workhouse, a minimum security jail established under 187  
section 341.23 or 753.21 of the Revised Code, or another county, 188  
multicounty, municipal, municipal-county, or multicounty-municipal 189  
facility used for the custody of persons arrested for any crime or 190  
delinquent act, persons charged with or convicted of any crime, or 191  
persons alleged to be or adjudicated a delinquent child. 192

(5) "Employee of a local correctional facility" means a 193  
person who is an employee of the political subdivision or of one 194  
or more of the affiliated political subdivisions that operates the 195  
local correctional facility and who operates or assists in the 196  
operation of the facility. 197

(6) "School teacher or administrator" means either of the 198  
following: 199

(a) A person who is employed in the public schools of the 200  
state under a contract described in section 3311.77 or 3319.08 of 201  
the Revised Code in a position in which the person is required to 202  
have a certificate issued pursuant to sections 3319.22 to 3319.311 203

of the Revised Code.	204
(b) A person who is employed by a nonpublic school for which	205
the state board of education prescribes minimum standards under	206
section 3301.07 of the Revised Code and who is certificated in	207
accordance with section 3301.071 of the Revised Code.	208
(7) "Community control sanction" has the same meaning as in	209
section 2929.01 of the Revised Code.	210
(8) "Escorted visit" means an escorted visit granted under	211
section 2967.27 of the Revised Code.	212
(9) "Post-release control" and "transitional control" have	213
the same meanings as in section 2967.01 of the Revised Code.	214
(10) "Investigator of the bureau of criminal identification	215
and investigation" has the same meaning as in section 2903.11 of	216
the Revised Code.	217
(11) "Health care professional" and "health care worker" have	218
the same meanings as in section 2305.234 of the Revised Code.	219
(12) "Assault or homicide offense committed against hospital	220
personnel" means a violation of this section or of section	221
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or	222
2903.14 of the Revised Code committed in circumstances in which	223
all of the following apply:	224
(a) The victim of the offense was a health care professional	225
of a hospital, a health care worker of a hospital, or a security	226
officer of a hospital.	227
(b) The offender knew or had reasonable cause to know that	228
the victim was a health care professional of a hospital, a health	229
care worker of a hospital, or a security officer of a hospital.	230
(c) The victim was engaged in the performance of the victim's	231
duties.	232
(d) The hospital offered de-escalation or crisis intervention	233



training for such professionals, workers, or officers. 234

(13) "De-escalation or crisis intervention training" means 235  
de-escalation or crisis intervention training for health care 236  
professionals of a hospital, health care workers of a hospital, 237  
and security officers of a hospital to facilitate interaction with 238  
patients, members of a patient's family, and visitors, including 239  
those with mental impairments. 240

(14) "Assault or homicide offense committed against justice 241  
system personnel" means a violation of this section or of section 242  
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 243  
2903.14 of the Revised Code committed in circumstances in which 244  
the victim of the offense was a judge, magistrate, prosecutor, or 245  
court official or employee whom the offender knew or had 246  
reasonable cause to know was a judge, magistrate, prosecutor, or 247  
court official or employee, and the victim was engaged in the 248  
performance of the victim's duties. 249

(15) "Court official or employee" means any official or 250  
employee of a court created under the constitution or statutes of 251  
this state or of a United States court located in this state. 252

(16) "Judge" means a judge of a court created under the 253  
constitution or statutes of this state or of a United States court 254  
located in this state. 255

(17) "Magistrate" means an individual who is appointed by a 256  
court of record of this state and who has the powers and may 257  
perform the functions specified in Civil Rule 53, Criminal Rule 258  
19, or Juvenile Rule 40, or an individual who is appointed by a 259  
United States court located in this state who has similar powers 260  
and functions. 261

(18) "Prosecutor" has the same meaning as in section 2935.01 262  
of the Revised Code. 263

(19)(a) "Hospital" means, subject to division (D)(19)(b) of 264

this section, an institution classified as a hospital under 265  
section 3701.01 of the Revised Code in which are provided to 266  
patients diagnostic, medical, surgical, obstetrical, psychiatric, 267  
or rehabilitation care or a hospital operated by a health 268  
maintenance organization. 269

(b) "Hospital" does not include any of the following: 270

(i) A facility licensed under Chapter 3721. of the Revised 271  
Code, a health care facility operated by the department of mental 272  
health or the department of developmental disabilities, a health 273  
maintenance organization that does not operate a hospital, or the 274  
office of any private, licensed health care professional, whether 275  
organized for individual or group practice; 276

(ii) An institution for the sick that is operated exclusively 277  
for patients who use spiritual means for healing and for whom the 278  
acceptance of medical care is inconsistent with their religious 279  
beliefs, accredited by a national accrediting organization, exempt 280  
from federal income taxation under section 501 of the "Internal 281  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 282  
and providing twenty-four-hour nursing care pursuant to the 283  
exemption in division (E) of section 4723.32 of the Revised Code 284  
from the licensing requirements of Chapter 4723. of the Revised 285  
Code. 286

(20) "Health maintenance organization" has the same meaning 287  
as in section 3727.01 of the Revised Code. 288

(21) "Volunteer firefighter" has the same meaning as in 289  
section 146.01 of the Revised Code. 290

**Sec. 2903.211.** (A)(1) No person by engaging in a pattern of 291  
conduct shall knowingly cause another person to believe that the 292  
offender will cause physical harm to the other person or a family 293  
or household member of the other person or cause mental distress 294

to the other person or a family or household member of the other 295  
person. In addition to any other basis for the other person's 296  
belief that the offender will cause physical harm to the other 297  
person or the other person's mental distress, the other person's 298  
belief or mental distress may be based on words or conduct of the 299  
offender that are directed at or identify a corporation, 300  
association, or other organization that employs the other person 301  
or to which the other person belongs. 302

(2) No person, through the use of any form of written 303  
communication or any electronic method of remotely transferring 304  
information, including, but not limited to, any computer, computer 305  
network, computer program, ~~or~~ computer system or 306  
telecommunications device, shall post a message or use any 307  
intentionally written or verbal graphic gesture with purpose to 308  
~~urge~~ do either of the following: 309

(a) Violate division (A)(1) of this section; 310

(b) Urge or incite another to commit a violation of division 311  
(A)(1) of this section. 312

(3) No person, with a sexual motivation, shall violate 313  
division (A)(1) or (2) of this section. 314

(B) Whoever violates this section is guilty of menacing by 315  
stalking. 316

(1) Except as otherwise provided in divisions (B)(2) and (3) 317  
of this section, menacing by stalking is a misdemeanor of the 318  
first degree. 319

(2) Menacing by stalking is a felony of the fourth degree if 320  
any of the following applies: 321

(a) The offender previously has been convicted of or pleaded 322  
guilty to a violation of this section or a violation of section 323  
2911.211 of the Revised Code. 324

(b) In committing the offense under division (A)(1), (2), or 325  
(3) of this section, the offender made a threat of physical harm 326  
to or against the victim, or as a result of an offense committed 327  
under division (A)(2) or (3) of this section, a third person 328  
induced by the offender's posted message made a threat of physical 329  
harm to or against the victim. 330

(c) In committing the offense under division (A)(1), (2), or 331  
(3) of this section, the offender trespassed on the land or 332  
premises where the victim lives, is employed, or attends school, 333  
or as a result of an offense committed under division (A)(2) or 334  
(3) of this section, a third person induced by the offender's 335  
posted message trespassed on the land or premises where the victim 336  
lives, is employed, or attends school. 337

(d) The victim of the offense is a minor. 338

(e) The offender has a history of violence toward the victim 339  
or any other person or a history of other violent acts toward the 340  
victim or any other person. 341

(f) While committing the offense under division (A)(1) of 342  
this section or a violation of division (A)(3) of this section 343  
based on conduct in violation of division (A)(1) of this section, 344  
the offender had a deadly weapon on or about the offender's person 345  
or under the offender's control. Division (B)(2)(f) of this 346  
section does not apply in determining the penalty for a violation 347  
of division (A)(2) of this section or a violation of division 348  
(A)(3) of this section based on conduct in violation of division 349  
(A)(2) of this section. 350

(g) At the time of the commission of the offense, the 351  
offender was the subject of a protection order issued under 352  
section 2903.213 or 2903.214 of the Revised Code, regardless of 353  
whether the person to be protected under the order is the victim 354  
of the offense or another person. 355

(h) In committing the offense under division (A)(1), (2), or 356  
(3) of this section, the offender caused serious physical harm to 357  
the premises at which the victim resides, to the real property on 358  
which that premises is located, or to any personal property 359  
located on that premises, or, as a result of an offense committed 360  
under division (A)(2) of this section or an offense committed 361  
under division (A)(3) of this section based on a violation of 362  
division (A)(2) of this section, a third person induced by the 363  
offender's posted message caused serious physical harm to that 364  
premises, that real property, or any personal property on that 365  
premises. 366

(i) Prior to committing the offense, the offender had been 367  
determined to represent a substantial risk of physical harm to 368  
others as manifested by evidence of then-recent homicidal or other 369  
violent behavior, evidence of then-recent threats that placed 370  
another in reasonable fear of violent behavior and serious 371  
physical harm, or other evidence of then-present dangerousness. 372

(3) If the victim of the offense is an officer or employee of 373  
a public children services agency or a private child placing 374  
agency and the offense relates to the officer's or employee's 375  
performance or anticipated performance of official 376  
responsibilities or duties, menacing by stalking is either a 377  
felony of the fifth degree or, if the offender previously has been 378  
convicted of or pleaded guilty to an offense of violence, the 379  
victim of that prior offense was an officer or employee of a 380  
public children services agency or private child placing agency, 381  
and that prior offense related to the officer's or employee's 382  
performance or anticipated performance of official 383  
responsibilities or duties, a felony of the fourth degree. 384

(C) Section 2919.271 of the Revised Code applies in relation 385  
to a defendant charged with a violation of this section. 386

(D) As used in this section: 387

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

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

(a) Any mental illness or condition that involves some temporary substantial incapacity;

(b) Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.

(3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.

(4) "Emergency facility person" is the singular of "emergency

facility personnel" as defined in section 2909.04 of the Revised Code. 419  
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(5) "Public official" has the same meaning as in section 2921.01 of the Revised Code. 421  
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(6) "Computer," "computer network," "computer program," "computer system," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code. 423  
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(7) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating, attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another. 426  
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(8) "Third person" means, in relation to conduct as described in division (A)(2) of this section, an individual who is neither the offender nor the victim of the conduct. 433  
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(9) "Sexual motivation" has the same meaning as in section 2971.01 of the Revised Code. 436  
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(10) "Organization" includes an entity that is a governmental employer. 438  
439

(11) "Family or household member" means any of the following: 440

(a) Any of the following who is residing or has resided with the person against whom the act prohibited in division (A)(1) of this section is committed: 441  
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(i) A spouse, a person living as a spouse, or a former spouse of the person; 444  
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(ii) A parent, a foster parent, or a child of the person, or another person related by consanguinity or affinity to the person; 446  
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(iii) A parent or a child of a spouse, person living as a 448

spouse, or former spouse of the person, or another person related 449  
by consanguinity or affinity to a spouse, person living as a 450  
spouse, or former spouse of the person. 451

(b) The natural parent of any child of whom the person 452  
against whom the act prohibited in division (A)(1) of this section 453  
is committed is the other natural parent or is the putative other 454  
natural parent. 455

(12) "Person living as a spouse" means a person who is living 456  
or has lived with the person against whom the act prohibited in 457  
division (A)(1) of this section is committed in a common law 458  
marital relationship, who otherwise is cohabiting with that 459  
person, or who otherwise has cohabited with the person within five 460  
years prior to the date of the alleged commission of the act in 461  
question. 462

(E) The state does not need to prove in a prosecution under 463  
this section that a person requested or received psychiatric 464  
treatment, psychological treatment, or other mental health 465  
services in order to show that the person was caused mental 466  
distress as described in division (D)(2)(b) of this section. 467

(F)(1) This section does not apply to a person solely because 468  
the person provided access or connection to or from an electronic 469  
method of remotely transferring information not under that 470  
person's control, including having provided capabilities that are 471  
incidental to providing access or connection to or from the 472  
electronic method of remotely transferring the information, and 473  
that do not include the creation of the content of the material 474  
that is the subject of the access or connection. In addition, any 475  
person providing access or connection to or from an electronic 476  
method of remotely transferring information not under that 477  
person's control shall not be liable for any action voluntarily 478  
taken in good faith to block the receipt or transmission through 479  
its service of any information that it believes is, or will be 480



sent, in violation of this section. 481

(2) Division (F)(1) of this section does not create an 482  
affirmative duty for any person providing access or connection to 483  
or from an electronic method of remotely transferring information 484  
not under that person's control to block the receipt or 485  
transmission through its service of any information that it 486  
believes is, or will be sent, in violation of this section except 487  
as otherwise provided by law. 488

(3) Division (F)(1) of this section does not apply to a 489  
person who conspires with a person actively involved in the 490  
creation or knowing distribution of material in violation of this 491  
section or who knowingly advertises the availability of material 492  
of that nature. 493

**Sec. 2913.02.** (A) No person, with purpose to deprive the 494  
owner of property or services, shall knowingly obtain or exert 495  
control over either the property or services in any of the 496  
following ways: 497

(1) Without the consent of the owner or person authorized to 498  
give consent; 499

(2) Beyond the scope of the express or implied consent of the 500  
owner or person authorized to give consent; 501

(3) By deception; 502

(4) By threat; 503

(5) By intimidation. 504

(B)(1) Whoever violates this section is guilty of theft. 505

(2) Except as otherwise provided in this division or division 506  
(B)(3), (4), (5), (6), (7), (8), or (9) of this section, a 507  
violation of this section is petty theft, a misdemeanor of the 508  
first degree. If the value of the property or services stolen is 509

one thousand dollars or more and is less than seven thousand five 510  
hundred dollars or if the property stolen is any of the property 511  
listed in section 2913.71 of the Revised Code, a violation of this 512  
section is theft, a felony of the fifth degree. If the value of 513  
the property or services stolen is seven thousand five hundred 514  
dollars or more and is less than one hundred fifty thousand 515  
dollars, a violation of this section is grand theft, a felony of 516  
the fourth degree. If the value of the property or services stolen 517  
is one hundred fifty thousand dollars or more and is less than 518  
seven hundred fifty thousand dollars, a violation of this section 519  
is aggravated theft, a felony of the third degree. If the value of 520  
the property or services is seven hundred fifty thousand dollars 521  
or more and is less than one million five hundred thousand 522  
dollars, a violation of this section is aggravated theft, a felony 523  
of the second degree. If the value of the property or services 524  
stolen is one million five hundred thousand dollars or more, a 525  
violation of this section is aggravated theft of one million five 526  
hundred thousand dollars or more, a felony of the first degree. 527

(3) Except as otherwise provided in division (B)(4), (5), 528  
(6), (7), (8), or (9) of this section, if the victim of the 529  
offense is an elderly person, disabled adult, active duty service 530  
member, or spouse of an active duty service member, a violation of 531  
this section is theft from a person in a protected class, and 532  
division (B)(3) of this section applies. Except as otherwise 533  
provided in this division, theft from a person in a protected 534  
class is a felony of the fifth degree. If the value of the 535  
property or services stolen is one thousand dollars or more and is 536  
less than seven thousand five hundred dollars, theft from a person 537  
in a protected class is a felony of the fourth degree. If the 538  
value of the property or services stolen is seven thousand five 539  
hundred dollars or more and is less than thirty-seven thousand 540  
five hundred dollars, theft from a person in a protected class is 541  
a felony of the third degree. If the value of the property or 542

services stolen is thirty-seven thousand five hundred dollars or 543  
more and is less than one hundred fifty thousand dollars, theft 544  
from a person in a protected class is a felony of the second 545  
degree. If the value of the property or services stolen is one 546  
hundred fifty thousand dollars or more, theft from a person in a 547  
protected class is a felony of the first degree. 548

(4) If the property stolen is a firearm or dangerous 549  
ordnance, a violation of this section is grand theft. Except as 550  
otherwise provided in this division, grand theft when the property 551  
stolen is a firearm or dangerous ordnance is a felony of the third 552  
degree, and there is a presumption in favor of the court imposing 553  
a prison term for the offense. If the firearm or dangerous 554  
ordnance was stolen from a federally licensed firearms dealer, 555  
grand theft when the property stolen is a firearm or dangerous 556  
ordnance is a felony of the first degree. The offender shall serve 557  
a prison term imposed for grand theft when the property stolen is 558  
a firearm or dangerous ordnance consecutively to any other prison 559  
term or mandatory prison term previously or subsequently imposed 560  
upon the offender. 561

(5) If the property stolen is a motor vehicle, a violation of 562  
this section is grand theft of a motor vehicle, a felony of the 563  
fourth degree. 564

(6) If the property stolen is any dangerous drug, a violation 565  
of this section is theft of drugs, a felony of the fourth degree, 566  
or, if the offender previously has been convicted of a felony drug 567  
abuse offense, a felony of the third degree. 568

(7) If the property stolen is a police dog or horse or an 569  
assistance dog and the offender knows or should know that the 570  
property stolen is a police dog or horse or an assistance dog, a 571  
violation of this section is theft of a police dog or horse or an 572  
assistance dog, a felony of the third degree. 573

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

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

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

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

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

for at least six months. 606

(c) The court, in lieu of suspending the offender's driver's 607  
or commercial driver's license, probationary driver's license, 608  
temporary instruction permit, or nonresident operating privilege 609  
pursuant to division (B)(10)(a) or (b) of this section, instead 610  
may require the offender to perform community service for a number 611  
of hours determined by the court. 612

(11) In addition to the penalties described in division 613  
(B)(2) of this section, if the offender committed the violation by 614  
stealing rented property or rental services, the court may order 615  
that the offender make restitution pursuant to section 2929.18 or 616  
2929.28 of the Revised Code. Restitution may include, but is not 617  
limited to, the cost of repairing or replacing the stolen 618  
property, or the cost of repairing the stolen property and any 619  
loss of revenue resulting from deprivation of the property due to 620  
theft of rental services that is less than or equal to the actual 621  
value of the property at the time it was rented. Evidence of 622  
intent to commit theft of rented property or rental services shall 623  
be determined pursuant to the provisions of section 2913.72 of the 624  
Revised Code. 625

(C) The sentencing court that suspends an offender's license, 626  
permit, or nonresident operating privilege under division (B)(10) 627  
of this section may grant the offender limited driving privileges 628  
during the period of the suspension in accordance with Chapter 629  
4510. of the Revised Code. 630

**Sec. 2917.21.** (A) No person shall knowingly make or cause to 631  
be made a telecommunication, or knowingly permit a 632  
telecommunication to be made from a telecommunications device 633  
under the person's control, to another, if the caller does any of 634  
the following: 635

(1) ~~Fails to identify the caller to the recipient of the~~ 636

~~telecommunication and makes~~ Makes the telecommunication with 637  
purpose to harass, intimidate, or abuse any person at the premises 638  
to which the telecommunication is made, whether or not actual 639  
communication takes place between the caller and a recipient; 640

(2) Describes, suggests, requests, or proposes that the 641  
caller, the recipient of the telecommunication, or any other 642  
person engage in sexual activity, and the recipient or another 643  
person at the premises to which the telecommunication is made has 644  
requested, in a previous telecommunication or in the immediate 645  
telecommunication, that the caller not make a telecommunication to 646  
the recipient or to the premises to which the telecommunication is 647  
made; 648

(3) During the telecommunication, violates section 2903.21 of 649  
the Revised Code; 650

(4) Knowingly states to the recipient of the 651  
telecommunication that the caller intends to cause damage to or 652  
destroy public or private property, and the recipient, any member 653  
of the recipient's family, or any other person who resides at the 654  
premises to which the telecommunication is made owns, leases, 655  
resides, or works in, will at the time of the destruction or 656  
damaging be near or in, has the responsibility of protecting, or 657  
insures the property that will be destroyed or damaged; 658

(5) Knowingly makes the telecommunication to the recipient of 659  
the telecommunication, to another person at the premises to which 660  
the telecommunication is made, or to those premises, and the 661  
recipient or another person at those premises previously has told 662  
the caller not to make a telecommunication to those premises or to 663  
any persons at those premises; 664

(6) Knowingly makes any comment, request, suggestion, or 665  
proposal to the recipient of the telecommunication that is 666  
threatening, intimidating, menacing, coercive, or obscene with the 667

intent to abuse, threaten, or harass the recipient; 668

(7) Without a lawful business purpose, knowingly interrupts 669  
the telecommunication service of any person; 670

(8) Without a lawful business purpose, knowingly transmits to 671  
any person, regardless of whether the telecommunication is heard 672  
in its entirety, any file, document, or other communication that 673  
prevents that person from using the person's telephone service or 674  
electronic communication device; 675

(9) Knowingly makes any false statement concerning the death, 676  
injury, illness, disfigurement, reputation, indecent conduct, or 677  
criminal conduct of the recipient of the telecommunication or 678  
family or household member of the recipient with purpose to abuse, 679  
threaten, intimidate, or harass the recipient; 680

(10) Incites another person through a telecommunication or 681  
other means to harass or participate in the harassment of a 682  
person; 683

(11) Knowingly alarms the recipient by making a 684  
telecommunication without a lawful purpose at an hour or hours 685  
known to be inconvenient to the recipient and in an offensively or 686  
repetitive manner. 687

(B)(1) No person shall make or cause to be made a 688  
telecommunication, or permit a telecommunication to be made from a 689  
telecommunications device under the person's control, with purpose 690  
to abuse, threaten, or harass another person. 691

(2) No person shall knowingly post a text or audio statement 692  
or an image on an internet web site or web page for the purpose of 693  
abusing, threatening, or harassing another person. 694

(C)(1) Whoever violates this section is guilty of 695  
telecommunications harassment. 696

(2) A violation of division (A)(1), (2), (3), ~~or (5)~~, (6), 697

(7), (8), (9), (10), or (11) or (B) of this section is a 698  
misdemeanor of the first degree on a first offense and a felony of 699  
the fifth degree on each subsequent offense. 700

(3) Except as otherwise provided in division (C)(3) of this 701  
section, a violation of division (A)(4) of this section is a 702  
misdemeanor of the first degree on a first offense and a felony of 703  
the fifth degree on each subsequent offense. If a violation of 704  
division (A)(4) of this section results in economic harm of one 705  
thousand dollars or more but less than seven thousand five hundred 706  
dollars, telecommunications harassment is a felony of the fifth 707  
degree. If a violation of division (A)(4) of this section results 708  
in economic harm of seven thousand five hundred dollars or more 709  
but less than one hundred fifty thousand dollars, 710  
telecommunications harassment is a felony of the fourth degree. If 711  
a violation of division (A)(4) of this section results in economic 712  
harm of one hundred fifty thousand dollars or more, 713  
telecommunications harassment is a felony of the third degree. 714

(D) No cause of action may be asserted in any court of this 715  
state against any provider of a telecommunications service, 716  
interactive computer service as defined in section 230 of Title 47 717  
of the United States Code, or information service, or against any 718  
officer, employee, or agent of a telecommunication service, 719  
interactive computer service as defined in section 230 of Title 47 720  
of the United States Code, or information service, for any injury, 721  
death, or loss to person or property that allegedly arises out of 722  
the provider's, officer's, employee's, or agent's provision of 723  
information, facilities, or assistance in accordance with the 724  
terms of a court order that is issued in relation to the 725  
investigation or prosecution of an alleged violation of this 726  
section. A provider of a telecommunications service, interactive 727  
computer service as defined in section 230 of Title 47 of the 728  
United States Code, or information service, or an officer, 729



employee, or agent of a telecommunications service, interactive 730  
computer service as defined in section 230 of Title 47 of the 731  
United States Code, or information service, is immune from any 732  
civil or criminal liability for injury, death, or loss to person 733  
or property that allegedly arises out of the provider's, 734  
officer's, employee's, or agent's provision of information, 735  
facilities, or assistance in accordance with the terms of a court 736  
order that is issued in relation to the investigation or 737  
prosecution of an alleged violation of this section. 738

(E)(1) This section does not apply to a person solely because 739  
the person provided access or connection to or from an electronic 740  
method of remotely transferring information not under that 741  
person's control, including having provided capabilities that are 742  
incidental to providing access or connection to or from the 743  
electronic method of remotely transferring the information, and 744  
that do not include the creation of the content of the material 745  
that is the subject of the access or connection. In addition, any 746  
person providing access or connection to or from an electronic 747  
method of remotely transferring information not under that 748  
person's control shall not be liable for any action voluntarily 749  
taken in good faith to block the receipt or transmission through 750  
its service of any information that the person believes is, or 751  
will be sent, in violation of this section. 752

(2) Division (E)(1) of this section does not create an 753  
affirmative duty for any person providing access or connection to 754  
or from an electronic method of remotely transferring information 755  
not under that person's control to block the receipt or 756  
transmission through its service of any information that it 757  
believes is, or will be sent, in violation of this section except 758  
as otherwise provided by law. 759

(3) Division (E)(1) of this section does not apply to a 760  
person who conspires with a person actively involved in the 761

creation or knowing distribution of material in violation of this 762  
section or who knowingly advertises the availability of material 763  
of that nature. 764

(4) A provider or user of an interactive computer service, as 765  
defined in section 230 of Title 47 of the United States Code, 766  
shall neither be treated as the publisher or speaker of any 767  
information provided by another information content provider, as 768  
defined in section 230 of Title 47 of the United States Code, nor 769  
held civilly or criminally liable for the creation or development 770  
of information provided by another information content provider, 771  
as defined in section 230 of Title 47 of the United States Code. 772  
Nothing in this division shall be construed to protect a person 773  
from liability to the extent that the person developed or created 774  
any content in violation of this section. 775

(F) Divisions (A)(5) to (11) and (B)(2) of this section do 776  
not apply to a person who, while employed or contracted by a 777  
newspaper, magazine, press association, news agency, news wire 778  
service, cable channel or cable operator, or radio or television 779  
station, is gathering, processing, transmitting, compiling, 780  
editing, or disseminating information for the general public 781  
within the scope of the person's employment in that capacity or 782  
the person's contractual authority in that capacity. 783

(G) As used in this section: 784

(1) "Economic harm" means all direct, incidental, and 785  
consequential pecuniary harm suffered by a victim as a result of 786  
criminal conduct. "Economic harm" includes, but is not limited to, 787  
all of the following: 788

(a) All wages, salaries, or other compensation lost as a 789  
result of the criminal conduct; 790

(b) The cost of all wages, salaries, or other compensation 791  
paid to employees for time those employees are prevented from 792

working as a result of the criminal conduct;	793
(c) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	794 795
(d) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	796 797
(2) "Caller" means the person described in division (A) of this section who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.	798 799 800 801
(3) "Telecommunication" and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	802 803
(4) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	804 805
<del>(F)</del> (5) <u>"Family or household member" means any of the following:</u>	806 807
<u>(a) Any of the following who is residing or has resided with the recipient of the telecommunication against whom the act prohibited in division (A)(9) of this section is committed:</u>	808 809 810
<u>(i) A spouse, a person living as a spouse, or a former spouse of the recipient;</u>	811 812
<u>(ii) A parent, a foster parent, or a child of the recipient, or another person related by consanguinity or affinity to the recipient;</u>	813 814 815
<u>(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the recipient, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the recipient.</u>	816 817 818 819
<u>(b) The natural parent of any child of whom the recipient of the telecommunication against whom the act prohibited in division (A)(9) of this section is committed is the other natural parent or</u>	820 821 822

is the putative other natural parent. 823

(6) "Person living as a spouse" means a person who is living 824  
or has lived with the recipient of the telecommunication against 825  
whom the act prohibited in division (A)(9) of this section is 826  
committed in a common law marital relationship, who otherwise is 827  
cohabiting with the recipient, or who otherwise has cohabited with 828  
the recipient within five years prior to the date of the alleged 829  
commission of the act in question. 830

(7) "Cable operator" has the same meaning as in section 831  
1332.21 of the Revised Code. 832

(G) Nothing in this section prohibits a person from making a 833  
telecommunication to a debtor that is in compliance with the "Fair 834  
Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C. 835  
1692, as amended, or the "Telephone Consumer Protection Act," 105 836  
Stat. 2395 (1991), 47 U.S.C. 227, as amended. 837

**Section 2.** That existing sections 2903.13, 2903.211, 2913.02, 838  
and 2917.21 of the Revised Code are hereby repealed. 839