

CHAPTER 133: SEX OFFENSES

Section

- 133.01 Definitions
- 133.02 Unlawful sexual conduct with a minor
- 133.03 Sexual imposition
- 133.04 Public indecency
- 133.05 Voyeurism
- 133.06 Polygraph examinations for victims:
restrictions on use
- 133.07 Procuring
- 133.08 Soliciting; loitering to engage in
- 133.09 Prostitution
- 133.10 Disseminating matter harmful to juveniles
- 133.11 Displaying matter harmful to juveniles
- 133.12 Deception to obtain matter harmful to
juveniles
- 133.13 Rules of evidence
- 133.14 Declaratory judgment
- 133.15 Injunction; abatement of nuisance
- 133.16 Unlawful operation of viewing booths
depicting sexual conduct
- 133.17 Juveniles on the premises of adult
entertainment establishments prohibited
- 133.18 Sexually oriented businesses; illegal
operation and activity
- 133.99 Sentencing for sexually oriented offenses;
sexual predators; registration

Statutory reference:

Assistance to victims of sexual assault, see R.C.

§§ 2907.28 et seq.

Child victim, disposition of, see R.C. § 2945.481

Suppression of information at trial, see R.C. § 2907.11

*Testing offenders for venereal disease and AIDS, see
R.C. § 2907.27*

§ 133.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

HARMFUL TO JUVENILES. That quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

JUVENILE. Any unmarried person under 18 years of age.

MATERIAL. Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, video cassette, laser disc, phonograph record, cassette tape, compact disc, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.

MENTAL HEALTH CLIENT OR PATIENT. Has the same meaning as in R.C. § 2305.51.

MENTAL HEALTH PROFESSIONAL. Has the same meaning as in R.C. § 2305.115.

MINOR. A person under the age of 18.

NUDITY. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

OBSCENE. When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest.

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite.

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality.

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose.

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

PERFORMANCE. Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

PROSTITUTE. A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

SEXUAL ACTIVITY. Sexual conduct or sexual contact, or both.

SEXUAL CONDUCT. Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SPOUSE. A person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement pursuant to R.C. § 3103.06.

(2) When an action is pending between the parties for annulment, divorce, dissolution of marriage, or legal separation.

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation. (R.C. § 2907.01) (Rev. 2008)

§ 133.02 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(A) No person who is 18 years of age or older shall engage in sexual conduct with another who is not the spouse of the offender, when the offender knows the other person is 13 years of age or older but less than 16 years of age, or the offender is reckless in that regard.

(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in division (B)(2), unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in division (B)(3) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of or pleaded guilty to a violation of R.C. § 2907.02, 2907.03 or 2907.04, or any substantially equivalent municipal ordinance, or a violation of former R.C. § 2907.12, or any substantially equivalent municipal ordinance, unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law. (R.C. § 2907.04) (Rev. 2001)

§ 133.03 SEXUAL IMPOSITION.

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

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

(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.

(4) The other person, or one of the other persons, is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the person, and the offender is at least 18 years of age and four or more years older than the other person.

(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender has been convicted previously of a violation of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, a violation of this section is a misdemeanor of the first degree. (R.C. § 2907.06) (Rev. 2002)

Statutory reference:

Gross sexual imposition, felony, see R.C. § 2907.05

Notice to licensing board or agency upon indictment, conviction or guilty plea of mental health professional, see R.C. §§ 2907.17 and 2907.18

§ 133.04 PUBLIC INDECENCY.

(A) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others who are in the person's physical proximity and who are not members of the person's household:

(1) Expose the persons's private parts.

(2) Engage in sexual conduct or masturbation.

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(B) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is a minor, who is not the spouse of the offender, and who resides in the person's household:

(1) Engage in masturbation.

(2) Engage in sexual conduct.

(3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

(C) (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in divisions (C)(2), (C)(3), (C)(4), and (C)(5) of this section.

(2) Except as otherwise provided in this division (C)(2), a violation of division (A)(1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(1) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony to be prosecuted under appropriate state law.

(3) Except as otherwise provided in this division (C)(3), a violation of division (A)(2) or (A)(3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(2) or (A)(3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(2) or (A)(3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony to be prosecuted under appropriate state law.

(4) Except as otherwise provided in this division (C)(4), a violation of division (B)(1), (B)(2), or (B)(3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (B)(1), (B)(2), or (B)(3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent state law or municipal ordinance, a violation of division (B)(1), (B)(2),

or (B)(3) of this section is a felony to be prosecuted under appropriate state law.

(5) Except as otherwise provided in this division (C)(5), a violation of division (B)(4) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to any violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (B)(4) of this section is a felony to be prosecuted under appropriate state law.

(R.C. § 2907.09) (Rev. 2008)

(D) A mother is entitled to breast-feed her baby in any location of a place of public accommodation, as defined in R.C. § 4112.01, wherein the mother otherwise is permitted.

(R.C. § 3781.55) (Rev. 2009)

Statutory reference:

Bail considerations for persons charged, see R.C. § 2907.41

§ 133.05 VOYEURISM.

(A) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(B) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity.

(C) No person, for the purpose of sexually arousing or gratifying himself or herself, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, otherwise record, or spy or eavesdrop upon the other person in a state of nudity if the other person is a minor.

(D) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that person for the purpose of viewing the body of, or the undergarments worn by, that other person.

(E) Whoever violates this section is guilty of voyeurism.

(1) A violation of division (A) of this section is a misdemeanor of the third degree.

(2) A violation of division (B) of this section is a misdemeanor of the second degree.

(3) A violation of division (D) of this section is a misdemeanor of the first degree.

(4) A violation of division (C) of this section is a felony to be prosecuted under appropriate state law.
(R.C. § 2907.08) (Rev. 2010)

§ 133.06 POLYGRAPH EXAMINATIONS FOR VICTIMS: RESTRICTIONS ON USE.

(A) (1) A peace officer, prosecutor, or other public official shall not ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation of the alleged sex offense.

(2) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not prevent the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense.

(B) As used in this section:

PEACE OFFICER. Has the same meaning as in R.C. § 2921.51.

POLYGRAPH EXAMINATION. Means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question an individual for the purpose of determining the individual's truthfulness.

PROSECUTION. Means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.

PROSECUTOR. Has the same meaning as in R.C. § 2935.01.

PUBLIC OFFICIAL. Has the same meaning as in R.C. § 117.01.

SEX OFFENSE. Means a violation of any provision of §§ 133.02 to 133.05 or R.C. §§ 2907.02 to 2907.09.
(R.C. § 2907.10) (Rev. 2009)

§ 133.07 PROCURING.

(A) No person, knowingly and for gain, shall do either of the following:

(1) Entice or solicit another to patronize a prostitute or brothel;

(2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(B) No person, having authority or responsibility over the use of premises, shall knowingly permit the premises to be used for the purpose of engaging in sexual activity for hire.

(C) Whoever violates this section is guilty of procuring, a misdemeanor of the first degree.
(R.C. § 2907.23)

§ 133.08 SOLICITING; LOITERING TO ENGAGE IN.

(A) No person shall solicit another to engage with the other person in sexual activity for hire.

(B) (1) Whoever violates division (A) of this section is guilty of soliciting, a misdemeanor of the third degree.

(2) If a person is convicted of or pleads guilty to a violation of division (A) of this section or an attempt to commit a violation of division (A) of this section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6).
(R.C. § 2907.24) (Rev. 2004)

(C) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

(1) Beckon to, stop or attempt to stop another;

(2) Engage or attempt to engage another in conversation;

(3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;

(4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;

(5) Interfere with the free passage of another.

(D) As used in division (C) of this section:

PUBLIC PLACE. Means any of the following:

(a) A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot or transportation facility.

(b) A doorway or entrance way to a building that fronts on a place described in division (a) of this definition.

(c) A place not described in division (a) or (b) of this definition that is open to the public.

VEHICLE. Has the same meaning as in R.C. § 4501.01.

(E) Whoever violates division (C) of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.

(R.C. § 2907.241)

Statutory reference:

Offenders with knowledge that they test HIV positive, felony, see R.C. §§ 2907.24(B) and 2907.241(B)
Testing offenders for venereal disease and AIDS, see R.C. § 2907.27

§ 133.09 PROSTITUTION.

(A) No person shall engage in sexual activity for hire.

(B) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree.
(R.C. § 2907.25)

Statutory reference:

Offenders with knowledge that they test HIV positive, felony, see R.C. § 2907.25(B)
Testing offenders for venereal disease and AIDS, see R.C. § 2907.27

§ 133.10 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(A) No person, with knowledge of its character or content, shall recklessly do any of following:

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(B) The following are affirmative defenses to a charge under this section that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by his or her parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or his or her agent or employee a draft card, driver's license, birth record, marriage license, or other official or apparently official document purporting to show that the juvenile was 18 years of age or over or married, and the person to whom the document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of 18 and unmarried.

(C) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergy, prosecutor, judge, or other proper person.

(2) Except as provided in division (B)(3) of this section, mistake of age is not a defense to a charge under this section.

(D) (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.

(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:

(a) The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.

(b) The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(E) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, violation of this section is a felony to be prosecuted under appropriate state law. (R.C. § 2907.31) (Rev. 2004)

(F) Presumptions, notice and defense.

(1) An owner or manager, or agent or employee of an owner or manager, of a bookstore, newsstand, theater, or other commercial establishment engaged in selling material or exhibiting performances, who, in the course of business does any of the acts prohibited by this section is presumed to have knowledge of the character of the material or performance involved if the owner, manager, or agent or employee of the owner or manager has actual notice of the nature of such material or performance, whether or not the owner, manager, or agent or employee of the owner or manager has precise knowledge of its contents.

(2) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the municipality. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles, and bear the date of such notice.

(3) This § 133.10 does not apply to a motion picture operator or projectionist acting within the scope of employment as an employee of the owner or manager of the theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in the operator's or projectionist's place of employment, other than wages.

(4) (a) The provisions of §§ 133.10, 133.11 and 133.12(A) do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.

(b) Division (E)(4)(a) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of § 133.10, 133.11, or 133.12 or who knowingly advertises the availability of material of that nature.

(c) Division (E)(4)(a) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of § 133.10, 133.11, or 133.12 and that contain content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.

(5) An employer is not guilty of a violation of § 133.10, 133.11, or 133.12 based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of the employee's or agent's employment or agency, and the employer does either of the following:

(a) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.

(b) The employer recklessly disregards the employee's or agent's conduct.

(6) It is an affirmative defense to a charge under § 133.10 or 133.11 as the section applies to an image transmitted through the internet or other electronic method of remotely transmitting information that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.

(R.C. § 2907.35) (Rev. 2004)

§ 133.11 DISPLAYING MATTER HARMFUL TO JUVENILES.

(A) No person who has custody, control, or supervision of a commercial establishment, with knowledge of the character or content of the material involved, shall display at the establishment any material that is harmful to juveniles and that is open to view by juveniles as part of the invited general public.

(B) It is not a violation of division (A) of this section if the material in question is displayed by placing it behind "blinder racks" or similar devices that cover at least the lower two-thirds of the material, if the material in question is wrapped or placed behind the counter, or if the material in question otherwise is covered or located so that the portion that is harmful to juveniles is not open to the view of juveniles.

(C) Whoever violates this section is guilty of displaying matter harmful to juveniles, a misdemeanor of the first degree. Each day during which the offender is in violation of this section constitutes a separate offense.

(R.C. § 2907.311)

Cross-reference:

Presumptions, notice and defense, see § 133.10(F)

§ 133.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(A) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles, shall do either of the following:

(1) Falsely represent that he or she is the parent, guardian, or spouse of the juvenile.

(2) Furnish the juvenile with any identification or document purporting to show that the juvenile is 18 years of age or over or married.

(B) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

(1) Falsely represent that he or she is 18 years of age or over or married.

(2) Exhibit any identification or document purporting to show that he or she is 18 years of age or over or married.

(C) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates division (B) of this section shall be adjudged an unruly child, with the disposition of the case as may be appropriate under R.C. Chapter 2151.

(R.C. § 2907.33)

Cross-reference:

Presumptions, notice and defense, see § 133.10(F)

Statutory reference:

Juvenile Court, see R.C. Chapter 2151

§ 133.13 RULES OF EVIDENCE.

(A) In any case in which it is necessary to prove that a place is a brothel, evidence as to the reputation of such place and as to the reputation of the persons who inhabit or frequent it is admissible on the question of whether such place is or is not a brothel.

(B) In any case in which it is necessary to prove that a person is a prostitute, evidence as to the reputation of such person is admissible on the question of whether such person is or is not a prostitute.

(C) In any prosecution for a violation of §§ 133.07 through 133.09, proof of a prior conviction of the accused of any such offense or substantially equivalent offense is admissible in support of the charge.

(D) The prohibition contained in R.C. § 2317.02(D) against testimony by a husband or wife concerning communications between them does not apply, and the

accused's spouse may testify concerning any such communication in any of the following cases:

(1) When the husband or wife is charged with a violation of § 133.07 and the spouse testifying was the prostitute involved in the offense or the person who used the offender's premises to engage in sexual activity for hire;

(2) When the husband or wife is charged with a violation of § 133.08(A) or § 133.09.
(R.C. § 2907.26) (Rev. 1999)

§ 133.14 DECLARATORY JUDGMENT.

(A) Without limitation on the persons otherwise entitled to bring an action for a declaratory judgment pursuant to R.C. Chapter 2721, involving the same issue, the following persons have standing to bring a declaratory judgment action to determine whether particular materials or performances are obscene or harmful to juveniles:

(1) The chief legal officer of the municipality if and when there is reasonable cause to believe that R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, is being or is about to be violated;

(2) Any person who, pursuant to R.C. § 2907.35(B) or a substantially equivalent municipal ordinance, has received notice in writing from the chief legal officer stating that particular materials or performances are obscene or harmful to juveniles.

(B) Any party to an action for a declaratory judgment pursuant to division (A) of this section is entitled, upon the party's request, to trial on the merits within five days after joinder of the issues, and the court shall render judgment within five days after trial is concluded.

(C) An action for a declaratory judgment pursuant to division (A) of this section shall not be brought during the pendency of any civil action or criminal prosecution when the character of the particular materials or performances involved is at issue in the pending case, and either of the following applies:

(1) Either of the parties to the action for a declaratory judgment is a party to the pending case;

(2) A judgment in the pending case will necessarily constitute *res judicata* as to the character of the materials or performances involved.

(D) A civil action or criminal prosecution in which the character of particular materials or performances is at issue, brought during the pendency of an action for a declaratory judgment involving the same issue, shall be stayed during the pendency of the action for a declaratory judgment.

(E) The fact that a violation of R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, occurs prior to a judicial determination of the character of the material or performance involved in the violation does not relieve the offender of criminal liability for the violation, even though prosecution may be stayed pending the judicial determination.
(R.C. § 2907.36) (Rev. 2000)

§ 133.15 INJUNCTION; ABATEMENT OF NUISANCE.

(A) Where it appears that R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, is being or is about to be violated, the chief legal officer of the municipality may bring an action to enjoin the violation. The defendant, upon his or her request, is entitled to trial on the merits within five days after the joinder of the issues, and the court shall render judgment within five days after the trial is concluded.

(B) Premises used or occupied for repeated violations of R.C. § 2907.31 or R.C. § 2907.32, or a substantially equivalent municipal ordinance, constitute a nuisance subject to abatement pursuant to R.C. Chapter 3767.
(R.C. § 2907.37) (Rev. 1999)

Statutory reference:

Disseminating matter harmful to juveniles, felony, see R.C. § 2907.31

Pandering obscenity, felony, see R.C. § 2907.32

§ 133.16 UNLAWFUL OPERATION OF VIEWING BOOTHS DEPICTING SEXUAL CONDUCT.

(A) As used in this section:

COMMERCIAL ESTABLISHMENT. Means an entity that is open to the public and to which either of the following applies:

(a) It has a substantial or significant portion of its stock in trade of the sale, rental, or viewing of visual materials or performances depicting sexual conduct.

(b) It has as a principal business purpose the sale, rental, or viewing of visual materials or performances depicting sexual conduct.

VISUAL MATERIALS OR PERFORMANCES. Means films, videos, CD-ROM discs, streaming video, or other motion pictures.

(B) No person who has custody, control, or supervision of a commercial establishment, with knowledge of the character of the visual material or performance involved, shall knowingly permit the use of, or offer the use of, viewing booths, stalls, or partitioned portions of a room located in the commercial establishment for the purpose of

viewing visual materials or performances depicting sexual conduct unless both of the following apply:

(1) The inside of each booth, stall, or partitioned room is visible from, and at least one side of each booth, stall, or partitioned room is open to, a continuous and contiguous main aisle or hallway that is open to the public areas of the commercial establishment and is not obscured by any curtain, door, or other covering or enclosure.

(2) No booth, stall, or partitioned room is designed, constructed, pandered, or allowed to be used for the purpose of encouraging or facilitating nudity or sexual activity on the part of or between patrons or members of the public, and no booth, stall, or partitioned room has any aperture, hole, or opening for the purpose of encouraging or facilitating nudity or sexual activity.

(C) It is an affirmative defense to a charge under this section that either of the following applies to the involved visual materials or performances:

(1) The visual materials or performances depicting sexual conduct are disseminated or presented for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose and by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the visual materials or performances.

(2) The visual materials or performances depicting sexual conduct, taken as a whole, would be found by a reasonable person to have serious literary, artistic, political, or scientific value or are presented or disseminated in good faith for a serious literary, artistic, political, or scientific purpose and are not pandered for their prurient appeal.

(D) Whoever violates this section is guilty of permitting unlawful operation of viewing booths depicting sexual conduct, a misdemeanor of the first degree.
(R.C. § 2907.38) (Rev. 2007)

§ 133.17 JUVENILES ON THE PREMISES OF ADULT ENTERTAINMENT ESTABLISHMENTS PROHIBITED.

(A) As used in this section:

ADULT ARCADE. Means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are

distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE.

(a) Means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;

2. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

(b) Includes a commercial establishment as defined in R.C. § 2907.38. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

ADULT CABARET. Means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

(a) Persons who appear in a state of nudity or seminudity;

(b) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;

(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT. Means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

ADULT ENTERTAINMENT ESTABLISHMENT. Means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including but not limited to massage therapy, as regulated pursuant to R.C. § 4731.15, is not an “adult entertainment establishment”.

ADULT MOTION PICTURE THEATER. Means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER. Means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or seminudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS UPON. Means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas”, the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

NUDE OR SEMINUDE MODEL STUDIO. Means any place where a person, who regularly appears in a state of nudity or seminudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

(a) By a college or university supported entirely or partly by taxation;

(b) By a private college or university that maintains and operates educational programs, the credits for

which are transferable to a college or university supported entirely or partly by taxation;

(c) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or seminudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

NUDITY, NUDE, or STATE OF NUDITY. Means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

REGULARLY FEATURES or REGULARLY SHOWN. Means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

SEMINUDE or STATE OF SEMINUDITY. Means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER ESTABLISHMENT.

(a) Means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

1. Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

2. Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

(b) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including but not limited to massage therapy, as regulated pursuant to R.C. § 4731.15, is not a “sexual encounter establishment”.

SPECIFIED ANATOMICAL AREAS. Means the cleft of the buttocks, anus, male or female genitals, or the female breast.

SPECIFIED SEXUAL ACTIVITY. Means any of the following:

(a) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;

(b) Excretory functions as a part of or in connection with any of the activities described in division (a) of this definition.

(B) No person knowingly shall allow an individual, including but not limited to a patron, customer, or employee, who is under 18 years of age on the premises of an adult entertainment establishment.

(C) No individual who is under 18 years of age knowingly shall show or give false information concerning the individual's name or age, or other false identification, for the purpose of gaining entrance to an adult entertainment establishment.

(D) A person shall not be found guilty of a violation of division (B) of this section if the person raises as an affirmative defense and if the jury or, in a nonjury trial, the court finds the person has established by a preponderance of the evidence, all of the following:

(1) The individual gaining entrance to the adult entertainment establishment exhibited to an operator, employee, agent, or independent contractor of the adult entertainment establishment a driver's or commercial driver's license or an identification card issued under R.C. §§ 4507.50 and 4507.52 showing that the individual was then at least 18 years of age.

(2) The operator, employee, agent, or independent contractor made a bona fide effort to ascertain the true age of the individual gaining entrance to the adult entertainment establishment by checking the identification presented, at the time of entrance, to ascertain that the description on the identification compared with the appearance of the individual and that the identification had not been altered in any way.

(3) The operator, employee, agent, or independent contractor had reason to believe that the individual gaining entrance to the adult entertainment establishment was at least 18 years of age.

(E) In any criminal action in which the affirmative defense described in division (D) of this section is raised, the Registrar of Motor Vehicles or the deputy registrar who issued a driver's or commercial driver's license or an identification card under R.C. §§ 4507.50 and 4507.52 shall be permitted to submit certified copies of the records, in the Registrar's or deputy registrar's possession, of the issuance of the license or identification card in question, in lieu of the testimony of the personnel of the Bureau of Motor Vehicles in the action.

(F) (1) Whoever violates division (B) of this section is guilty of permitting a juvenile on the premises of an adult

entertainment establishment, a misdemeanor of the first degree. Each day a person violates this division constitutes a separate offense.

(2) Whoever violates division (C) of this section is guilty of use by a juvenile of false information to enter an adult entertainment establishment, a delinquent act that would be a misdemeanor of the fourth degree if committed by an adult.

(R.C. § 2907.39) (Rev. 2007)

§ 133.18 SEXUALLY ORIENTED BUSINESSES; ILLEGAL OPERATION AND ACTIVITY.

(A) As used in this section:

ADULT BOOKSTORE or **ADULT VIDEO STORE.** Means a commercial establishment that has as a significant or substantial portion of its stock in trade or inventory in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT CABARET. Has the same meaning as in R.C. § 2907.39.

ADULT MOTION PICTURE THEATER. Means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.

CHARACTERIZED BY. Describing the essential character or quality of an item.

EMPLOYEE. Means any individual who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

NUDE. Has the same meaning as in R.C. § 2907.39.

NUDITY. Has the same meaning as in R.C. § 2907.39.

OPERATOR. Means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises.

PATRON. Means any individual on the premises of a sexually oriented business except for any of the following:

(a) An operator or an employee of the sexually oriented business;

(b) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;

(c) A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer.

PREMISES. Means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

REGULARLY. Means consistently or repeatedly.

SEMINUDE. Has the same meaning as in R.C. § 2907.39.

SEXUAL DEVICE. Means any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breasts or for sadomasochistic use or abuse of oneself or others, including but not limited to dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

SEXUAL DEVICE SHOP. Means a commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.

SEXUAL ENCOUNTER CENTER. Means a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or seminude.

SEXUALLY ORIENTED BUSINESS. Means an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, or sexual encounter center, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

SPECIFIED ANATOMICAL AREAS. Includes human genitals, pubic region, and buttocks and the human female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITY. Means sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of or in connection with any of these activities.

STATE OF NUDITY. Has the same meaning as in R.C. § 2907.39.

STATE OF SEMINUDITY. Has the same meaning as in R.C. § 2907.39.

(B) No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to R.C. Chapter 4303 may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented entertainment activity in which the performers appear nude.

(C) (1) No patron who is not a member of the employee's immediate family shall knowingly touch any employee while that employee is nude or seminude or touch the clothing of any employee while that employee is nude or seminude.

(2) No employee who regularly appears nude or seminude on the premises of a sexually oriented business, while on the premises of that sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

(D) Whoever violates division (B) of this section is guilty of illegally operating a sexually oriented business, a misdemeanor of the first degree.

(E) Whoever violates division (C) of this section is guilty of illegal sexually oriented activity in a sexually oriented business. If the offender touches a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of division (C) of this section is a misdemeanor of the first degree. If

the offender does not touch a specified anatomical area of the patron or employee, or the clothing covering a specified anatomical area, a violation of division (C) of this section is a misdemeanor of the fourth degree.

(R.C. § 2907.40) (Rev. 2009)

Statutory reference:

*State indemnification for certain municipal liability
stemming from local adult business regulations, see
R.C. § 715.55*

**§ 133.99 SENTENCING FOR SEXUALLY
ORIENTED OFFENSES; SEXUAL PREDATORS;
REGISTRATION.**

(A) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a misdemeanor committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to the offense or the offense is any offense listed in R.C. § 2901.07(D)(1) to (D)(3), the judge shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, shall comply with the requirements of R.C. § 2950.03, and shall require the offender to submit to a DNA specimen collection procedure pursuant to R.C. § 2901.07.

(B) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense that is a misdemeanor committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under R.C. §§ 2950.04, 2950.041, 2950.05, and 2950.06, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under R.C. § 2950.03(A)(2), the judge shall perform the duties specified in that section or, if required under R.C. § 2950.03(A)(6), the judge shall perform the duties specified in that division.

(R.C. § 2929.23) (Rev. 2008)

Cross-reference:

Sentencing generally, see Chapter 130

CHAPTER 134: GAMBLING OFFENSES

Section

- 134.01 Definitions
- 134.02 Prohibitions against gambling; exception
- 134.03 Operating a gambling house
- 134.04 Public gaming
- 134.05 Cheating
- 134.06 Regulations concerning operation of licensed bingo game
- 134.07 Records to be kept
- 134.08 Requirements for bingo game operators
- 134.09 Bingo games for amusement only
- 134.10 Prohibitions where instant bingo game is conducted
- 134.11 Raffle drawings
- 134.12 Instant bingo other than at bingo sessions
- 134.13 Restrictions on owner or lessor of location at instant bingo
- 134.14 Skill-based amusement machines; prohibited conduct

Statutory reference:

Conducting an illegal bingo game, felony, see R.C. § 2915.07

Licensing bingo games by Attorney General, see R.C. § 2915.08

Licensing distributors of bingo supplies by Attorney General, see R.C. § 2915.081

Licensing manufacturers of bingo supplies by Attorney General, see R.C. § 2915.082

§ 134.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMATEUR ATHLETIC ORGANIZATION. Any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are training for amateur athletic competition that is sanctioned by a national governing body as defined in the Amateur Sports Act of 1978, 90 Stat. 3045, 36 U.S.C. § 373.

BET. The hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

BINGO. Either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into 25 spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space;

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator;

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains 75 objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the 75 possible combinations of a letter and a number that can appear on the bingo cards or sheets;

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers, as described in division (1)(c) of this definition, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, punch boards, and raffles.

BINGO GAME OPERATOR. Any person, except security personnel, who performs work or labor at the site of bingo including but not limited to collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

BINGO SESSION. A period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (1) of

the definition of “bingo” in this section, instant bingo, and seal cards;

(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (1) of this definition.

BINGO SUPPLIES. Bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are “bingo supplies” are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter or R.C. Chapter 2915. For purposes of this chapter, “bingo supplies” are not to be considered equipment used to conduct a bingo game.

BOOKMAKING. The business of receiving or paying off bets.

CHAMBER OF COMMERCE. Any organization of individuals, professionals, and businesses that has the purpose to advance the commercial, financial, industrial, and civic interests of the community and that is, and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(6).

CHARITABLE BINGO GAME. Any bingo game described in divisions (1) or (2) of the definition of “bingo” in this section that is conducted by a charitable organization that has obtained a license pursuant to R.C. § 2915.08 and the proceeds of which are used for a charitable purpose.

CHARITABLE INSTANT BINGO ORGANIZATION. An organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3) and is a charitable organization as defined in this section. The term does not include a charitable organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3) and that is created by a veteran’s organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran’s organization, a fraternal organization, or a sporting organization pursuant to R.C. § 2915.13, or any substantially equivalent municipal ordinance.

CHARITABLE ORGANIZATION. Except as otherwise provided in this chapter, any tax exempt religious, educational, veteran’s, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter’s, senior citizen’s, historic railroad educational, youth athletic, amateur athletic or youth athletic park organization. An organization is tax exempt if the organization is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from federal income taxation under IRC § 501(a)

and described in IRC §§ 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19), or if the organization is a sporting organization that is exempt from federal income taxation under IRC § 501(a) and is described in IRC § 501(c)(7). To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firefighter’s organization, shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under R.C. § 2915.08 or the conducting of any game of chance as provided in R.C. § 2915.02(D), or a substantially equivalent municipal ordinance. A charitable organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3) and that is created by a veteran’s organization, a fraternal organization, or a sporting organization does not have to have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under R.C. § 2915.08 or the conducting of any game of chance as provided in R.C. § 2915.02(D), or a substantially equivalent municipal ordinance.

CHARITABLE PURPOSE. Means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in IRC §§ 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC § 501(a) and described in IRC § 501(c)(3);

(2) A veteran’s organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least 75% of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in R.C. § 5739.02(B)(12), is used for awarding scholarships to or for attendance at an institution mentioned in that division of the Ohio Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for 15 years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under IRC § 170;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in the definition of "volunteer firefighter's organization" in this section.

COMMUNITY ACTION AGENCY. Has the same meaning as in R.C. § 122.66.

CONDUCT. To back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

DEAL OF INSTANT BINGO TICKETS. A single game of instant bingo tickets all with the same serial number.

DISTRIBUTOR. Any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

EDUCATIONAL ORGANIZATION. Any organization within this state that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction by means of operating or contributing to the support of a school, academy, college, or university.

ELECTRONIC BINGO AID.

(1) An electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) The term does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

EXPENSES. The reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under R.C. § 2915.08;

(3) Bank fees and service charges for a bingo session or game account described in R.C. § 2915.10;

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

(9) Renting premises in which to conduct a bingo session;

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including but not limited to a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under R.C. § 2915.08(B)(1).

FRATERNAL ORGANIZATION. Any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.

GAMBLING DEVICE. Any of the following:

(1) A book, totalizer, or other equipment used for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter or R.C. Chapter 2915.

GAMBLING OFFENSE. Any of the following:

(1) A violation of R.C. § 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any section listed in division (1) of this definition or a violation of R.C. § 2915.06 as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or of the United States, of which gambling is an element;

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

GAME FLARE. The board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

- (1) The name of the game;
- (2) The manufacturer's name or distinctive logo;
- (3) The form number;
- (4) The ticket count;
- (5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;
- (6) The cost per play;
- (7) The serial number of the game.

GAME OF CHANCE. Poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

GAME OF CHANCE CONDUCTED FOR PROFIT. Any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

GROSS ANNUAL REVENUES. The annual gross receipts derived from the conduct of bingo described in division (1) of the definition of "bingo" in this section plus the annual net profit derived from the conduct of bingo described in division (2) of the definition of "bingo" in this section.

GROSS PROFIT. Gross receipts minus the amount actually expended for the payment of prize awards.

GROSS RECEIPTS. All money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. The term does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

HISTORIC RAILROAD. All or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for profit common carrier in this state at any time prior to January 1, 1950.

HISTORIC RAILROAD EDUCATIONAL ORGANIZATION. An organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), that owns in fee simple the tracks and the right-of-way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that received as donations from a charitable organization that holds a license to conduct bingo under this chapter or R.C. Chapter 2915 an amount equal to at least 50% of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003.

INSTANT BINGO. A form of bingo that uses folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners. The term includes seal cards. The term does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

INSTANT BINGO TICKET DISPENSER. A mechanical device that dispenses an instant bingo ticket or

card as the sole item of value dispensed and that has the following characteristics:

- (1) It is activated upon the insertion of United States currency.
- (2) It performs no gaming functions.
- (3) It does not contain a video display monitor or generate noise.
- (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
- (5) It does not simulate or display rolling or spinning reels.
- (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or non-winning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (8) It is not part of an electronic network and is not interactive.

INTERNAL REVENUE CODE (IRC). The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. §§ 1 et seq., as now or hereafter amended.

MANUFACTURER. Any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

MERCHANDISE PRIZE. Any item of value, but shall not include any of the following:

- (1) Cash, gift cards, or any equivalent thereof;
- (2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;
- (3) Firearms, tobacco, or alcoholic beverages; or
- (4) A redeemable voucher that is redeemable for any of the items listed in division (1), (2), or (3) of this definition.

NET PROFIT. Gross profit minus expenses.

NET PROFIT FROM THE PROCEEDS OF THE SALE OF INSTANT BINGO. Gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.

NONPROFIT MEDICAL ORGANIZATION. Either of the following:

(1) Any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide hospital, medical, research, or therapeutic services for the public;

(2) Any organization that is described and qualified under IRC § 501(c)(3), that has been incorporated as a nonprofit corporation for at least five years, and that has continuously operated and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized or operated primarily to provide hospital, medical, research, or therapeutic services for the public.

PARTICIPANT. Any person who plays bingo.

PERSON. Has the same meaning as in R.C. § 1.59 and includes any firm or any other legal entity, however organized.

POOL NOT CONDUCTED FOR PROFIT. A scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

PUNCH BOARD. A board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

RAFFLE. A form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. The term does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

(1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and

(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

REDEEMABLE VOUCHER. Any ticket, token, coupon, receipt, or other noncash representation of value.

RELIGIOUS ORGANIZATION. Any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

REVOKE. To void permanently all rights and privileges of the holder of a license issued under R.C. § 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.

SCHEME OF CHANCE. A slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.

SEAL CARD. A form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

SECURITY PERSONNEL. Includes any person who either is a Sheriff, deputy sheriff, Marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to R.C. §§ 109.71 through 109.79 and who is hired to provide security for the premises on which bingo is conducted.

SENIOR CITIZEN'S ORGANIZATION. Any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are 55 years of age or older and that is described and qualified under IRC § 501(c)(3).

SERVICE ORGANIZATION. Either of the following:

(1) Any organization, not organized for profit, that is organized and operated exclusively to provide or to contribute to the support of organizations or institutions organized and operated exclusively to provide medical and therapeutic services for persons who are disabled, born with birth defects, or have any other mental or physical disabilities or those organized and operated exclusively to protect or to contribute to the support of organizations or institutions organized and operated exclusively to protect animals from inhumane treatment or to provide immediate shelter to victims of domestic violence;

(2) Any organization that is described in IRC §§ 509(a)(1), 509(a)(2), or 509(a)(3) and is either a governmental unit or an organization that is tax exempt under IRC § 501(a) and described in IRC § 501(c)(3) and that is an organization, not organized for profit, that is organized and operated primarily to provide, or to contribute to the support of organizations or institutions

organized and operated primarily to provide, medical and therapeutic services for persons who are disabled, born with birth defects, or have any other mental or physical disability.

SKILL-BASED AMUSEMENT MACHINE.

(1) (a) A mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

1. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed \$10;

2. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than \$10;

3. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than \$10 times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

4. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

(b) A card for the purchase of gasoline is a redeemable voucher for purposes of division (1) of this definition even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game;

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions;

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player;

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (1) of this definition:

(a) As used in this section, **GAME** and **PLAY** mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (1) of this definition, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

SLOT MACHINE.

(1) Either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) The term does not include a skill-based amusement machine or an instant bingo ticket dispenser.

SPORTING ORGANIZATION. A hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is

affiliated with a state or national sporting organization, including but not limited to the Ohio League of Sportsmen, and that has been in continuous existence in this state for a period of three years.

SUSPEND. To interrupt temporarily all rights and privileges of the holder of a license issued under R.C. § 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.

VETERAN'S ORGANIZATION. Any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this definition, **NATIONAL VETERAN'S ASSOCIATION** means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States Congress or has a national dues-paying membership of at least 5,000 persons.

VOLUNTEER FIREFIGHTER'S ORGANIZATION. Any organization of volunteer firefighters, as defined in R.C. § 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

VOLUNTEER RESCUE SERVICE ORGANIZATION. Any organization of volunteers organized to function as an emergency medical service organization, as defined in R.C. § 4765.01.

YOUTH ATHLETIC ORGANIZATION. Any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are 21 years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

YOUTH ATHLETIC PARK ORGANIZATION. Any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used at least 100 days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who

are 18 years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (1) of this definition.

(R.C. § 2915.01) (Rev. 2012)

§ 134.02 PROHIBITIONS AGAINST GAMBLING; EXCEPTION.

(A) No person shall do any of the following:

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking.

(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance.

(3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance.

(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood.

(5) With purpose to violate division (A)(1), (A)(2), (A)(3), or (A)(4) of this section, acquire, possess, control, or operate any gambling device.

(B) For purposes of division (A)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.

(C) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(D) This section does not apply to any of the following:

(1) Games of chance, if all of the following apply:

(a) The games of chance are not craps for money or roulette for money.

(b) The games of chance are conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3).

(c) The games of chance are conducted at festivals of the charitable organization that are conducted either for a period of four consecutive days or less and not more than twice a year, or for a period of five consecutive days not more than once a year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance. A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in this division, if the veteran's or fraternal organization already has leased the premises 12 times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in this division, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under R.C. § 2915.09(B)(1) or a substantially equivalent municipal ordinance when it leases premises from another charitable organization to conduct bingo games.

(d) All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, given, donated or otherwise transferred to any organization that is described in IRC § 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that is tax exempt under IRC § 501(a) and described in IRC § 501(c)(3).

(e) The games of chance are not conducted during or within ten hours of a bingo game conducted for amusement purposes only pursuant to R.C. § 2915.12 or a substantially equivalent municipal ordinance. No person shall receive any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

(2) Any tag fishing tournament, as defined in R.C. § 1531.01, operated under a permit issued under R.C. § 1533.92.

(3) Bingo conducted by a charitable organization that holds a license issued under R.C. § 2915.08.

(E) Division (D) of this section shall not be construed to authorize the sale, lease, or other temporary or permanent transfer of the right to conduct games of chance, as granted by that division, by any charitable organization that is granted that right.

(F) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of any gambling offense, gambling is a felony to be prosecuted under appropriate state law.

(R.C. § 2915.02) (Rev. 2011)

§ 134.03 OPERATING A GAMBLING HOUSE.

(A) No person, being the owner or lessee, or having custody, control, or supervision of premises, shall:

(1) Use or occupy the premises for gambling in violation of R.C. § 2915.02 or a substantially equivalent municipal ordinance.

(2) Recklessly permit the premises to be used or occupied for gambling in violation of R.C. § 2915.02 or a substantially equivalent municipal ordinance.

(B) Whoever violates division (A) of this section is guilty of operating a gambling house, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, operating a gambling house is a felony to be prosecuted under appropriate state law.

(C) Premises used or occupied in violation of this section constitute a nuisance subject to abatement under R.C. Chapter 3767.

(R.C. § 2915.03) (Rev. 2003)

§ 134.04 PUBLIC GAMING.

(A) No person, while at a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall make a bet or play any game of chance or scheme of chance.

(B) No person, being the owner or lessee, or having custody, control, or supervision of a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall recklessly permit those premises to be used or occupied in violation of division (A) of this section.

(C) Divisions (A) and (B) of this section do not prohibit conduct in connection with gambling expressly permitted by law.

(D) Whoever violates this section is guilty of public gaming. Except as otherwise provided in this division, public gaming is a minor misdemeanor. If the offender

previously has been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(E) Premises used or occupied in violation of division (B) of this section constitute a nuisance subject to abatement under R.C. Chapter 3767.

(R.C. § 2915.04) (Rev. 2003)

§ 134.05 CHEATING.

(A) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:

(1) The subject of a bet.

(2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event.

(3) A scheme or game of chance.

(4) Bingo.

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

(1) Offer, give, solicit, or accept anything of value to corrupt the outcome of an athletic or sporting event.

(2) Engage in conduct designed to corrupt the outcome of an athletic or sporting event.

(C) (1) Whoever violates division (A) of this section is guilty of cheating. Except as otherwise provided in this division, cheating is a misdemeanor of the first degree. If the potential gain from the cheating is \$1,000 or more or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in R.C. § 2913.01, cheating is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (B) of this section is guilty of corrupting sports. Corrupting sports is a felony to be prosecuted under appropriate state law.

(R.C. § 2915.05) (Rev. 2012)

§ 134.06 REGULATIONS CONCERNING OPERATION OF LICENSED BINGO GAME.

(A) No charitable organization that conducts bingo shall fail to do any of the following:

(1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct bingo, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in the definition for “expenses” in R.C. § 2915.01, provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (1) of the definition of “bingo” in R.C. § 2915.01, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of \$600 or 45% of the gross receipts from the bingo described in that division as consideration for the use of the premises;

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in the definition for “charitable purpose” in R.C. § 2915.01, or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with R.C. § 2915.101.

(B) No charitable organization that conducts a bingo game described in division (1) of the definition of “bingo” in R.C. § 2915.01 shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of \$650 per bingo session or 45% of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of \$450 per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of \$450 per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than one other charitable organization per calendar week for the purpose of conducting bingo sessions on the premises. A person that is not a charitable

organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine bingo sessions be conducted on any premises in any calendar week;

(2) Display its license conspicuously at the premises where the bingo session is conducted;

(3) Conduct the bingo session in accordance with division (1) of the definition of “bingo” in R.C. § 2915.01.

(C) No charitable organization that conducts a bingo game described in division (1) of the definition of “bingo” in R.C. § 2915.01 shall do any of the following:

(1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo session;

(3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;

(4) Except as otherwise provided in division (C)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter’s organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;

(5) Pay out more than \$6,000 in prizes for bingo games described in R.C. § 2915.01(S)(1) during any bingo session that is conducted by the charitable organization. “Prizes” does not include awards from the conduct of instant bingo.

(6) Conduct a bingo session at any time during the ten-hour period between midnight and 10:00 a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to R.C. § 2915.12 or any substantially equivalent municipal ordinance, at any premises not specified on its license, or on any day of the week or

during any time period not specified on its license. This division does not prohibit the sale of instant bingo tickets beginning at 9:00 a.m. for a bingo session that begins at 10:00 a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney General for an amended license pursuant to R.C. § 2915.08(F). A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of 18 to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under R.C. § 2915.081;

(11) (a) Use or permit the use of electronic bingo aids except under the following circumstances:

1. For any single participant, not more than 90 bingo faces can be played using an electronic bingo aid or aids.

2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(b) The Attorney General may adopt rules in accordance with R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.

(12) Permit any person the charitable organization knows, or should have known, to be under 18 years of age to play bingo described in division (1) of the definition of "bingo" in R.C. § 2915.01.

(D) (1) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session.

(3) Nothing in this division (D) of this section prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are

conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(F) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(G) Whoever violates division (A)(2) of this section is guilty of illegally conducting a bingo game, a felony to be prosecuted under appropriate state law. Except as otherwise provided in this division, whoever violates division (A)(1), (A)(3), (B)(1), (B)(2), (B)(3), (C)(1) through (C)(11), or (D) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of division (A)(1), (A)(3), (B)(1), (B)(2), (B)(3), (C)(1) through (C)(11), or (D) of this section, a violation of division (A)(1), (A)(3), (B)(1), (B)(2), (B)(3), (C)(1) through (C)(11), or (D) of this section is a misdemeanor of the first degree. Whoever violates division (C)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (C)(12) of this section, a violation of division (C)(12) of this section is a felony to be prosecuted under appropriate state law.

(R.C. § 2915.09) (Rev. 2011)

§ 134.07 RECORDS TO BE KEPT.

(A) No charitable organization that conducts bingo or a game of chance pursuant to R.C. § 2915.02(D), or any substantially equivalent municipal ordinance, shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number;

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of \$600 or more in value;

(4) An itemized list of the recipients of the net profit of bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in R.C. § 2915.01(Z), R.C. § 2915.02(D), or R.C. § 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" under R.C. § 2915.01(X);

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the Attorney General of the location at which those records are kept.

(C) The gross profit from each bingo session or game described in division (1) or (2) of the definition of "bingo" in R.C. § 2915.01 shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks drawn on the bingo session or game account.

(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(E) The Attorney General may adopt rules in accordance with R.C. Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(F) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this state. The record shall include all of the following for each instance:

(1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;

(2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;

(3) A description that clearly identifies the bingo supplies;

(4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(G) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this state. The record shall include all of the following for each instance:

(1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;

(2) A description that clearly identifies the bingo supplies, including serial numbers;

(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(H) (1) The Attorney General or any law enforcement agency may do all of the following:

(a) Investigate any charitable organization or any officer, agent, trustee, member, or employee of the organization;

(b) Examine the accounts and records of the organization;

(c) Conduct inspections, audits, and observations of bingo or games of chance;

(d) Conduct inspections of the premises where bingo or games of chance are conducted;

(e) Take any other necessary and reasonable action to determine if a violation of any provision of this chapter or R.C. Chapter 2915 has occurred and to determine whether R.C. § 2915.11, or any substantially equivalent municipal ordinance, has been complied with.

(2) If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, or employee of the organization has violated any provision of this chapter or R.C. Chapter 2915, the law enforcement agency may proceed by action in the proper court to enforce this chapter or R.C. Chapter 2915, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this division.

(I) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to division (H) of this section.

(J) Whoever violates division (A) or (I) of this section is guilty of a misdemeanor of the first degree. (R.C. § 2915.10) (Rev. 2004)

§ 134.08 REQUIREMENTS FOR BINGO GAME OPERATORS.

(A) No person shall be a bingo game operator unless the person is 18 years of age or older.

(B) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(C) Whoever violates division (A) of this section is guilty of a misdemeanor of the third degree. Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree. (R.C. § 2915.11) (Rev. 2003)

§ 134.09 BINGO GAMES FOR AMUSEMENT ONLY.

(A) Sections 134.06 through 134.13 do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either division (A)(1) or (A)(2) of this section.

(1) (a) The participants do not pay any money or any other thing of value, including an admission fee or any fee, for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo, for the privilege of participating in the bingo game, or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

(b) All prizes awarded during the course of the game are non-monetary, and in the form of merchandise, goods, or entitlement to goods or services only, and the total value of all prizes awarded during the game is less than \$100.

(c) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(d) The bingo game is not conducted either during or within ten hours of any of the following:

1. A bingo session during which a charitable bingo game is conducted pursuant to R.C. §§ 2915.07 through 2915.11 or any substantially equivalent municipal ordinance.

2. A scheme or game of chance, or bingo described in division (2) of its definition in R.C. § 2915.01.

(e) The number of players participating in the bingo game does not exceed 50.

(2) (a) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than \$0.25 to purchase a bingo card or sheet, objects to cover the spaces, or other devices used in playing bingo.

(b) The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo does not exceed \$100.

(c) All of the money paid for bingo cards or sheets, objects to cover spaces, or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.

(d) The total value of all prizes awarded during the game does not exceed \$100.

(e) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(f) The bingo game is not conducted during or within ten hours of either of the following:

1. A bingo session during which a charitable bingo game is conducted pursuant to R.C. §§ 2915.07 through 2915.11 or any substantially equivalent municipal ordinance;

2. A scheme of chance or a game of chance, or bingo described in division (2) of its definition in R.C. § 2915.01.

(g) All of the participants reside at the premises where the bingo game is conducted.

(h) The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(B) The Attorney General or any local law enforcement agency may investigate the conduct of a bingo

game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with the requirements of either division (A)(1) or (A)(2) of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action.

(R.C. § 2915.12) (Rev. 2003)

§ 134.10 PROHIBITIONS WHERE INSTANT BINGO GAME IS CONDUCTED.

(A) No charitable organization that conducts instant bingo shall do any of the following:

(1) Fail to comply with the requirements of R.C. § 2915.09(A)(1), (A)(2), and (A)(3), or any substantially equivalent municipal ordinance;

(2) Conduct instant bingo unless either of the following applies:

(a) That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under IRC § 501(a), is described in IRC § 501(c)(3), is a charitable organization as defined in R.C. § 2915.01, is in good standing in the state pursuant to R.C. § 2915.08, and is in compliance with R.C. Chapter 1716;

(b) That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under IRC § 501(a), is described in IRC § 501(c)(7), (c)(8), (c)(10), or (c)(19) or is a veteran's organization described in IRC § 501(c)(4), and conducts instant bingo under R.C. § 2915.13.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to R.C. § 2915.08;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under R.C. § 2915.081;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under 18 years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(10) Pay fees to any person for any services performed in relation to an instant bingo game;

(11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;

(12) (a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

(b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.

(13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;

(14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under R.C. § 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by R.C. § 2915.10(E);

(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;

(16) Possess bingo supplies that were not obtained in accordance with R.C. Chapter 2915.

(B) (1) A charitable organization may conduct instant bingo other than at a bingo session at not more than five separate locations. A charitable organization that is exempt from federal taxation under IRC § 501(a) and

described in IRC § 501(c)(3) and that is created by a veteran's organization or a fraternal organization is not limited in the number of separate locations the charitable organization may conduct instant bingo other than at a bingo session.

(2) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(C) Pursuant to R.C. § 2915.091(C), the Attorney General may adopt rules in accordance with R.C. Chapter 119 that govern the conduct of instant bingo by charitable organizations.

(D) Whoever violates division (A) of this section or a rule adopted under division (C) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or of such a rule adopted under division (C) of this section, illegal instant bingo conduct is a felony to be prosecuted under appropriate state law.

(R.C. § 2915.091) (Rev. 2011)

§ 134.11 RAFFLE DRAWINGS.

(A) (1) Subject to division (A)(2) of this section, a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under IRC § 501(a) and is described in IRC §§ 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) may conduct a raffle to raise money for the organization or school and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If a charitable organization that is described in division (A)(1) of this section, but that is not also described in IRC § 501(c)(3), conducts a raffle, the charitable organization shall distribute at least 50% of the net profit from the raffle to a charitable purpose described in R.C. § 2915.01(Z) or to a department or agency of the federal government, the state, or any political subdivision.

(B) A chamber of commerce may conduct not more than one raffle per year to raise money for the chamber of commerce.

(C) Except as provided in division (A) or (B) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(D) Whoever violates division (C) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this division, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (C) of this

section, illegal conduct of a raffle is a felony to be prosecuted under appropriate state law.
(R.C. § 2915.092) (Rev. 2005)

§ 134.12 INSTANT BINGO OTHER THAN AT BINGO SESSIONS.

(A) As used in this section, **RETAIL INCOME FROM ALL COMMERCIAL ACTIVITY** means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

(B) A charitable instant bingo organization may conduct instant bingo other than at a bingo session at not more than five separate locations.

(C) (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.

(2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five days per calendar year and not more than ten hours per day.

(D) Except as provided in division (G) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(E) The owner or lessor of a location that enters into a contract pursuant to division (C) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the sale of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets. As used

in this division, **FULL GROSS PROFIT** means the amount by which the total receipts of all instant bingo tickets, if the deal has been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(F) A charitable instant bingo organization shall provide the Attorney General with all of the following information:

(1) That the charitable instant bingo organization has terminated a contract entered into pursuant to division (C) of this section with an owner or lessor of a location;

(2) That the charitable instant bingo organization has entered into a written contract pursuant to division (C) of this section with a new owner or lessor of a location;

(3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of R.C. Chapter 2915.

(G) Division (D) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least \$1,500,000.

(R.C. § 2915.093) (Rev. 2005)

(H) (1) A veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to R.C. Chapter 2915 may conduct instant bingo other than at a bingo session if all of the following apply:

(a) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo to 12 hours during any day, provided that the sale does not begin earlier than 10:00 a.m. and ends not later than 2:00 a.m.

(b) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo to its own premises and to its own members and invited guests.

(c) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in IRC § 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), and that is in good standing in this state and executes a written contract with that organization as required in division (H)(2) of this section.

(2) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo pursuant to division (H)(1) of this section is raising money for another organization that is described in IRC § 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c), and that is in good standing in this state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in IRC § 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c), and that is in good standing in this state in order to conduct instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in IRC § 509(a)(1), (a)(2), or (a)(3) and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under IRC § 501(a) and described in IRC § 501(c)(3), and that is in good standing in this state.

(3) (a) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo pursuant to division (H)(1) of this section has been issued a liquor permit under R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter or R.C. Chapter 2915.

(b) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to division (H)(2) of this section shall violate any provision of this chapter or R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or R.C. Chapter 2915.

(4) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(5) Whoever violates division (H) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (H) of this section, illegal instant bingo conduct is a felony to be prosecuted under appropriate state law. (R.C. § 2915.13) (Rev. 2005)

§ 134.13 RESTRICTIONS ON OWNER OR LESSOR OF LOCATION AT INSTANT BINGO.

(A) No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in R.C. § 2915.093(C), with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.

(B) The location of the lessor or owner shall be designated as a location where the charitable instant bingo organization conducts instant bingo other than at a bingo session.

(C) No owner or lessor of a location that enters into a written contract as prescribed in division (A) of this section shall violate any provision of this chapter or R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or R.C. Chapter 2915.

(D) No owner or lessor of a location that enters into a written contract as prescribed in division (A) of this section shall violate the terms of the contract.

(E) (1) Whoever violates division (C) or (D) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (C) or (D) of this section, illegal instant bingo conduct is a felony to be prosecuted under appropriate state law.

(2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates division (C) or (D) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the state or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General. (R.C. § 2915.094) (Rev. 2003)

§ 134.14 SKILL-BASED AMUSEMENT MACHINES; PROHIBITED CONDUCT.

(A) No person shall give to another person any item described in division (1), (2), (3), or (4) of the definition for "merchandise prize" in § 134.01 in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine.

(B) Whoever violates division (A) of this section is guilty of skill-based amusement machine prohibited conduct. A violation of division (A) of this section is a misdemeanor of the first degree for each redemption of a prize that is

involved in the violation. If the offender previously has been convicted of a violation of division (A) of this section, a violation of that division is a felony to be prosecuted under appropriate state law.

(R.C. § 2915.06) (Rev. 2008)

CHAPTER 135: OFFENSES AGAINST PERSONS

Section

- 135.01 Definitions
- 135.02 Negligent homicide
- 135.03 Vehicular homicide; vehicular manslaughter
- 135.04 Assault; negligent assault
- 135.05 Injury to persons by hunters
- 135.06 Menacing; aggravated menacing; menacing by stalking
- 135.07 Unlawful restraint
- 135.08 Criminal child enticement
- 135.09 Coercion
- 135.10 Bigamy
- 135.11 Unlawful abortion; failure to perform viability testing
- 135.12 Abortion trafficking
- 135.13 Nonsupport of dependents
- 135.14 Endangering children
- 135.15 Interference with custody; interference with support orders
- 135.16 Domestic violence
- 135.17 Hazing prohibited
- 135.18 Contributing to unruliness or delinquency of a child
- 135.19 Failure to provide for functionally impaired person
- 135.20 Patient abuse or neglect; patient endangerment; exceptions; false statements; retaliation
- 135.21 Interference with right of person to engage in housing transactions because of race, religion, or the like
- 135.22 Ethnic intimidation
- 135.23 Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state
- 135.24 Adulteration of food
- 135.25 Illegal distribution of cigarettes or other tobacco products; transaction scans
- 135.26 Nonsmoking areas in places of public assembly
- 135.27 Spreading contagion
- 135.28 Abuse of a corpse
- 135.29 Unlawful collection of bodily substances

Statutory reference:

Child care, misrepresentations by providers and failure to disclose death or serious injuries, misdemeanors, see R.C. §§ 2919.223 et seq.

Extortionate extension of credit, see R.C. §§ 2905.21 through 2905.24

Failure to send child to school, see R.C. § 3321.38

Permitting child abuse, felony offense, see R.C. § 2903.15

Reckless homicide, felony offense, see R.C. § 2903.041
Rights of victims of crimes, see R.C. Chapter 2930

§ 135.01 DEFINITIONS.

(A) For the purpose of §§ 135.01 through 135.06, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANOTHER'S UNBORN or OTHER PERSON'S UNBORN. A member of the species *Homo sapiens* who is or was carried in the womb of another during a period that begins with fertilization and that continues unless and until live birth occurs.

UNLAWFUL TERMINATION OF ANOTHER'S PREGNANCY. Causing the death of an unborn member of the species *Homo sapiens* who is or was carried in the womb of another, as a result of injuries inflicted during the period that begins with fertilization and that continues unless and until live birth occurs.

(B) Notwithstanding division (A) of this section, in no case shall the definitions of the terms "another's unborn", "other person's unborn" and "unlawful termination of another's pregnancy" that are set forth in division (A) of this section be applied or construed in any of the following manners:

(1) Except as otherwise provided in division (B)(1) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as any violation of R.C. § 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21 or 2903.22, or a substantially equivalent municipal ordinance, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence but that does violate R.C. § 2919.12, 2919.13(B), 2919.151, 2919.17 or 2919.18, or a substantially equivalent municipal ordinance, may be punished as a violation of such section, as applicable.

(2) In a manner so that the offense is applied or is construed as applying to a woman based on an act or

omission of the woman that occurs while she is or was pregnant and that results in any of the following:

- (a) Her delivery of a stillborn baby.
- (b) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying.
- (c) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human.
- (d) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human.
- (e) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(R.C. § 2903.09) (Rev. 2001)

§ 135.02 NEGLIGENT HOMICIDE.

(A) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance, as defined in R.C. § 2923.11.

(B) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (R.C. § 2903.05) (Rev. 1997)

Statutory reference:

Reckless homicide, felony offense, see R.C. § 2903.041

§ 135.03 VEHICULAR HOMICIDE; VEHICULAR MANSLAUGHTER.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

- (1) (a) As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;
- (b) As the proximate result of committing a violation of R.C. § 1547.11(A), or of a substantially equivalent municipal ordinance;
- (c) As the proximate result of committing a violation of R.C. § 4561.15(A)(3), or of a substantially equivalent municipal ordinance.

(2) In one of the following ways:

- (a) Recklessly;
- (b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (D) of this section.

(3) In one of the following ways:

- (a) Negligently;
- (b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (D) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Title 45 that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in R.C. Title 45 that is a minor misdemeanor.

(B) (1) Whoever violates division (A)(1) or (A)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) (a) Whoever violates division (A)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (A)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense. The court shall impose a mandatory jail term on the offender when required by division (C) of this section.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4) or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(3), or, if the offender previously had been convicted of or pleaded guilty to a traffic-related murder, felonious assault, or attempted murder offense, a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in R.C. § 4510.02(A)(2).

(3) (a) Whoever violates division (A)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(6) or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4).

(C) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a felony violation of this section, as provided in R.C. § 2903.06(E). The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division

(A)(3)(b) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(D) Divisions (A)(2)(b) and (A)(3)(b) of this section do not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under R.C. § 5501.27. The failure to erect signs of the type described in R.C. § 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A)(1), (A)(2)(a), (A)(3)(a), or (A)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

(E) (1) As used in this section:

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.

RECKLESS OPERATION OFFENSE. Means a violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

SPEEDING OFFENSE. Means a violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER, OR ASSAULT OFFENSE. Means a violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or 2903.08, or a violation of R.C. § 2903.06, 2903.07, or 2903.08 as they existed prior to March 23, 2000.

TRAFFIC-RELATED MURDER, FELONIOUS ASSAULT, OR ATTEMPTED MURDER OFFENSE. Means a violation of R.C. § 2903.01 or R.C. § 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of this or another state or the United States.

(R.C. § 2903.06) (Rev. 2010)

Statutory reference:

Aggravated vehicular assault, felony, see R.C.

§ 2903.08

Trial court to suspend driver's license, see R.C.

§ 4510.05

§ 135.04 ASSAULT; NEGLIGENT ASSAULT.

(A) *Assault.*

(1) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

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

(3) Whoever violates division (A)(1) or (A)(2) of this section is guilty of assault. Except as provided in R.C. § 2903.13(C), assault is a misdemeanor of the first degree.

(4) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in R.C. § 2941.1423 (victim of the offense was a woman whom the defendant knew was pregnant at the time of the offense) that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in R.C. § 2929.24(G).

(R.C. § 2903.13) (Rev. 2010)

(B) *Negligent assault.*

(1) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in R.C. § 2923.11, cause physical harm to another or to another's unborn.

(2) Whoever violates division (B)(1) of this section is guilty of negligent assault, a misdemeanor of the third degree.

(R.C. § 2903.14) (Rev. 1997)

Cross-reference:

Jurisdictional limitation on Mayor regarding violations of division (A) of this section, see § 33.01(E)

Statutory reference:

Aggravated and felonious assault, see R.C. §§ 2903.11 and 2903.12

Aggravated vehicular assault, felony, see R.C. § 2903.08

Felony offenses: assaulting functionally impaired person, peace officer, investigator of the Bureau of Criminal Identification and Investigation, firefighter, person performing emergency medical service, officer or employee of a public children services agency or private child placing agency; assault at a correctional institution; assault on school officials and school bus drivers, see R.C. § 2903.13(C)

Permitting child abuse, felony offense, see R.C. § 2903.15

Persons who may seek relief under anti-stalking protection order; ex parte orders, see R.C.

§ 2903.214

Protection order as pretrial condition of release, see R.C. § 2903.213

§ 135.05 INJURY TO PERSONS BY HUNTERS.

(A) No person in the act of hunting, pursuing, taking, or killing a wild animal shall act in a negligent, careless, or reckless manner so as to injure persons.

(R.C. § 1533.171(A)) (Rev. 1999)

(B) Whoever violates this section shall be guilty of a misdemeanor of the first degree.

(R.C. § 1533.99(C)) (Rev. 1997)

Statutory Reference:

Violation, license revocation, see R.C. § 1533.171(B) through (E)

§ 135.06 MENACING; AGGRAVATED MENACING; MENACING BY STALKING.

(A) *Menacing.*

(1) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

(2) Whoever violates division (A)(1) of this section is guilty of menacing. Except as otherwise provided in this division (A)(2), menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony to be prosecuted under appropriate state law.

(R.C. § 2903.22) (Rev. 2001)

(B) *Aggravated menacing.*

(1) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, such other person's unborn, or a member of such other person's immediate family.

(2) Whoever violates division (B)(1) of this section is guilty of aggravated menacing. Except as otherwise provided in this division (B)(2), aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony to be prosecuted under appropriate state law or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony to be prosecuted under appropriate state law.

(R.C. § 2903.21) (Rev. 2001)

(C) *Menacing by stalking.*

(1) (a) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

(b) No person, through the use of any electronic method of remotely transferring information, including but not limited to any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (C)(1)(a) of this section.

(c) No person, with a sexual motivation, shall violate division (C)(1)(a) or (C)(1)(b) of this section.

(2) Whoever violates division (C)(1) of this section is guilty of menacing by stalking.

(a) Except as otherwise provided in division (C)(2)(b) of this section, menacing by stalking is a misdemeanor of the first degree.

(b) Menacing by stalking is a felony, to be prosecuted under appropriate state law, if any of the following applies:

1. The offender previously has been convicted of or pleaded guilty to a violation of R.C. § 2903.211 or a violation of R.C. § 2911.211, or a substantially equivalent municipal ordinance to either of these offenses.

2. In committing the offense under division (C)(1)(a), (C)(1)(b) or (C)(1)(c) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under division (C)(1)(b) or (C)(1)(c) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

3. In committing the offense under division (C)(1)(a), (C)(1)(b) or (C)(1)(c) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under division (C)(1)(b) or (C)(1)(c) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.

4. The victim of the offense is a minor.

5. The offender has a history of violence towards the victim or any other person or a history of other violent acts towards the victim or any other person.

6. While committing the offense under division (C)(1)(a) of this section or a violation of division (C)(1)(c) of this section based on conduct in violation of division (C)(1)(a) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Division (C)(2)(b)6. of this section does not apply in determining the penalty for a violation of division (C)(1)(b) of this section or a violation of division (C)(1)(c) of this section based on conduct in violation of division (C)(1)(b) of this section.

7. At the time of the commission of the offense, the offender was the subject of a protection order issued under R.C. § 2903.213 or R.C. § 2903.214, regardless of whether or not the person to be protected under the order is the victim of the offense or another person.

8. In committing the offense under division (C)(1)(a), (C)(1)(b) or (C)(1)(c) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or as a result of an offense committed under division (C)(1)(b) of this section or an offense committed under division (C)(1)(c) of this section based on a violation of division (C)(1)(b) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

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

10. The victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.

11. The offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties.

(3) R.C. § 2919.271 applies in relation to a defendant charged with a violation of this section.

(4) As used in division (C) of this section:

COMPUTER. Has the same meaning as in R.C. § 2913.01.

COMPUTER NETWORK. Has the same meaning as in R.C. § 2913.01.

COMPUTER PROGRAM. Has the same meaning as in R.C. § 2913.01.

COMPUTER SYSTEM. Has the same meaning as in R.C. § 2913.01.

EMERGENCY FACILITY PERSON. Is the singular of "emergency facility personnel" as defined in R.C. § 2909.04.

EMERGENCY MEDICAL SERVICES PERSON. Is the singular of "emergency medical services personnel" as defined in R.C. § 2133.21.

MENTAL DISTRESS. Means any of the following:

1. Any mental illness or condition that involves some temporary substantial incapacity;

2. 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.

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. 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 or receipt of information or data through the use of 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."

POST A MESSAGE. Means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or 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.

PUBLIC OFFICIAL. Has the same meaning as in R.C. § 2921.01.

SEXUAL MOTIVATION. Has the same meaning as in R.C. § 2971.01.

TELECOMMUNICATIONS DEVICE. Has the same meaning as in R.C. § 2913.01.

THIRD PERSON. Means, in relation to conduct as described in division (C)(1)(b) of this section, an individual who is neither the offender nor the victim of the conduct.

(5) The prosecution does not need to prove in a prosecution under division (C) of this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in division (2) of the definition for "mental distress" in this section.

(6) (a) Division (C) of this section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is or will be sent in violation of division (C) of this section.

(b) Division (C)(6)(a) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is or will be sent

in violation of division (C) of this section except as otherwise provided by law.

(c) Division (C)(6)(a) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of division (C) of this section or who knowingly advertises the availability of material of that nature.

(R.C. § 2903.211) (Rev. 2008)

Cross-reference:

Jurisdictional limitation on Mayor regarding violations of division (C) of this section, see § 33.01(E)

Violation of protection orders, see § 135.23

Statutory reference:

Conditions of bail for violators, see R.C. § 2903.212

Persons who may seek relief under anti-stalking protection order; ex parte orders, see R.C. § 2903.214

Protection order as pretrial condition of release, see R.C. § 2903.213

§ 135.07 UNLAWFUL RESTRAINT.

(A) No person, without privilege to do so, shall knowingly restrain another of the other person's liberty.

(B) No person, without privilege to do so and with a sexual motivation, shall knowingly restrain another of the other person's liberty.

(C) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.

(D) As used in this section, **SEXUAL MOTIVATION** has the same meaning as in R.C. § 2971.01.
(R.C. § 2905.03) (Rev. 2008)

§ 135.08 CRIMINAL CHILD ENTICEMENT.

(A) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice, or lure any child under 14 years of age to accompany the person in any manner, including entering into any vehicle or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:

(1) The actor does not have the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity.

(2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of, any board of education, or the actor is any such person, but at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

(B) No person, with a sexual motivation, shall violate division (A) of this section.

(C) It is an affirmative defense to a charge under division (A) of this section that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.

(D) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, a substantially equivalent state law or municipal ordinance, R.C. § 2907.02 or 2907.03 or former R.C. § 2907.12, or R.C. § 2905.01 or 2907.05 when the victim of that prior offense was under 17 years of age at the time of the offense, criminal child enticement is a felony to be prosecuted under appropriate state law.

(E) As used in this section:

SEXUAL MOTIVATION. Has the same meaning as in R.C. § 2971.01.

VEHICLE. Has the same meaning as in R.C. § 4501.01.

VESSEL. Has the same meaning as in R.C. § 1547.01.
(R.C. § 2905.05) (Rev. 2008)

§ 135.09 COERCION.

(A) No person, with purpose to coerce another into taking or refraining from action concerning which he or she has a legal freedom of choice, shall do any of the following:

(1) Threaten to commit any offense.

(2) Utter or threaten any slander against any person.

(3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage his or her personal or business repute, or to impair his or her credit.

(4) Institute or threaten criminal proceedings against any person.

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

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

(1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to R.C. § 2945.44.

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

(3) Imposing probation on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of his or her offense.

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

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

(2) Preventing or redressing a wrong or injustice.

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

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

(D) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.

(E) As used in this section, *THREAT* includes a direct threat and a threat by innuendo.
(R.C. § 2905.12)

§ 135.10 BIGAMY.

(A) No married person shall marry another or continue to cohabit with such other person in this municipality.

(B) It is an affirmative defense to a charge under this section that the actor's spouse was continuously absent for five years immediately preceding the purported subsequent marriage, and was not known by the actor to be alive within that time.

(C) Whoever violates this section is guilty of bigamy, a misdemeanor of the first degree.
(R.C. § 2919.01)

§ 135.11 UNLAWFUL ABORTION; FAILURE TO PERFORM VIABILITY TESTING.

(A) As used in this section:

ABORTION. Means the purposeful termination of a human pregnancy by any person, including the pregnant woman herself, with an intention other than to produce a live birth or to remove a dead fetus or embryo.
(R.C. § 2919.11)

EMANCIPATED. A minor shall be considered emancipated if the minor has married, entered the armed services of the United States, become employed and self-subsisting, or has otherwise become independent from the care and control of her parent, guardian or custodian.

UNEMANCIPATED. Means a woman who is unmarried and under 18 years of age who has not entered the armed services of the United States, has not become employed and self-subsisting, or has not otherwise become independent from the care and control of her parent, guardian, or custodian.

(B) No person shall perform or induce an abortion without the informed consent of the pregnant woman.

(C) No person shall knowingly perform or induce an abortion upon a pregnant minor unless one of the following is the case:

(1) The attending physician has secured the informed written consent of the minor and one parent, guardian or custodian;

(2) The minor is emancipated and the attending physician has received her informed written consent;

(3) The minor has been authorized to consent to the abortion by a court order issued pursuant to R.C. § 2919.121(C) and the attending physician has received her informed written consent; or

(4) The court has given its consent in accordance with R.C. § 2919.121(C) and the minor is having the abortion willingly.

(D) No person shall knowingly perform or induce an abortion upon a woman who is pregnant, unmarried, under 18 years of age, and unemancipated unless at least one of the circumstances enumerated in R.C. § 2919.12(B) applies.

(E) (1) It is an affirmative defense to a charge under division (D) of this section that the pregnant woman provided the person who performed or induced the abortion with false, misleading, or incorrect information about her age, marital status, or emancipation, about the age of the brother or sister to whom she requested notice to be given as a specified relative instead of one of her parents, her guardian, or her custodian, or about the last known address

of either of her parents, her guardian, her custodian, or a specified brother, sister, stepparent, or grandparent to whom she requested notice be given and the person who performed or induced the abortion did not otherwise have reasonable cause to believe the pregnant woman was under 18 years of age, unmarried, or unemancipated, to believe that the age of the brother or sister to whom she requested notice be given as a specified relative instead of one of her parents, her guardian, or her custodian was not 21 years of age, or to believe that the last known address of either of her parents, her guardian, her custodian, or a specified brother, sister, stepparent, or grandparent to whom she requested notice be given was incorrect.

(2) It is an affirmative defense to a charge under this section that compliance with the requirements of this section was not possible because an immediate threat of serious risk to the life or physical health of the pregnant woman or pregnant minor from the continuation of her pregnancy created an emergency necessitating the immediate performance or inducement of an abortion.

(F) Whoever violates this section is guilty of unlawful abortion. A violation of division (B), (C) or (D) of this section is a misdemeanor of the first degree on the first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(G) Whoever violates this section is liable to the pregnant woman or pregnant minor, and her parents, guardian, or custodian for civil, compensatory and exemplary damages.
(R.C. §§ 2919.12, 2919.121)

(H) (1) Division (C) of this section applies in lieu of division (D) of this section whenever its operation is not enjoined. If division (C) of this section is enjoined, division (D) of this section applies.

(2) If a person complies with the requirements of division (D) of this section under the good faith belief that the application or enforcement of division (C) of this section is subject to a restraining order or injunction, good faith compliance shall constitute a complete defense to any civil, criminal or professional disciplinary action brought under division (C) of this section or R.C. § 2919.121.

(3) If a person complies with the requirements of division (C) of this section under the good faith belief that it is not subject to a restraining order or injunction, good faith compliance shall constitute a complete defense to any civil, criminal or professional disciplinary action for failure to comply with the requirements of division (D) of this section.
(R.C. § 2919.122) (Rev. 1999)

(I) Failure to perform viability testing.

(1) Except in a medical emergency that prevents compliance with this division, no physician shall perform or induce or attempt to perform or induce an abortion on a

pregnant woman after the beginning of the twentieth week of gestation unless, prior to the performance or inducement of the abortion or the attempt to perform or induce the abortion, the physician determines, in the physician's good faith medical judgment, that the unborn child is not viable, and the physician makes that determination after performing a medical examination of the pregnant woman and after performing or causing to be performed those tests for assessing gestational age, weight, lung maturity, or other tests that the physician, in that physician's good faith medical judgment, believes are necessary to determine whether an unborn child is viable.

(2) Except in a medical emergency that prevents compliance with this division, no physician shall perform or induce or attempt to perform or induce an abortion on a pregnant woman after the beginning of the twentieth week of gestation without first entering the determination made in division (I)(1) of this section and the associated findings of the medical examination and tests in the medical record of the pregnant woman.

(3) Whoever violates this division (I) is guilty of failure to perform viability testing, a misdemeanor of the fourth degree.

(4) The State Medical Board shall suspend a physician's license to practice medicine in this state for a period of not less than six months if the physician violates this section.

(R.C. § 2919.18) (Rev. 2012)

Statutory reference:

Judicial bypass, see R.C. § 2151.85

Judicial consent and the right of a minor to consent, see R.C. § 2919.121(C)

Notice or consent requirements for unmarried minors, see R.C. § 2919.12(B)

§ 135.12 ABORTION TRAFFICKING.

(A) No person shall experiment upon or sell the product of human conception which is aborted. Experiment does not include autopsies pursuant to R.C. §§ 313.13 and 2108.50.

(B) Whoever violates this section is guilty of abortion trafficking, a misdemeanor of the first degree.
(R.C. § 2919.14)

§ 135.13 NONSUPPORT OF DEPENDENTS.

(A) No person shall abandon, or fail to provide adequate support to:

(1) His or her spouse, as required by law;

(2) His or her legitimate or illegitimate child who is under age 18, or mentally or physically disabled child who is under age 21;

(3) His or her aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately for his or her own support.

(B) No person shall abandon or fail to provide support as established by court order to another person whom, by court order or decree, the person is legally obligated to support.

(C) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in R.C. § 2151.04, or a neglected child, as defined in R.C. § 2151.03.

(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support, but did provide the support that was within his or her ability and means.

(E) It is an affirmative defense to a charge under division (A)(3) of this section that the parent abandoned the accused, or failed to support the accused as required by law, while the accused was under age 18, or was mentally or physically disabled and under age 21.

(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused.

(G) (1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) or (B) of this section or a substantially equivalent state law or municipal ordinance, or if the offender has failed to provide support under division (A)(2) or (B) of this section for a total accumulated period of 26 weeks out of 104 consecutive weeks, whether or not the 26 weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony to be prosecuted under appropriate state law. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(2) or (B) of this section is a felony to be prosecuted under appropriate state law.

(2) If the offender is guilty of nonsupport of dependents by reason of failing to provide support to his or her child as required by a child support order issued on or after April 15, 1985, pursuant to R.C. § 2151.23, 2151.231, 2151.232, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 3115.31, the court, in addition to any other sentence imposed, shall assess all court costs arising out of the charge against the person and require the person to pay

any reasonable attorney's fees of any adverse party other than the state, as determined by the court, that arose in relation to the charge.

(3) Whoever violates division (C) of this section is guilty of contributing to the nonsupport of dependents, a misdemeanor of the first degree. Each day of a violation of division (C) of this section is a separate offense. (R.C. § 2919.21) (Rev. 2012)

§ 135.14 ENDANGERING CHILDREN.

(A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under 18 years of age or a mentally or physically disabled child under 21 years of age, shall create a substantial risk to the health or safety of the child by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or disability of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(B) No person shall do any of the following to a child under 18 years of age or a mentally or physically disabled child under 21 years of age:

(1) Abuse the child.

(2) Torture or cruelly abuse the child.

(3) Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child.

(4) Repeatedly administer unwarranted disciplinary measures to a child when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development.

(5) Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter;

(6) Allow the child to be on the same parcel of real property and within 100 feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within 100 feet of, any act in violation of R.C. § 2925.04 or 2925.041 when the person knows that the act is occurring, whether or not any person

is prosecuted for or convicted of the violation of R.C. § 2925.04 or 2925.041 that is the basis of the violation of this division.

(C) (1) No person shall operate a vehicle, as defined by R.C. § 4511.01, within the municipality and in violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, when one or more children under 18 years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, that constitutes the basis of the charge of the violation of this division. For purposes of R.C. §§ 4511.191 through 4511.197 and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in division (C)(1) of this section:

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

VEHICLE. Has the same meaning as in R.C. § 4511.01.

(D) (1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies for research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.

(2) Mistake of age is not a defense to a charge under division (B)(5) of this section.

(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.

(4) As used in this division and division (B)(5) of this section:

MATERIAL. Has the same meaning as in R.C. § 2907.01.

NUDITY-ORIENTED MATTER means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person

applying contemporary community standards, appeals to the prurient interest.

OBSCENE. Has the same meaning as in R.C. § 2907.01.

PERFORMANCE. Has the same meaning as in R.C. § 2907.01.

SEXUAL ACTIVITY. Has the same meaning as in R.C. § 2907.01.

SEXUALLY ORIENTED MATTER. Means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

(E) Whoever violates this section is guilty of endangering children.

(1) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following:

(a) Except as otherwise provided in division (E)(1)(b), (E)(1)(c) or (E)(1)(d), a misdemeanor of the first degree.

(b) If the offender previously has been convicted of an offense under this section or a substantially equivalent state law or municipal ordinance, or of any offense involving neglect, abandonment, or contributing to the delinquency of or physical abuse of a child, except as otherwise provided in division (E)(1)(c) or (E)(1)(d) of this section, endangering children is a felony to be prosecuted under appropriate state law.

(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, endangering children is a felony to be prosecuted under appropriate state law.

(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, endangering children is a felony to be prosecuted under appropriate state law.

(2) If the offender violates division (B)(2), (B)(3), (B)(4), (B)(5) or (B)(6) of this section, endangering children is a felony to be prosecuted under appropriate state law.

(3) If the offender violates division (C) of this section, the offender shall be punished as follows:

(a) Except as provided in (E)(3)(b) or (E)(3)(c), endangering children in violation of division (C) of this section is a misdemeanor of the first degree.

(b) If the violation results in serious physical harm to the child or if the offender previously has

been convicted of a violation of this section or a substantially equivalent state law or municipal ordinance, or of any offense involving neglect, abandonment, or contributing to the delinquency of or physical abuse of a child, except as otherwise provided in division (E)(3)(c) of this section, endangering children in violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(c) If the violation results in serious physical harm to the child and if the offender previously has been convicted of a violation of this section, R.C. § 2903.06, 2903.08, 2919.22(C) or former R.C. § 2903.07 as it existed prior to March 23, 2000, or R.C. § 2903.04, in a case in which the offender was subject to the sanctions described in division (D) of that section, endangering children in violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(d) In addition to any term of imprisonment, fine, or other sentence, penalty or sanction it imposes upon the offender pursuant to divisions (E)(3)(a), (E)(3)(b) or (E)(3)(c) of this section or pursuant to any other provision of law, and in addition to any suspension of the offender's driver's license or commercial driver's license or permit or nonresident operating privilege under R.C. Chapter 4506, 4509, 4510, or 4511, or any other provision of law, the court also may impose upon the offender a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(e) In addition to any term of imprisonment, fine, or other sentence, penalty or sanction imposed upon the offender pursuant to division (E)(3)(a), (E)(3)(b), (E)(3)(c) or (E)(3)(d) of this section or pursuant to any other provision of law for the violation of division (C) of this section, if as a part of the same trial or proceeding the offender also is convicted of or pleads guilty to a separate charge charging the violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, that was the basis of the charge of the violation of division (C) of this section, the offender also shall be sentenced in accordance with R.C. § 4511.19, or a substantially equivalent municipal ordinance, for that violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance.

(F) (1) If a person violates division (C) of this section and if, at the time of the violation, there were two or more children under 18 years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of division (C) of this section for each of the children, but the court may sentence the offender for only one of the violations.

(2) (a) If a person is convicted of or pleads guilty to a violation of division (C) of this section but the person is not also convicted of and does not also plead guilty to a separate charge of violating R.C. § 4511.19(A), or a

substantially equivalent municipal ordinance, that was the basis of the charge of the violation of division (C) of this section, both the following apply:

1. For purposes of the provisions of R.C. § 4511.19, or a substantially equivalent municipal ordinance, that set forth the penalties and sanctions for a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance.

2. For purposes of the provisions of law that refers to a conviction of or plea of guilty to a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, and that is not described in division (F)(2)(a)1. of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall constitute a conviction or plea of guilty to a violation of R.C. § 4511.19(A), or a substantially equivalent municipal ordinance.

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge of violating R.C. § 4511.19(A), or a substantially equivalent municipal ordinance, that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for the purposes of any provision of law that refers to a conviction of or a plea of guilty to a violation of R.C. § 4511.19(A) or a substantially equivalent municipal ordinance, a conviction of or a plea of guilty to a violation of R.C. § 4511.19(A) or a substantially equivalent municipal ordinance.

(R.C. § 2919.22(A) - (E), (H)) (Rev. 2007)

Statutory reference:

Community service, requirements, see R.C.

§ 2919.22(F)

License suspension, requirements, see R.C.

§ 2919.22(G)

Permitting child abuse, felony offense, see R.C.

§ 2903.15

**§ 135.15 INTERFERENCE WITH CUSTODY;
INTERFERENCE WITH SUPPORT ORDERS.**

(A) Interference with custody.

(1) No person, knowing that he or she is without privilege to do so or being reckless in that regard, shall entice, take, keep, or harbor a person identified in division (A)(1)(a), (A)(1)(b) or (A)(1)(c) of this section from the parent, guardian, or custodian of the person identified in division (A)(1)(a), (A)(1)(b) or (A)(1)(c) of this section:

(a) A child under the age of 18, or a mentally or physically disabled child under the age of 21;

(b) A person committed by law to an institution for delinquent, unruly, neglected, abused, or dependent children;

(c) A person committed by law to an institution for the mentally ill or mentally disabled.

(2) No person shall aid, abet, induce, cause, or encourage a child or a ward of the juvenile court who has been committed to the custody of any person, department, or public or private institution to leave the custody of that person, department, or institution without legal consent.

(3) It is an affirmative defense to a charge of enticing or taking under division (A)(1)(a) of this section that the actor reasonably believed that his or her conduct was necessary to preserve the child's health or safety. It is an affirmative defense to a charge of keeping or harboring under division (A)(1) of this section that the actor in good faith gave notice to law enforcement or judicial authorities within a reasonable time after the child or committed person came under his or her shelter, protection, or influence.

(4) Whoever violates this section is guilty of interference with custody.

(a) Except as otherwise provided in this subdivision, a violation of division (A)(1)(a) above is a misdemeanor of the first degree. If the child who is the subject of a violation of division (A)(1)(a) is removed from the state or if the offender previously has been convicted of an offense under this section or a substantially equivalent state law or municipal ordinance, a violation of division (A)(1)(a) of this section is a felony to be prosecuted under appropriate state law. If the child who is the subject of a violation of division (A)(1)(a) suffers physical harm as a result of the violation, a violation of division (A)(1)(a) of this section is a felony to be prosecuted under appropriate state law.

(b) A violation of division (A)(1)(b) or (A)(1)(c) of this section is a misdemeanor of the third degree.

(c) A violation of division (A)(2) of this section is a misdemeanor of the first degree. Each day of a violation of division (A)(2) is a separate offense. (R.C. § 2919.23) (Rev. 1997)

(B) Interference with support orders.

(1) No person, by using physical harassment or threats of violence against another person, shall interfere with the other person's initiation or continuance of, or attempt to prevent the other person from initiating or continuing, an action to issue or modify a support order under R.C. Chapter 3115, or under R.C. § 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, or 3113.31.

(2) Whoever violates this division (B) is guilty of interfering with an action to issue or modify a support order, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of this division (B) or a substantially equivalent state law or municipal ordinance, or R.C. § 3111.19, interfering with an action to issue or modify a support order is a felony to be prosecuted under appropriate state law. (R.C. § 2919.231) (Rev. 2002)

§ 135.16 DOMESTIC VIOLENCE.

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

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

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

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D)(2) to (D)(5) of this section.

(2) Except as otherwise provided in division (D)(3), (D)(4) or (D)(5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (D)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to domestic violence, a violation of R.C. § 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) is a felony to be prosecuted under appropriate state law, and a violation of division (C) is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in division (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony to be prosecuted under

appropriate state law, and a violation of division (C) of this section is a misdemeanor of the first degree.

(5) Except as otherwise provided in division (D)(3) or (D)(4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (A) or (B) of this section is a felony to be prosecuted under appropriate state law, and a violation of division (C) of this section is a misdemeanor of the third degree.

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

(F) As used in this section:

FAMILY OR HOUSEHOLD MEMBER. Means any of the following:

(a) Any of the following who is residing or has resided with the offender:

1. A spouse, a person living as a spouse as defined below, or a former spouse of the offender;

2. A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;

3. A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

PERSON LIVING AS A SPOUSE. Means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. (R.C. § 2919.25) (Rev. 2011)

Cross-reference:

Jurisdictional limitation on Mayor regarding violations of this section, see § 33.01(E)

Violation of protection orders, see § 135.23

Statutory reference:

Temporary protection orders, see R.C. § 2919.26

Violation of protection order or consent agreement, factors to consider, bail, see R.C. § 2919.251

§ 135.17 HAZING PROHIBITED.

(A) As used in this section, **HAZING** means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

(B) (1) No person shall recklessly participate in the hazing of another.

(2) No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.

(C) Whoever violates this section is guilty of hazing, a misdemeanor of the fourth degree.

(R.C. § 2903.31)

Statutory reference:

Civil liability for hazing, see R.C. § 2307.44

§ 135.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

(A) No person, including a parent, guardian, or other custodian of a child, shall do any of the following:

(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child, as defined in R.C. § 2151.022, or a delinquent child, as defined in R.C. § 2152.02;

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child, as defined in R.C. § 2151.022, or a delinquent child, as defined in R.C. § 2152.02.

(3) If the person is the parent, guardian, or custodian of a child who has the duties under R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address, and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in R.C. § 2919.121, fail to ensure that the child complies with those duties under R.C. Chapters 2152 and 2950.

(B) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of a violation of this section is a separate offense.

(R.C. § 2919.24) (Rev. 2004)

Statutory reference:

Failure to send child to school, see R.C. § 3321.38

§ 135.19 FAILURE TO PROVIDE FOR FUNCTIONALLY IMPAIRED PERSON.

(A) No caretaker shall knowingly fail to provide a functionally impaired person under his or her care with any treatment, care, goods, or service that is necessary to maintain the health or safety of the functionally impaired person when this failure results in physical harm or serious physical harm to the functionally impaired person.

(B) No caretaker shall recklessly fail to provide a functionally impaired person under his or her care with any treatment, care, goods, or service that is necessary to maintain the health or safety of the functionally impaired person when this failure results in serious physical harm to the functionally impaired person.

(C) (1) Whoever violates division (A) of this section is guilty of knowingly failing to provide for a functionally impaired person, a misdemeanor of the first degree. If the functionally impaired person under the offender's care suffers serious physical harm as a result of the violation of this section, a violation of division (A) of this section is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (B) of this section is guilty of recklessly failing to provide for a functionally impaired person, a misdemeanor of the second degree. If the functionally impaired person under the offender's care suffers serious physical harm as a result of the violation of this section, a violation of division (B) of this section is a felony to be prosecuted under appropriate state law. (R.C. § 2903.16)

(D) As used in this section:

CARETAKER. Means a person who assumes the duty to provide for the care and protection of a functionally impaired person on a voluntary basis, by contract, through receipt of payment for care and protection, as a result of a family relationship, or by order of a court of competent jurisdiction. The term does not include a person who owns, operates, or administers, or who is an agent or employee of, a care facility, as defined in R.C. § 2903.33.

FUNCTIONALLY IMPAIRED PERSON. Means any person who has a physical or mental impairment that prevents the person from providing for his or her own care or protection or whose infirmities caused by aging prevent the person from providing for his or her own care or protection. (R.C. § 2903.10) (Rev. 2002)

§ 135.20 PATIENT ABUSE OR NEGLECT; PATIENT ENDANGERMENT; EXCEPTIONS; FALSE STATEMENTS; RETALIATION.

(A) *Definitions.* As used in this section:

ABUSE. Means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication or isolation on the person.

CARE FACILITY. Means any of the following:

(a) Any "home" as defined in R.C. § 3721.10 or 5111.20.

(b) Any "residential facility" as defined in R.C. § 5119.22 or 5123.19.

(c) Any institution or facility operated or provided by the Department of Mental Health or by the Department of Developmental Disabilities pursuant to R.C. §§ 5119.02 and 5123.03.

(d) Any unit of any hospital, as defined in R.C. § 3701.01, that provided the same services as a nursing home, as defined in R.C. § 3721.01.

(e) Any institution, residence or facility that provides, for a period of more than 24 hours, whether for consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others.

(f) Any "adult care facility" as defined by R.C. § 5119.70.

(g) Any adult foster home certified under R.C. § 5119.692.

GROSS NEGLECT. Means knowingly failing to provide a person with any treatment, care, goods or service that is necessary to maintain the health or safety of the person when the failure results in serious physical harm to the person.

INAPPROPRIATE USE OF A PHYSICAL OR CHEMICAL RESTRAINT, MEDICATION OR ISOLATION. Means the use of physical or chemical restraint, medication or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in quantities that preclude habilitation and treatment.

NEGLECT. Means recklessly failing to provide a person with any treatment, care, goods or service that is necessary to maintain the health or safety of the person when the failure results in serious physical harm to the person. (R.C. § 2903.33) (Rev. 2012)

(B) *Patient abuse or neglect; spiritual treatment; defense.*

(1) No person who owns, operates, or administers, or who is an agent or employee of a care facility shall do any of the following:

(a) Commit abuse against a resident or patient of the facility.

(b) Commit gross neglect against a resident or patient of the facility.

(c) Commit neglect against a resident or patient of the facility.

(2) (a) A person who relies upon treatment by spiritual means through prayer alone, in accordance with the tenets of a recognized religious denomination, shall not be considered neglectful under division (B)(1)(c) of this section for that reason alone.

(b) It is an affirmative defense to a charge of gross neglect or neglect under this section that the actor's conduct was committed in good faith solely because the actor was ordered to commit the conduct by a person with supervisory authority over the actor.

(3) (a) Whoever violates division (B)(1)(a) is guilty of patient abuse, a felony to be prosecuted under appropriate state law.

(b) Whoever violates division (B)(1)(b) is guilty of gross patient neglect, a misdemeanor of the first degree. If the offender previously has been convicted of, or pleaded guilty to, any violation of this section or a substantially equivalent state law or municipal ordinance, gross patient neglect is a felony to be prosecuted under appropriate state law.

(c) Whoever violates division (B)(1)(c) is guilty of patient neglect, a misdemeanor of the second degree. If the offender previously has been convicted of, or pleaded guilty to, any violation of this section or a substantially equivalent state law or municipal ordinance, gross patient neglect is a felony to be prosecuted under appropriate state law.
(R.C. § 2903.34)

(C) *Patient endangerment; spiritual treatment; defense.*

(1) As used in division (C) of this section:

DEVELOPMENTALLY DISABLED PERSON. Has the same meaning as in R.C. § 5123.01.

MENTALLY RETARDED PERSON. Has the same meaning as in R.C. § 5123.01.

MR/DD CARETAKER. Means any MR/DD employee or any person who assumes the duty to provide for the care and protection of a mentally retarded person or a developmentally disabled person on a voluntary basis, by contract, through receipt of payment for care and protection, as a result of a family relationship, or by order of a court of competent jurisdiction. The term includes a person who is an employee of a care facility and a person who is an employee of an entity under contract with a provider. The term does not include a person who owns, operates, or administers a care facility or who is an agent of a care facility unless that person also personally provides care to persons with mental retardation or a developmental disability.

MR/DD EMPLOYEE. Has the same meaning as in R.C. § 5123.50.

(2) No MR/DD caretaker shall create a substantial risk to the health or safety of a mentally retarded person or a developmentally disabled person. An MR/DD caretaker does not create a substantial risk to the health or safety of a mentally retarded person or a developmentally disabled person under this division when the MR/DD caretaker treats a physical or mental illness or defect of the mentally retarded person or developmentally disabled person by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(3) No person who owns, operates, or administers a care facility or who is an agent of a care facility shall condone, or knowingly permit, any conduct by an MR/DD caretaker who is employed by or under the control of the owner, operator, administrator, or agent that is in violation of division (C)(2) of this section and that involves a mentally retarded person or a developmentally disabled person who is under the care of the owner, operator, administrator, or agent. A person who relies upon treatment by spiritual means through prayer alone, in accordance with the tenets of a recognized religious denomination, shall not be considered endangered under this division for that reason alone.

(4) (a) It is an affirmative defense to a charge of a violation of division (C)(2) or (C)(3) of this section that the actor's conduct was committed in good faith solely because the actor was ordered to commit the conduct by a person to whom one of the following applies:

1. The person has supervisory authority over the actor.

2. The person has authority over the actor's conduct pursuant to a contract for the provision of services.

(b) It is an affirmative defense to a charge of a violation of division (C)(3) of this section that the person who owns, operates, or administers a care facility or who is an agent of a care facility and who is charged with the violation is following the individual service plan for the

involved mentally retarded person or a developmentally disabled person or that the admission, discharge, and transfer rule set forth in the Ohio Administrative Code is being followed.

(c) It is an affirmative defense to a charge of a violation of division (C)(3) of this section that the actor did not have readily available a means to prevent either the harm to the person with mental retardation or a developmental disability or the death of such a person and the actor took reasonable steps to summon aid.

(5) (a) Except as provided in division (C)(5)(b) or (C)(5)(c) of this section, whoever violates division (C)(2) or (C)(3) of this section is guilty of patient endangerment, a misdemeanor of the first degree.

(b) If the offender previously has been convicted of, or pleaded guilty to, a violation of this section or a substantially equivalent state law or municipal ordinance, patient endangerment is a felony to be prosecuted under appropriate state law.

(c) If the violation results in serious physical harm to the person with mental retardation or a developmental disability, patient endangerment is a felony to be prosecuted under appropriate state law.
(R.C. § 2903.341) (Rev. 2005)

(D) *False statements.*

(1) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, alleging a violation of division (B) of this section when the statement is made with purpose to incriminate another.

(2) Whoever violates this division (D) is guilty of filing a false patient abuse or neglect complaint, a misdemeanor of the first degree.
(R.C. § 2903.35)

(E) *Retaliation against person reporting patient abuse or neglect.* No care facility shall discharge or in any manner discriminate or retaliate against any person solely because such person, in good faith, filed a complaint, affidavit, or other document alleging a violation of division (B) of this section or a violation of R.C. § 2903.34.

(R.C. § 2903.36)

Statutory reference:

License revocation for felony violations, see R.C. § 2903.37

§ 135.21 INTERFERENCE WITH RIGHT OF PERSON TO ENGAGE IN HOUSING TRANSACTIONS BECAUSE OF RACE, RELIGION, OR THE LIKE.

(A) No person, whether or not acting under color of law, shall by force or threat of force willfully injure,

intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any of the following:

(1) Any person because of race, color, religion, sex, familial status, as defined in R.C. § 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any housing accommodations, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations.

(2) Any person because that person is or has been doing, or in order to intimidate that person or any other person or any class of persons from doing either of the following:

(a) Participating, without discrimination on account of race, color, religion, sex, familial status, as defined in R.C. § 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry, in any of the activities, services, organizations, or facilities described in division (A)(1) of this section;

(b) Affording another person or class of persons opportunity or protection so to participate.

(3) Any person because that person is or has been, or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, familial status as defined in R.C. § 4112.01, national origin, military status as defined in that section, disability as defined in that section, or ancestry, in any of the activities, services, organizations, or facilities described in division (A)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 2927.03) (Rev. 2009)

§ 135.22 ETHNIC INTIMIDATION.

(A) No person shall violate R.C. § 2903.21, 2903.22, 2909.06, or 2909.07, or R.C. § 2917.21(A)(3), (A)(4), or (A)(5), by reason of the race, color, religion, or national origin of another person or group of persons.

(B) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation. In the case of an offense that is a misdemeanor of the first degree, ethnic intimidation is a felony to be prosecuted under appropriate state law.

(R.C. § 2927.12) (Rev. 2002)

§ 135.23 VIOLATING A PROTECTION ORDER, CONSENT AGREEMENT, ANTI-STALKING PROTECTION ORDER OR ORDER ISSUED BY A COURT OF ANOTHER STATE.

(A) No person shall recklessly violate the terms of any of the following:

(1) A protection order issued or consent agreement approved pursuant to R.C. § 2919.26 or R.C. § 3113.31;

(2) A protection order issued pursuant to R.C. § 2151.34, 2903.213 or 2903.214;

(3) A protection order issued by a court of another state.

(B) (1) Whoever violates this section is guilty of violating a protection order.

(2) Except as otherwise provided in division (B)(3) or (B)(4) of this section, violating a protection order is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for a violation of a protection order issued pursuant to R.C. § 2151.34, 2903.213 or 2903.214, two or more violations of R.C. § 2903.21, 2903.211, 2903.22, or 2911.211, or a substantially equivalent state law or municipal ordinance, that involved the same person who is the subject of the protection order or consent agreement, or one or more violations of this section or a substantially equivalent state law or municipal ordinance, violating a protection order is a felony to be prosecuted under appropriate state law.

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony to be prosecuted under appropriate state law.

(5) If the protection order violated by the offender was an order issued pursuant to R.C. § 2151.34 or 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this division that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent and subject to the maximum amount allowable and the rules promulgated by the Attorney General under R.C. § 2903.214, the costs of the installation of the electronic monitoring device and the

cost of monitoring the electronic monitoring device may be paid out of funds from the Reparations Fund created pursuant to R.C. § 2743.191. The total amount paid from the Reparations Fund created pursuant to R.C. § 2743.191 for electronic monitoring under R.C. §§ 2151.34, 2903.214 and 2919.27 shall not exceed \$300,000 per year.

(C) It is an affirmative defense to a charge under division (A)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. § 2265(b) for a protection order that must be accorded full faith and credit by a court of this state or that it is not entitled to full faith and credit under 18 U.S.C. § 2265(c).

(D) As used in this section, **PROTECTION ORDER ISSUED BY A COURT OF ANOTHER STATE** means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a *pendente lite* order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. The term does not include an order for support or for custody of a child issued pursuant to the divorce and child custody laws of another state, except to the extent that the order for support or for custody of a child is entitled to full faith and credit under the laws of the United States.

(R.C. § 2919.27) (Rev. 2011)

Cross-reference:

Jurisdictional limitation on Mayor regarding violations of this section, see § 33.01(E)

§ 135.24 ADULTERATION OF FOOD.

(A) No person shall do either of the following, knowing or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

(1) Place a pin, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection.

(2) Furnish to any person any food or confection which has been adulterated in violation of division (A)(1) of this section.

(R.C. § 3716.11)

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

(R.C. § 3716.99(C)) (Rev. 1997)

Statutory reference:

Adulteration of food generally, see R.C. § 3715.59

§ 135.25 ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS; TRANSACTION SCANS.

(A) *Illegal distribution of cigarettes or other tobacco products.*

(1) As used in this section:

CHILD. Has the same meaning as in R.C. § 2151.011.

CIGARETTE. Includes clove cigarettes and hand-rolled cigarettes.

DISTRIBUTE. Means to furnish, give, or provide cigarettes, other tobacco products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, or papers used to roll cigarettes.

PROOF OF AGE. Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 through 4507.52 that shows that a person is 18 years of age or older.

VENDING MACHINE. Has the same meaning as "Coin Machine" in R.C. § 2913.01.

(2) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, or any papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, and no other person shall do any of the following:

(a) Give, sell, or otherwise distribute cigarettes, other tobacco products, or papers used to roll cigarettes to any child;

(b) Give away, sell, or distribute cigarettes, other tobacco products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, or papers used to roll cigarettes to a person under 18 years of age is prohibited by law;

(c) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain cigarettes, other tobacco products, or papers used to roll cigarettes for that child;

(d) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than 20 cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(e) Sell cigarettes in a smaller quantity than that placed in the pack or other container by the manufacturer.

(3) No person shall sell or offer to sell cigarettes or other tobacco products by or from a vending machine except in the following locations:

(a) An area within a factory, business, office, or other place not open to the general public;

(b) An area to which children are not generally permitted access;

(c) Any other place not identified in division (A)(3)(a) or (A)(3)(b) of this section, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place, or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

2. The vending machine is inaccessible to the public when the place is closed.

(4) The following are affirmative defenses to a charge under division (A)(2)(a) of this section:

(a) The child was accompanied by a parent, spouse who is 18 years of age or older, or legal guardian of the child.

(b) The person who gave, sold, or distributed cigarettes, other tobacco products, or papers used to roll cigarettes to a child under division (A)(2)(a) of this section is a parent, spouse who is 18 years of age or older, or legal guardian of the child.

(5) It is not a violation of division (A)(2)(a) or (A)(2)(b) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:

(a) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol.

(b) An institutional human subjects protection review board, or an equivalent entity, has approved of the research protocol.

(c) The child is participating in the research protocol at the facility or location specified in the research protocol.

(6) (a) Whoever violates division (A)(2)(a), (A)(2)(b), (A)(2)(d) or (A)(2)(e) or (A)(3) of this section is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (A)(2)(a), (A)(2)(b), (A)(2)(d), (A)(2)(e) or (A)(3) of this section or a substantially equivalent state law or municipal ordinance, illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree.

(b) Whoever violates division (A)(2)(c) of this section is guilty of permitting children to use cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (A)(2)(c) or a substantially equivalent state law or municipal ordinance, permitting children to use cigarettes or other tobacco products is a misdemeanor of the third degree.

(7) Any cigarettes, other tobacco products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a child in violation of this division (A) and that are used, possessed, purchased, or received by a child in violation of R.C. § 2151.87 are subject to seizure and forfeiture as contraband under R.C. Chapter 2981. (R.C. § 2927.02) (Rev. 2008)

(B) Tobacco product transaction scan.

(1) As used in this division and division (C) of this section:

CARD HOLDER. Means any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive cigarettes or other tobacco products from a seller, agent, or employee.

IDENTIFICATION CARD. Means an identification card issued under R.C. §§ 4507.50 through 4507.52.

SELLER. Means a seller of cigarettes or other tobacco products and includes any person whose gift of or other distribution of cigarettes or other tobacco products is subject to the prohibitions of division (A) of this section.

TRANSACTION SCAN. Means the process by which a seller or an agent or employee of a seller checks, by means of a transaction scan device, the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving cigarettes or other tobacco products.

TRANSACTION SCAN DEVICE. Means any commercial device or combination of devices used at a

point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's or commercial driver's license or an identification card.

(2) (a) A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away, or otherwise distributing to the card holder cigarettes or other tobacco products.

(b) If the information deciphered by the transaction scan performed under division (B)(2)(a) of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away, or otherwise distribute any cigarettes or other tobacco products to the card holder.

(c) Division (B)(2)(a) of this section does not preclude a seller or an agent or employee of a seller from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away, or otherwise distributing cigarettes or other tobacco products to the person presenting the document.

(3) Rules adopted by the Registrar of Motor Vehicles under R.C. § 4301.61(C) apply to the use of transaction scan devices for purposes of this division (B) and division (C) of this section.

(4) (a) No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except for the following:

1. The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by the card holder;

2. The expiration date and identification number of the driver's or commercial driver's license or identification card presented by the card holder.

(b) No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (B)(4)(a) of this section, except for purposes of division (C) of this section.

(c) No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (C)(2)(a) of this section.

(d) No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including but not limited to selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by division (C) of this section or another section of this code or the Ohio Revised Code.

(5) Nothing in this division (B) or division (C) of this section relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable local, state or federal laws or rules governing the sale, giving away, or other distribution of cigarettes or other tobacco products.

(6) Whoever violates division (B)(2)(b) or (B)(4) of this section is guilty of engaging in an illegal tobacco product transaction scan, and the court may impose upon the offender a civil penalty of up to \$1,000 for each violation. The Clerk of the Court shall pay each collected civil penalty to the County Treasurer for deposit into the County Treasury.
(R.C. § 2927.021)

(C) *Affirmative defenses.*

(1) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of division (A) of this section in which the age of the purchaser or other recipient of cigarettes or other tobacco products is an element of the alleged violation, if the seller, agent, or employee raises and proves as an affirmative defense that all of the following occurred:

(a) A card holder attempting to purchase or receive cigarettes or other tobacco products presented a driver's or commercial driver's license or an identification card.

(b) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(c) The cigarettes or other tobacco products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (C)(1) of this section, the trier of fact in the action for the alleged violation of division (A) of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of division (A) of this section. For purposes of division (C)(1)(c) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a

seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(a) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes or other tobacco products is 18 years of age or older;

(b) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(3) In any criminal action in which the affirmative defense provided by division (C)(1) of this section is raised, the Registrar of Motor Vehicles or a deputy registrar who issued an identification card under R.C. §§ 4507.50 through 4507.52 shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the Bureau of Motor Vehicles in the action.
(R.C. § 2927.022) (Rev. 2001)

(D) *Shipment of tobacco products.*

(1) As used in this division (D), **AUTHORIZED RECIPIENT OF TOBACCO PRODUCTS** means a person who is:

(a) Licensed as a cigarette wholesale dealer under R.C. § 5743.15;

(b) Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;

(c) An export warehouse proprietor as defined in Section 5702 of the Internal Revenue Code;

(d) An operator of a customs bonded warehouse under 19 U.S.C. § 1311 or 19 U.S.C. § 1555;

(e) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;

(f) A department, agency, instrumentality, or political subdivision of the federal government or of this state;

(g) A person having a consent for consumer shipment issued by the Tax Commissioner under R.C. § 5743.71.

(2) The purpose of this division (D) is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in R.C. § 1346.01.

(3) (a) No person shall cause to be shipped any cigarettes to any person in this municipality other than an authorized recipient of tobacco products.

(b) No common carrier, contract carrier, or other person shall knowingly transport cigarettes to any person in this municipality that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the common carrier, contract carrier, or other person knew that the person to whom the cigarettes were delivered was not an authorized recipient of tobacco products.

(4) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this municipality in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes".

(5) A court shall impose a fine of up to \$1,000 for each violation of division (D)(3)(a), (D)(3)(b) or (D)(4) of this section.

(R.C. § 2927.023) (Rev. 2008)

§ 135.26 NONSMOKING AREAS IN PLACES OF PUBLIC ASSEMBLY.

(A) As used in this section, *PLACE OF PUBLIC ASSEMBLY* means:

(1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a residential care facility serving as the residence of a person living in such residential care facility.

(2) All buildings and other enclosed structures owned by the state, its agencies, or political subdivisions, including but not limited to hospitals and state institutions for the mentally disabled and the mentally ill; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the state, a state agency, or a political subdivision, and that is used primarily as a food service establishment, is not a place of public assembly.

(3) Each portion of a building or enclosed structure that is not included in division (A)(1) or (A)(2) of this section is a place of public assembly if it has a seating capacity of 50 or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias, or other rooms used primarily for the service of food, as well as bowling alleys and places

licensed by the Ohio Division of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.

(B) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area, provided that not more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in division (A)(1) of this section, the local fire authority having jurisdiction shall designate the no smoking area. In places included in division (A)(2) of this section that are owned by the state or its agencies, the Ohio Director of Administrative Services shall designate the area, and if the place is owned by a political subdivision, its Legislative Authority shall designate an officer who shall designate the area. In places included in division (A)(3) of this section, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in division (A)(2) of this section which are also included in division (A)(1) of this section, the officer who has authority to designate the area in places in division (A)(2) of this section shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "no smoking." No person shall remove signs from areas designated as no smoking areas.

(C) This section does not affect or modify the prohibition contained in R.C. § 3313.751(B).

(D) No person shall smoke in any area designated as a no smoking area in accordance with division (B) of this section.

(E) Whoever violates this section is guilty of a minor misdemeanor.
(R.C. § 3791.031)

§ 135.27 SPREADING CONTAGION.

(A) No person, knowing or having reasonable cause to believe that he or she is suffering from a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing himself or herself to other persons, except when seeking medical aid.

(B) No person, having charge or care of a person whom he or she knows or has reasonable cause to believe is suffering from a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion.

(C) No person, having charge of a public conveyance or place of public accommodation, amusement, resort, or trade, and knowing or having reasonable cause to believe that persons using such conveyance or place have been or are being exposed to a dangerous, contagious disease, shall negligently fail to take reasonable measures to protect the public from exposure to the contagion, and to inform health authorities of the existence of the contagion.
(R.C. § 3701.81)

(D) Whoever violates this section is guilty of a misdemeanor of the second degree.
(R.C. § 3701.99(C)) (Rev. 2005)

Statutory reference:

Contagion and quarantine, see R.C. §§ 3707.04 et seq.
Power to prevent contagious diseases, see R.C. § 715.37

§ 135.28 ABUSE OF A CORPSE.

(A) No person, except as authorized by law, shall treat a human corpse in a way that he or she knows would outrage reasonable family sensibilities.

(B) No person, except as authorized by law, shall treat a human corpse in a way that would outrage reasonable community sensibilities.

(C) Whoever violates division (A) of this section is guilty of abuse of a corpse, a misdemeanor of the second degree. Whoever violates division (B) of this section is guilty of gross abuse of a corpse, a felony to be prosecuted under appropriate state law.
(R.C. § 2927.01)

§ 135.29 UNLAWFUL COLLECTION OF BODILY SUBSTANCES.

(A) No person shall knowingly collect any blood, urine, tissue, or other bodily substance of another person without privilege or consent to do so.

(B) (1) Division (A) of this section does not apply to any of the following:

(a) The collection of any bodily substance of a person by a law enforcement officer, or by another person pursuant to the direction or advice of a law enforcement officer, for purposes of a chemical test or tests of the substance under R.C. § 1547.111(A)(1) or R.C. § 4511.191(A)(2) to determine the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the bodily substance;

(b) The collection of any bodily substance of a person by a peace officer, or by another person pursuant to the direction or advice of a peace officer, for purposes of a test or tests of the substance as provided in

R.C. § 4506.17(A) to determine the person's alcohol concentration or the presence of any controlled substance or metabolite of a controlled substance.

(2) Division (B)(1) of this section shall not be construed as implying that the persons identified in divisions (B)(1)(a) and (b) of this section do not have privilege to collect the bodily substance of another person as described in those divisions or as limiting the definition of "privilege" set forth in R.C. § 2901.01.

(C) Whoever violates division (A) of this section is guilty of unlawful collection of a bodily substance. Except as otherwise provided in this division, unlawful collection of a bodily substance is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section or a substantially equivalent state law or municipal ordinance, unlawful collection of a bodily substance is a felony to be prosecuted under appropriate state law.
(R.C. § 2927.15) (Rev. 2011)

CHAPTER 136: OFFENSES AGAINST JUSTICE AND ADMINISTRATION

Section

- 136.01 Definitions
- 136.02 Falsification
- 136.03 Compounding a crime
- 136.04 Failure to report a crime
- 136.05 Failure to aid a law enforcement officer
- 136.06 Obstructing official business
- 136.07 Obstructing justice
- 136.08 Resisting arrest
- 136.09 Having an unlawful interest in a public contract
- 136.10 Soliciting or receiving improper compensation
- 136.11 Dereliction of duty
- 136.12 Interfering with civil rights
- 136.13 Illegal conveyance of prohibited items onto grounds of a detention facility or other specified governmental facilities
- 136.14 False report of child abuse or neglect
- 136.15 Assaulting police dog or horse, or assistance dog
- 136.16 Disclosure of confidential peace officer information
- 136.17 Intimidation of crime victim or witness
- 136.18 Using sham legal process
- 136.19 Making false allegation of peace officer misconduct
- 136.20 Misuse of 9-1-1 system
- 136.21 Failure to disclose personal information

Cross-reference:

Contempt of court, see §§ 33.20 et seq.

Failure to comply with order or signal of a police officer, see § 70.02

Statutory reference:

Escape from detention, see R.C. § 2921.34

Harassment by inmates by causing or attempting to cause contact with blood, semen, urine, feces or other bodily substance; knowledge of AIDS, hepatitis or tuberculosis infection; felony offenses, see R.C. § 2921.38

§ 136.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPAIGN COMMITTEE. Has the same meaning as in R.C. § 3517.01.

CONTRIBUTION. Has the same meaning as in R.C. § 3517.01.

DETENTION. Arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of R.C. § 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity pursuant to a contract entered into under R.C. § 311.29(E) or R.C. § 5149.03(B). For a person confined in a county jail who participates in a county jail industry program pursuant to R.C. § 5147.30, the term includes time spent at an assigned work site and going to and from the work site.

DETENTION FACILITY. Any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or an unruly child in this state or another state or under the laws of the United States.

LEGISLATIVE CAMPAIGN FUND. Has the same meaning as in R.C. § 3517.01.

MEDICAL ASSISTANCE PROGRAM. Has the same meaning as in R.C. § 2913.40.

OFFICIAL PROCEEDING. Any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

PARTY OFFICIAL. Any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which he or she directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

POLITICAL ACTION COMMITTEE. Has the same meaning as in R.C. § 3517.01.

POLITICAL CONTRIBUTING ENTITY. Has the same meaning as in R.C. § 3517.01.

POLITICAL PARTY. Has the same meaning as in R.C. § 3517.01.

PROVIDER AGREEMENT. Has the same meaning as in R.C. § 2913.40.

PUBLIC OFFICIAL. Any elected or appointed officer, employee, or agent of the state or any political subdivision thereof, whether in a temporary or permanent capacity, and includes but is not limited to legislators, judges, and law enforcement officers. The term does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under R.C. § 187.01.

PUBLIC SERVANT.

(1) Any of the following:

(a) Any public official.

(b) Any person performing ad hoc a governmental function, including but not limited to a juror, member of a temporary commission, master, arbitrator, advisor, or consultant.

(c) A person who is a candidate for public office, whether or not he or she is elected or appointed to the office for which he or she is a candidate. A person is a candidate for purposes of this division if he or she has been nominated according to law for election or appointment to public office, or if he or she has filed a petition or petitions as required by law to have his or her name placed on the ballot in a primary, general, or special election, or if he or she campaigns as a write-in candidate in any primary, general, or special election.

(2) The term does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under R.C. § 187.01.

VALUABLE THING or **VALUABLE BENEFIT.** Includes but is not limited to a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986. (R.C. § 2921.01) (Rev. 2012)

§ 136.02 FALSIFICATION.

(A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing his or her official function.

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio Works First; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance as defined in R.C. § 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to his or her detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including but not limited to an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in R.C. § 2923.11, and in

conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to R.C. § 2923.125 in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under R.C. § 2923.1213.

(15) The statement is required under R.C. § 5743.71 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(B) No person, in connection with the purchase of a firearm as defined in R.C. § 2923.11, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under R.C. § 2923.125, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in R.C. § 2923.125(B)(3).

(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or taken in an irregular manner.

(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

(F) (1) Whoever violates division (A)(1), (A)(2), (A)(3), (A)(4), (A)(5), (A)(6), (A)(7), (A)(8), (A)(10), (A)(11), (A)(13) or (A)(15) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is \$1,000 or more, falsification in a theft offense is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony to be prosecuted under appropriate state law.

(4) Whoever violates division (A)(14) or (C) of this section is guilty of falsification to obtain a concealed handgun license, a felony to be prosecuted under appropriate state law.

(R.C. § 2921.13) (Rev. 2012)

(G) (1) No person who has knowingly failed to maintain proof of financial responsibility in accordance with R.C. § 4509.101 shall produce any document with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with R.C. § 4509.101(D)(2).

(2) Whoever violates this division (G) is guilty of falsification, a misdemeanor of the first degree.

(R.C. § 4509.102) (Rev. 2005)

§ 136.03 COMPOUNDING A CRIME.

(A) No person shall knowingly demand, accept, or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(B) It is an affirmative defense to a charge under this section when both of the following apply:

(1) The pending prosecution involved is for a violation of R.C. § 2913.02, 2913.11, 2913.21(B)(2), or 2913.47, or a substantially equivalent municipal ordinance, of which the actor under this section was the victim.

(2) The thing of value demanded, accepted, or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him or her as restitution for the loss caused him or her by the offense.

(C) When a prosecuting witness abandons or agrees to abandon a prosecution under division (B) of this section, the abandonment or agreement in no way binds the state to abandoning the prosecution.

(D) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (R.C. § 2921.21) (Rev. 1999)

§ 136.04 FAILURE TO REPORT A CRIME.

(A) (1) Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report the information to law enforcement authorities.

(2) No person, knowing that a violation of R.C. § 2913.04(B) has been or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(B) Except for conditions that are within the scope of division (E) of this section, no person who is a physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound that the person treated or observed, or any serious physical harm to other persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers a body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at that time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.

(D) No person shall fail to provide upon request of the person to whom a report required by division (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within his or her knowledge that may have a bearing on the investigation of the death.

(E) (1) As used in this section, **BURN INJURY** means any of the following:

- (a) Second or third degree burns;
- (b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;
- (c) Any burn injury or wound that may result in death.

(2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device,

or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E)(2) or (E)(3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. The report shall be made on a form provided by the State Fire Marshal.

(5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding R.C. § 4731.22, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted pursuant to division (E) of this section.

(F) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor, or professional counselor who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence as defined in R.C. § 3113.31 shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding R.C. § 4731.22, the physician-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted pursuant to division (F)(1), and the information may be admitted as evidence in accordance with the Rules of Evidence.

(G) Division (A) or (D) of this section does not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client, doctor and patient, licensed psychologist or licensed school psychologist and client, member of the clergy or rabbi or minister or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister or priest for a religious counseling purpose in the professional character of the member of the clergy, rabbi, minister or priest, husband and wife, or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under R.C. § 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to him or her in his or her capacity as such by a person seeking his or her aid or counsel.

(5) Disclosure would amount to revealing information acquired by the actor in the course of his or her duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or organization certified pursuant to R.C. § 3793.06.

(6) Disclosure would amount to revealing information acquired by the actor in the course of his or her duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of R.C. § 2907.02 or 2907.05, or to victims of felonious sexual penetration in violation of former R.C. § 2907.12. As used in this division, **COUNSELING SERVICES** include services provided in an informal setting by a person who, by education or experience, is competent to provide such services.

(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A)(1) of this section is a misdemeanor of the fourth degree. Violation of division (A)(2) or (B) of this section is a misdemeanor of the second degree.

(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(K) (1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree. (R.C. § 2921.22) (Rev. 2010)

§ 136.05 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(A) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when the aid can be given without a substantial risk of physical harm to the person giving it.

(B) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (R.C. § 2921.23)

§ 136.06 OBSTRUCTING OFFICIAL BUSINESS.

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

(B) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this division, obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony to be prosecuted under appropriate state law.

(R.C. § 2921.31) (Rev. 2000)

§ 136.07 OBSTRUCTING JUSTICE.

(A) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime, or to assist another to benefit from the commission of a crime, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a crime or to assist a child to benefit from the commission of an act that if committed by an adult would be a crime, shall do any of the following:

(1) Harbor or conceal the other person or child.

(2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension.

(3) Warn the other person or child of impending discovery or apprehension.

(4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning him or her to testify or supply evidence.

(5) Communicate false information to any person.

(6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

(B) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for

committing, a violation of division (A) of this section regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under division (C) of this section in determining the penalty for violation of division (A) of this section, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

(C) Whoever violates this section is guilty of obstructing justice.

(1) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the crime committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.

(2) If the crime committed by the person aided is a felony or if the act committed by the child aided would be a felony if committed by an adult, or if the crime or act committed by the person or child aided is an act of terrorism, obstructing justice is a felony to be prosecuted under appropriate state law.

(D) As used in this section:

ACT OF TERRORISM. Has the same meaning as in R.C. § 2909.21.

ADULT. Has the same meaning as in R.C. § 2151.011.

CHILD. Has the same meaning as in R.C. § 2151.011.

DELINQUENT CHILD. Has the same meaning as in R.C. § 2152.02.
(R.C. § 2921.32) (Rev. 2003)

§ 136.08 RESISTING ARREST.

(A) No person, recklessly or by force, shall resist or interfere with a lawful arrest of himself, herself or another.

(B) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.

(C) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person if either of the following applies:

(1) The offender, during the course of or as a result of the resistance or interference, recklessly causes physical harm to a law enforcement officer by means of a deadly weapon; or

(2) The offender, during the course of the resistance or interference, brandishes a deadly weapon.

(D) Whoever violates this section is guilty of resisting arrest. A violation of division (A) of this section is a misdemeanor of the second degree. A violation of division (B) of this section is a misdemeanor of the first degree. A violation of division (C) of this section is a felony to be prosecuted under appropriate state law.

(E) As used in this section, **DEADLY WEAPON** has the same meaning as in R.C. § 2923.11.
(R.C. § 2921.33) (Rev. 1999)

Statutory reference:

Unlawful taking of deadly weapon from a law enforcement officer, felony offense, see R.C. § 2911.01

§ 136.09 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

(A) No public official shall knowingly do any of the following:

(1) Authorize or employ the authority of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest.

(2) Authorize or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.

(3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder.

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected.

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding when required by law, and that involves more than \$150.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested.

(2) The shares owned or controlled by that person do not exceed 5% of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed 5% of the total indebtedness of the corporation or other organization.

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved.

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved.

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions.

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public monies if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to

secure benefits from the program and if the monies are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (A)(2) of this section is a felony to be prosecuted under appropriate state law. Violation of division (A)(3), (A)(4), or (A)(5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with R.C. §§ 309.06 and 2921.421, or for a chief legal officer of a municipality or an official designated as prosecutor in a municipality to appoint assistants and employees in accordance with R.C. §§ 733.621 and 2921.421, or for a township law director appointed under R.C. § 504.15 to appoint assistants and employees in accordance with R.C. §§ 504.151 and 2921.421.

(G) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination or servicing fees and that was entered into in violation of this section is void and unenforceable.

(H) As used in this section:

CHIEF LEGAL OFFICER. Has the same meaning as in R.C. § 733.621.

PUBLIC CONTRACT. Means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state or any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either.

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property. (R.C. § 2921.42) (Rev. 2008)

Statutory reference:

Assistants and employees of Prosecutors, Law Directors, and Solicitors, see R.C. § 2921.421

§ 136.10 SOLICITING OR RECEIVING IMPROPER COMPENSATION.

(A) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

(1) Any compensation, other than as allowed by R.C. § 102.03(G), (H), (I), or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation.

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency.

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency.

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit any person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee or political contributing

entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity from accepting voluntary contributions.

(R.C. § 2921.43) (Rev. 2006)

§ 136.11 DERELICTION OF DUTY.

(A) No law enforcement officer shall negligently do any of the following:

(1) Fail to serve a lawful warrant without delay.

(2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.

(B) No law enforcement, ministerial, or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

(C) No officer, having charge of a detention facility, shall negligently do any of the following:

(1) Allow the detention facility to become littered or unsanitary.

(2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter, and medical attention.

(3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another.

(4) Allow a prisoner to escape.

(5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(D) No public official shall recklessly create a deficiency, incur a liability, or expend a greater sum than is appropriated by the Legislative Authority for the use in any one year of the department, agency, or institution with which the public official is connected.

(E) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

(F) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(G) As used in this section, **PUBLIC SERVANT** includes an officer or employee of a contractor as defined in R.C. § 9.08.

(R.C. § 2921.44) (Rev. 2001)

§ 136.12 INTERFERING WITH CIVIL RIGHTS.

(A) No public servant, under color of his or her office, employment, or authority, shall knowingly deprive, conspire or attempt to deprive any person of a constitutional or statutory right.

(B) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.

(R.C. § 2921.45)

§ 136.13 ILLEGAL CONVEYANCE OF PROHIBITED ITEMS ONTO GROUNDS OF A DETENTION FACILITY OR OTHER SPECIFIED GOVERNMENTAL FACILITY.

(A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the Department of Mental Health, the Department of Developmental Disabilities, the Department of Youth Services, or the Department of Rehabilitation and Correction, any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in R.C. § 2923.11, or any part of or ammunition for use in such deadly weapon or dangerous ordnance.

(2) Any drug of abuse, as defined in R.C. § 3719.011.

(3) Any intoxicating liquor, as defined in R.C. § 4301.01.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the Department of Mental Health, the Department of Developmental Disabilities, the Department of Youth Services, or the Department of Rehabilitation and Correction, with written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place.

(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the Department of Mental Health or the Department of Developmental Disabilities, any item listed in division (A).

(D) No person shall knowingly deliver or attempt to deliver cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to

a prisoner who is temporarily released from confinement for a work assignment.

(E) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communications device.

(F) (1) It is an affirmative defense to a charge under division (A)(1) of this section that the weapon or dangerous ordnance in question was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and if the weapon or dangerous ordnance was a firearm, that it was unloaded and was being carried in a closed package, box or case or in a compartment that can be reached only by leaving the vehicle.

(2) It is an affirmative defense to a charge under division (C) of this section that the actor was not otherwise prohibited by law from delivering the item to the confined person, the child, the prisoner, or the patient and that either of the following applies:

(a) The actor was permitted by the written rules of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(b) The actor was given written authorization by the person in charge of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(G) (1) Whoever violates division (A)(1) of this section or commits a violation of division (C) of this section involving any item listed in division (A)(1) of this section is guilty of illegal conveyance of weapons onto the grounds of a specified governmental facility, a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (A)(2) of this section or commits a violation of division (C) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility, a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty

to a violation of division (D) of this section or a substantially equivalent state law or municipal ordinance, illegal conveyance of cash onto the grounds of a detention facility is a felony to be prosecuted under appropriate state law.

(5) Whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree. If the offender previously has been convicted or pleaded guilty to a violation of division (E) of this section or a substantially equivalent state law or municipal ordinance, illegal conveyance of a communications device onto the grounds of a detention facility is a felony to be prosecuted under appropriate state law.

(R.C. § 2921.36) (Rev. 2010)

(H) The person in charge of a detention facility shall, on the grounds of the detention facility, have the same power as a peace officer, as defined in R.C. § 2935.01, to arrest a person who violates this section.

(R.C. § 2921.37)

Cross-reference:

Possession of an object indistinguishable from a firearm in a school safety zone, see § 137.11

Possession of deadly weapon while under detention, see § 137.12

Statutory reference:

Conveyance or possession of deadly weapons or dangerous ordnance on school premises, felony offense, see R.C. § 2923.122

Conveyance, possession, or control of deadly weapon or dangerous ordnance in a courthouse, felony offense, see R.C. § 2923.123

Possession of deadly weapon while under detention, felony offense, see R.C. § 2923.131

§ 136.14 FALSE REPORT OF CHILD ABUSE OR NEGLECT.

(A) No person shall knowingly make or cause another person to make a false report under R.C. § 2151.421(B) alleging that any person has committed an act or omission that resulted in a child being an abused child as defined in R.C. § 2151.031 or a neglected child as defined in R.C. § 2151.03.

(B) Whoever violates this section is guilty of making or causing a false report of child abuse or child neglect, a misdemeanor of the first degree.

(R.C. § 2921.14)

§ 136.15 ASSAULTING POLICE DOG OR HORSE, OR ASSISTANCE DOG.

(A) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

(2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

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

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

(a) Inhibits or restricts the law enforcement officer's control of the police dog or horse;

(b) Deprives the law enforcement officer of control of the police dog or horse;

(c) Releases the police dog or horse from its area of control;

(d) Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

(e) Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer;

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(C) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(D) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

(a) Inhibits or restricts the assisted or served person's control of the dog;

(b) Deprives the assisted or served person of control of the dog;

(c) Releases the dog from its area of control;

(d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;

(e) Inhibits or restricts the ability of the dog to assist the assisted or served person;

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(E) (1) Whoever violates division (A) of this section is guilty of assaulting a police dog or horse. Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse other than death or serious physical harm, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation results in serious physical harm to the police dog or horse or results in its death, assaulting a police dog or horse is a felony to be prosecuted under appropriate state law.

(2) Whoever violates division (B) of this section is guilty of harassing a police dog or horse. Except as otherwise provided in this division, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree. If the violation results in serious physical harm to the police dog or horse or results in its death, harassing a police dog or horse is a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (C) of this section is guilty of assaulting an assistance dog. Except as otherwise provided in this division, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, assaulting an assistance dog is a felony to be prosecuted under appropriate state law.

(4) Whoever violates division (D) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this division, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog but does not result in the death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, harassing an assistance dog is a felony to be prosecuted under appropriate state law.

(5) In addition to any other sanctions or penalty imposed for the offense under this section, R.C. Chapter 2929 or any other provision of the Ohio Revised Code or this code, whoever violates division (A), (B), (C), or (D) of this section is responsible for the payment of all of the following:

(a) Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of division (A) or (B) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of division (C) or (D) of this section;

(b) The cost of any damaged equipment that results from the violation;

(c) If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or

hearing impaired, or mobility impaired person assisted or served by the assistance dog;

(d) If the violation resulted in the death of the police dog or horse or the assistance dog that was the subject of the violation or resulted in serious physical harm to that dog or horse to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(F) This section does not apply to a licensed veterinarian whose conduct is in accordance with R.C. Chapter 4741.

(G) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or an assistance dog.

(H) As used in this section:

ASSISTANCE DOG. Has the same meaning as in R.C. § 955.011.

BLIND. Has the same meaning as in R.C. § 955.011.

MOBILITY IMPAIRED PERSON. Has the same meaning as in R.C. § 955.011.

PHYSICAL HARM. Means any injury, illness, or other psychological impairment, regardless of its gravity or duration.

POLICE DOG OR HORSE. Means a dog or horse that has been trained and may be used to assist law enforcement officers in the performance of their official duties.

SERIOUS PHYSICAL HARM. Means any of the following:

(a) Any physical harm that carries a substantial risk of death.

(b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming.

(c) Any physical harm that causes acute pain of a duration that results in substantial suffering. (R.C. § 2921.321) (Rev. 2007)

§ 136.16 DISCLOSURE OF CONFIDENTIAL PEACE OFFICER INFORMATION.

(A) No officer or employee of a law enforcement agency or court, or of the clerk's office of any court, shall disclose during the pendency of any criminal case the home address of any peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee who is a witness or arresting officer in the case.

(B) Division (A) of this section does not prohibit a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee from disclosing the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, or youth services employee's own home address, and does not apply to any person who discloses the home address of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee pursuant to a court-ordered disclosure under division (C) of this section.

(C) The court in which any criminal case is pending may order the disclosure of the home address of any peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee who is a witness or arresting officer in the case, if the court determines after a written request for the disclosure that good cause exists for disclosing the home address of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee.

(D) Whoever violates division (A) of this section is guilty of disclosure of confidential information, a misdemeanor of the fourth degree. (R.C. § 2921.24) (Rev. 2008)

(E) No judge of a court of record, or Mayor presiding over a Mayor's Court, shall order a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee who is a witness in a criminal case, to disclose the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, or youth services employee's home address during the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, or youth services employee's examination in the case unless the judge or Mayor determines that the defendant has a right to the disclosure.

(F) As used in this section:

PEACE OFFICER. Has the same meaning as in R.C. § 2935.01.

CORRECTIONAL EMPLOYEE. Has the same meaning as in R.C. § 149.43.

YOUTH SERVICES EMPLOYEE. Has the same meaning as in R.C. § 149.43. (R.C. § 2921.25) (Rev. 2008)

§ 136.17 INTIMIDATION OF CRIME VICTIM OR WITNESS.

(A) No person shall knowingly attempt to intimidate or hinder the victim of a crime in the filing or prosecution of criminal charges, or a witness involved in a criminal action or proceeding in the discharge of the duties of the witness.

(B) No person, knowingly and by force or by unlawful threat of harm to any person or property, shall attempt to influence, intimidate, or hinder the victim of a crime in the filing or prosecution of criminal charges or an attorney or a witness involved in a criminal action or proceeding in the discharge of the duties of the attorney or witness.

(C) Division (A) of this section does not apply to any person who is attempting to resolve a dispute pertaining to the alleged commission of a criminal offense, either prior to or subsequent to the filing of a complaint, indictment, or information by participating in the arbitration, mediation, compromise, settlement or conciliation of that dispute pursuant to an authorization for arbitration, mediation, compromise, settlement, or conciliation of a dispute of that nature that is conferred by any of the following:

(1) A section of the Ohio Revised Code.

(2) The Rules of Criminal Procedure, the Rules of Superintendence for Municipal Courts and County Courts, the Rules of Superintendence for Courts of Common Pleas, or another rule adopted by the Ohio Supreme Court in accordance with Ohio Constitution, Article IV, Section 5.

(3) A local rule of court, including but not limited to a local rule of court that relates to alternative dispute resolution or other case management programs and that authorizes the referral of disputes pertaining to the alleged commission of certain types of criminal offenses to appropriate and available arbitration, mediation, compromise, settlement or other conciliation programs.

(4) The order of a judge of a municipal court, county court, or court of common pleas.

(D) Whoever violates this section is guilty of intimidation of an attorney, victim or witness in a criminal case. A violation of division (A) of this section is a misdemeanor of the first degree. A violation of division (B) of this section is a felony to be prosecuted under appropriate state law.

(R.C. § 2921.04) (Rev. 1997)

Statutory reference:

Retaliation, felony offense, see R.C. § 2921.05

§ 136.18 USING SHAM LEGAL PROCESS.

(A) As used in this section:

LAWFULLY ISSUED. Means adopted, issued, or rendered in accordance with the United States Constitution, the Constitution of a state, and the applicable statutes, rules, regulations and ordinances of the United States, a state, and the political subdivisions of a state.

POLITICAL SUBDIVISIONS. Means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic that are organized under state law and are responsible for governmental activities only in geographical areas smaller than that of a state.

SHAM LEGAL PROCESS. Means an instrument that meets all of the following conditions:

(a) It is not lawfully issued.

(b) It purports to do any of the following:

1. To be a summons, subpoena, judgment, or order of a court, a law enforcement officer, or a legislative, executive or administrative body.

2. To assert jurisdiction over or determine the legal or equitable status, rights, duties, powers, or privileges of any person or property.

3. To require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property.

(c) It is designed to make another person believe that it is lawfully issued.

STATE. Means a state of the United States, including without limitation the state legislature, the highest court of the state that has statewide jurisdiction, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. The term does not include the political subdivisions of the state.

(B) No person shall, knowing the sham legal process to be a sham legal process, do any of the following:

(1) Knowingly issue, display, deliver, distribute, or otherwise use sham legal process.

(2) Knowingly use sham legal process to arrest, detain, search or seize any person or the property of another person.

(3) Knowingly commit or facilitate the commission of an offense using sham legal process.

(4) Knowingly commit a felony by using sham legal process.

(C) It is an affirmative defense to a charge under division (B)(1) or (B)(2) of this section that the use of sham legal process was for a lawful purpose.

(D) Whoever violates this section is guilty of using sham legal process. A violation of division (B)(1) of this section is a misdemeanor of the fourth degree. A violation of division (B)(2) or (B)(3) of this section is a misdemeanor of the first degree, except that if the purpose of a violation of division (B)(3) of this section is to commit or facilitate the commission of a felony, a violation of division (B)(3) of this section is a felony to be prosecuted under appropriate state law. A violation of division (B)(4) of this section is a felony to be prosecuted under appropriate state law.

(R.C. § 2921.52(A) - (D)) (Rev. 1997)

Statutory reference:

Civil liability, see R.C. § 2921.52(E)

§ 136.19 MAKING FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.

(A) As used in this section, **PEACE OFFICER** has the same meaning as in R.C. § 2935.01.

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

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

(R.C. § 2921.15) (Rev. 2001)

§ 136.20 MISUSE OF 9-1-1 SYSTEM.

(A) As used in this section, **9-1-1 SYSTEM** means a system through which individuals can request emergency service using the telephone number 9-1-1.

(R.C. § 4931.40(A))

(B) No person shall knowingly use the telephone number of a 9-1-1 system established under R.C. §§ 4931.40 through 4931.70 to report an emergency if the person knows that no emergency exists.

(C) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.

(D) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the database that serves the public safety answering point of a 9-1-1 system established under R.C. §§ 4931.40 through 4931.70, except for any of the following purposes or under any of the following circumstances:

(1) For the purpose of the 9-1-1 system;

(2) For the purpose of responding to an emergency call to an emergency service provider;

(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireless telephone network portion of the 9-1-1 system not allowing access to the database to be restricted to 9-1-1 specific answering lines at a public safety answering point;

(4) In the circumstance of access to a database being given by a telephone company that is a wireless service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a database shall be subject to the jurisdiction of the Public Utilities Commission;

(5) In the circumstance of access to a database given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the Public Utilities Commission. The charge, terms and conditions for the disclosure or use of that information for the purpose of access to a database is subject to the jurisdiction of the Public Utilities Commission.

(R.C. § 4931.49(D) - (F)) (Rev. 2007)

(E) (1) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree.

(2) Whoever violates division (C) or (D) of this section is guilty of a misdemeanor of the fourth degree on a first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(R.C. § 4931.99(A), (C)) (Rev. 2011)

§ 136.21 FAILURE TO DISCLOSE PERSONAL INFORMATION.

(A) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:

(1) The person is committing, has committed, or is about to commit a criminal offense.

(2) The person witnessed any of the following:

(a) An offense of violence that would constitute a felony under the laws of this state;

(b) A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or property;

(c) Any attempt or conspiracy to commit, or complicity in committing, any offenses identified in division (A)(2)(a) or (A)(2)(b) of this section;

(d) Any conduct reasonably indicating that any offense identified in division (A)(2)(a) or (A)(2)(b) of this section or any attempt, conspiracy, or complicity described in division (A)(2)(c) of this section has been, is being, or is about to be committed.

(B) Whoever violates division (A) of this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.

(C) Nothing in division (A) of this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in division (A) of this section authorizes a law enforcement officer to arrest a person for not providing any information beyond the person's name, address, or date of birth or for refusing to describe the offense observed.

(D) It is not a violation of division (A) of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing.

(R.C. § 2921.29) (Rev. 2007)

(E) No person entering an airport, train station, port, or other similar critical transportation infrastructure site shall refuse to show identification when requested by a law enforcement officer when there is a threat to security and the law enforcement officer is requiring identification of all persons entering the site.

(F) A law enforcement officer may prevent any person who refuses to show identification when asked under the circumstances described in division (E) of this section from entering the critical transportation infrastructure site.
(R.C. § 2909.31) (Rev. 2007)

