

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 151**

**Representative Anielski**

**Cosponsors: Representatives Grossman, LaTourette, Kraus, Dever, Blessing,  
Rogers, Brown**

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**A BILL**

To amend sections 2903.13, 2903.211, 2913.02, and 1  
2917.21 of the Revised Code to expand the 2  
offenses of menacing by stalking and 3  
telecommunications harassment, to prohibit a 4  
person from knowingly causing another person to 5  
believe that the offender will cause physical 6  
harm or mental distress to a family or household 7  
member of the other person, to increase the 8  
penalty for assault when the victim is a 9  
volunteer firefighter, and to correct a cross 10  
reference in the theft statute to special 11  
purchase articles. 12

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

**Section 1.** That sections 2903.13, 2903.211, 2913.02, and 13  
2917.21 of the Revised Code be amended to read as follows: 14

**Sec. 2903.13.** (A) No person shall knowingly cause or 15  
attempt to cause physical harm to another or to another's 16  
unborn. 17

(B) No person shall recklessly cause serious physical harm 18

to another or to another's unborn. 19

(C) (1) Whoever violates this section is guilty of assault, 20  
and the court shall sentence the offender as provided in this 21  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 22  
(8), (9), and (10) of this section. Except as otherwise provided 23  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 24  
section, assault is a misdemeanor of the first degree. 25

(2) Except as otherwise provided in this division, if the 26  
offense is committed by a caretaker against a functionally 27  
impaired person under the caretaker's care, assault is a felony 28  
of the fourth degree. If the offense is committed by a caretaker 29  
against a functionally impaired person under the caretaker's 30  
care, if the offender previously has been convicted of or 31  
pleaded guilty to a violation of this section or section 2903.11 32  
or 2903.16 of the Revised Code, and if in relation to the 33  
previous conviction the offender was a caretaker and the victim 34  
was a functionally impaired person under the offender's care, 35  
assault is a felony of the third degree. 36

(3) If the offense occurs in or on the grounds of a state 37  
correctional institution or an institution of the department of 38  
youth services, the victim of the offense is an employee of the 39  
department of rehabilitation and correction or the department of 40  
youth services, and the offense is committed by a person 41  
incarcerated in the state correctional institution or by a 42  
person institutionalized in the department of youth services 43  
institution pursuant to a commitment to the department of youth 44  
services, assault is a felony of the third degree. 45

(4) If the offense is committed in any of the following 46  
circumstances, assault is a felony of the fifth degree: 47

(a) The offense occurs in or on the grounds of a local 48  
correctional facility, the victim of the offense is an employee 49  
of the local correctional facility or a probation department or 50  
is on the premises of the facility for business purposes or as a 51  
visitor, and the offense is committed by a person who is under 52  
custody in the facility subsequent to the person's arrest for 53  
any crime or delinquent act, subsequent to the person's being 54  
charged with or convicted of any crime, or subsequent to the 55  
person's being alleged to be or adjudicated a delinquent child. 56

(b) The offense occurs off the grounds of a state 57  
correctional institution and off the grounds of an institution 58  
of the department of youth services, the victim of the offense 59  
is an employee of the department of rehabilitation and 60  
correction, the department of youth services, or a probation 61  
department, the offense occurs during the employee's official 62  
work hours and while the employee is engaged in official work 63  
responsibilities, and the offense is committed by a person 64  
incarcerated in a state correctional institution or 65  
institutionalized in the department of youth services who 66  
temporarily is outside of the institution for any purpose, by a 67  
parolee, by an offender under transitional control, under a 68  
community control sanction, or on an escorted visit, by a person 69  
under post-release control, or by an offender under any other 70  
type of supervision by a government agency. 71

(c) The offense occurs off the grounds of a local 72  
correctional facility, the victim of the offense is an employee 73  
of the local correctional facility or a probation department, 74  
the offense occurs during the employee's official work hours and 75  
while the employee is engaged in official work responsibilities, 76  
and the offense is committed by a person who is under custody in 77  
the facility subsequent to the person's arrest for any crime or 78

delinquent act, subsequent to the person being charged with or 79  
convicted of any crime, or subsequent to the person being 80  
alleged to be or adjudicated a delinquent child and who 81  
temporarily is outside of the facility for any purpose or by a 82  
parolee, by an offender under transitional control, under a 83  
community control sanction, or on an escorted visit, by a person 84  
under post-release control, or by an offender under any other 85  
type of supervision by a government agency. 86

(d) The victim of the offense is a school teacher or 87  
administrator or a school bus operator, and the offense occurs 88  
in a school, on school premises, in a school building, on a 89  
school bus, or while the victim is outside of school premises or 90  
a school bus and is engaged in duties or official 91  
responsibilities associated with the victim's employment or 92  
position as a school teacher or administrator or a school bus 93  
operator, including, but not limited to, driving, accompanying, 94  
or chaperoning students at or on class or field trips, athletic 95  
events, or other school extracurricular activities or functions 96  
outside of school premises. 97

(5) (a) If the victim of the offense is a peace officer or 98  
an investigator of the bureau of criminal identification and 99  
investigation, a firefighter, or a person performing emergency 100  
medical service, while in the performance of their official 101  
duties, assault is a felony of the fourth degree. 102

(b) If the victim of the offense is a volunteer 103  
firefighter who the offender knew or should have known was 104  
either a firefighter or a volunteer firefighter while in the 105  
performance of their official duties, assault is a felony of the 106  
fourth degree. 107

(6) If the victim of the offense is a peace officer or an 108

investigator of the bureau of criminal identification and 109  
investigation and if the victim suffered serious physical harm 110  
as a result of the commission of the offense, assault is a 111  
felony of the fourth degree, and the court, pursuant to division 112  
(F) of section 2929.13 of the Revised Code, shall impose as a 113  
mandatory prison term one of the prison terms prescribed for a 114  
felony of the fourth degree that is at least twelve months in 115  
duration. 116

(7) If the victim of the offense is an officer or employee 117  
of a public children services agency or a private child placing 118  
agency and the offense relates to the officer's or employee's 119  
performance or anticipated performance of official 120  
responsibilities or duties, assault is either a felony of the 121  
fifth degree or, if the offender previously has been convicted 122  
of or pleaded guilty to an offense of violence, the victim of 123  
that prior offense was an officer or employee of a public 124  
children services agency or private child placing agency, and 125  
that prior offense related to the officer's or employee's 126  
performance or anticipated performance of official 127  
responsibilities or duties, a felony of the fourth degree. 128

(8) If the victim of the offense is a health care 129  
professional of a hospital, a health care worker of a hospital, 130  
or a security officer of a hospital whom the offender knows or 131  
has reasonable cause to know is a health care professional of a 132  
hospital, a health care worker of a hospital, or a security 133  
officer of a hospital, if the victim is engaged in the 134  
performance of the victim's duties, and if the hospital offers 135  
de-escalation or crisis intervention training for such 136  
professionals, workers, or officers, assault is one of the 137  
following: 138

(a) Except as otherwise provided in division (C) (8) (b) of 139  
this section, assault committed in the specified circumstances 140  
is a misdemeanor of the first degree. Notwithstanding the fine 141  
specified in division (A) (2) (b) of section 2929.28 of the 142  
Revised Code for a misdemeanor of the first degree, in 143  
sentencing the offender under this division and if the court 144  
decides to impose a fine, the court may impose upon the offender 145  
a fine of not more than five thousand dollars. 146

(b) If the offender previously has been convicted of or 147  
pleaded guilty to one or more assault or homicide offenses 148  
committed against hospital personnel, assault committed in the 149  
specified circumstances is a felony of the fifth degree. 150

(9) If the victim of the offense is a judge, magistrate, 151  
prosecutor, or court official or employee whom the offender 152  
knows or has reasonable cause to know is a judge, magistrate, 153  
prosecutor, or court official or employee, and if the victim is 154  
engaged in the performance of the victim's duties, assault is 155  
one of the following: 156

(a) Except as otherwise provided in division (C) (8) (b) of 157  
this section, assault committed in the specified circumstances 158  
is a misdemeanor of the first degree. In sentencing the offender 159  
under this division, if the court decides to impose a fine, 160  
notwithstanding the fine specified in division (A) (2) (b) of 161  
section 2929.28 of the Revised Code for a misdemeanor of the 162  
first degree, the court may impose upon the offender a fine of 163  
not more than five thousand dollars. 164

(b) If the offender previously has been convicted of or 165  
pleaded guilty to one or more assault or homicide offenses 166  
committed against justice system personnel, assault committed in 167  
the specified circumstances is a felony of the fifth degree. 168

(10) 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 section 2941.1423 of the Revised Code 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 division (G) of section 2929.24 of the Revised Code.

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

(D) As used in this section:

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

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

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

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or

multicounty-municipal facility used for the custody of persons 198  
arrested for any crime or delinquent act, persons charged with 199  
or convicted of any crime, or persons alleged to be or 200  
adjudicated a delinquent child. 201

(5) "Employee of a local correctional facility" means a 202  
person who is an employee of the political subdivision or of one 203  
or more of the affiliated political subdivisions that operates 204  
the local correctional facility and who operates or assists in 205  
the operation of the facility. 206

(6) "School teacher or administrator" means either of the 207  
following: 208

(a) A person who is employed in the public schools of the 209  
state under a contract described in section 3311.77 or 3319.08 210  
of the Revised Code in a position in which the person is 211  
required to have a certificate issued pursuant to sections 212  
3319.22 to 3319.311 of the Revised Code. 213

(b) A person who is employed by a nonpublic school for 214  
which the state board of education prescribes minimum standards 215  
under section 3301.07 of the Revised Code and who is 216  
certificated in accordance with section 3301.071 of the Revised 217  
Code. 218

(7) "Community control sanction" has the same meaning as 219  
in section 2929.01 of the Revised Code. 220

(8) "Escorted visit" means an escorted visit granted under 221  
section 2967.27 of the Revised Code. 222

(9) "Post-release control" and "transitional control" have 223  
the same meanings as in section 2967.01 of the Revised Code. 224

(10) "Investigator of the bureau of criminal 225



identification and investigation" has the same meaning as in 226  
section 2903.11 of the Revised Code. 227

(11) "Health care professional" and "health care worker" 228  
have the same meanings as in section 2305.234 of the Revised 229  
Code. 230

(12) "Assault or homicide offense committed against 231  
hospital personnel" means a violation of this section or of 232  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 233  
2903.12, or 2903.14 of the Revised Code committed in 234  
circumstances in which all of the following apply: 235

(a) The victim of the offense was a health care 236  
professional of a hospital, a health care worker of a hospital, 237  
or a security officer of a hospital. 238

(b) The offender knew or had reasonable cause to know that 239  
the victim was a health care professional of a hospital, a 240  
health care worker of a hospital, or a security officer of a 241  
hospital. 242

(c) The victim was engaged in the performance of the 243  
victim's duties. 244

(d) The hospital offered de-escalation or crisis 245  
intervention training for such professionals, workers, or 246  
officers. 247

(13) "De-escalation or crisis intervention training" means 248  
de-escalation or crisis intervention training for health care 249  
professionals of a hospital, health care workers of a hospital, 250  
and security officers of a hospital to facilitate interaction 251  
with patients, members of a patient's family, and visitors, 252  
including those with mental impairments. 253

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

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

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

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

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

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

(b) "Hospital" does not include any of the following:	283
(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;	284 285 286 287 288 289 290
(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.	291 292 293 294 295 296 297 298 299 300
(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.	301 302
<u>(21) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.</u>	303 304
<b>Sec. 2903.211.</b> (A) (1) 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 <u>or a family or household member of the other person</u> or cause mental distress to the other person <u>or a family or household member of the other person</u> . In addition to any other basis for the other person's belief that the offender will cause physical harm to	305 306 307 308 309 310 311

the other person or the other person's family or household 312  
member or mental distress to the other person or the other 313  
person's ~~mental distress~~ family or household member, the other 314  
person's belief or mental distress may be based on words or 315  
conduct of the offender that are directed at or identify a 316  
corporation, association, or other organization that employs the 317  
other person or to which the other person belongs. 318

(2) No person, through the use of any form of written 319  
communication or any electronic method of remotely transferring 320  
information, including, but not limited to, any computer, 321  
computer network, computer program, ~~or~~ computer system, or 322  
telecommunication device shall post a message or use any 323  
intentionally written or verbal graphic gesture with purpose to 324  
~~urge~~ do either of the following: 325

(a) Violate division (A)(1) of this section; 326

(b) Urge or incite another to commit a violation of 327  
division (A)(1) of this section. 328

(3) No person, with a sexual motivation, shall violate 329  
division (A)(1) or (2) of this section. 330

(B) Whoever violates this section is guilty of menacing by 331  
stalking. 332

(1) Except as otherwise provided in divisions (B)(2) and 333  
(3) of this section, menacing by stalking is a misdemeanor of 334  
the first degree. 335

(2) Menacing by stalking is a felony of the fourth degree 336  
if any of the following applies: 337

(a) The offender previously has been convicted of or 338  
pleaded guilty to a violation of this section or a violation of 339

section 2911.211 of the Revised Code. 340

(b) In committing the offense under division (A) (1), (2), 341  
or (3) of this section, the offender made a threat of physical 342  
harm to or against the victim, or as a result of an offense 343  
committed under division (A) (2) or (3) of this section, a third 344  
person induced by the offender's posted message made a threat of 345  
physical harm to or against the victim. 346

(c) In committing the offense under division (A) (1), (2), 347  
or (3) of this section, the offender trespassed on the land or 348  
premises where the victim lives, is employed, or attends school, 349  
or as a result of an offense committed under division (A) (2) or 350  
(3) of this section, a third person induced by the offender's 351  
posted message trespassed on the land or premises where the 352  
victim lives, is employed, or attends school. 353

(d) The victim of the offense is a minor. 354

(e) The offender has a history of violence toward the 355  
victim or any other person or a history of other violent acts 356  
toward the victim or any other person. 357

(f) While committing the offense under division (A) (1) of 358  
this section or a violation of division (A) (3) of this section 359  
based on conduct in violation of division (A) (1) of this 360  
section, the offender had a deadly weapon on or about the 361  
offender's person or under the offender's control. Division (B) 362  
(2) (f) of this section does not apply in determining the penalty 363  
for a violation of division (A) (2) of this section or a 364  
violation of division (A) (3) of this section based on conduct in 365  
violation of division (A) (2) of this section. 366

(g) At the time of the commission of the offense, the 367  
offender was the subject of a protection order issued under 368

section 2903.213 or 2903.214 of the Revised Code, regardless of 369  
whether the person to be protected under the order is the victim 370  
of the offense or another person. 371

(h) In committing the offense under division (A) (1), (2), 372  
or (3) of this section, the offender caused serious physical 373  
harm to the premises at which the victim resides, to the real 374  
property on which that premises is located, or to any personal 375  
property located on that premises, or, as a result of an offense 376  
committed under division (A) (2) of this section or an offense 377  
committed under division (A) (3) of this section based on a 378  
violation of division (A) (2) of this section, a third person 379  
induced by the offender's posted message caused serious physical 380  
harm to that premises, that real property, or any personal 381  
property on that premises. 382

(i) Prior to committing the offense, the offender had been 383  
determined to represent a substantial risk of physical harm to 384  
others as manifested by evidence of then-recent homicidal or 385  
other violent behavior, evidence of then-recent threats that 386  
placed another in reasonable fear of violent behavior and 387  
serious physical harm, or other evidence of then-present 388  
dangerousness. 389

(3) If the victim of the offense is an officer or employee 390  
of a public children services agency or a private child placing 391  
agency and the offense relates to the officer's or employee's 392  
performance or anticipated performance of official 393  
responsibilities or duties, menacing by stalking is either a 394  
felony of the fifth degree or, if the offender previously has 395  
been convicted of or pleaded guilty to an offense of violence, 396  
the victim of that prior offense was an officer or employee of a 397  
public children services agency or private child placing agency, 398

and that prior offense related to the officer's or employee's 399  
performance or anticipated performance of official 400  
responsibilities or duties, a felony of the fourth degree. 401

(C) Section 2919.271 of the Revised Code applies in 402  
relation to a defendant charged with a violation of this 403  
section. 404

(D) As used in this section: 405

(1) "Pattern of conduct" means two or more actions or 406  
incidents closely related in time, whether or not there has been 407  
a prior conviction based on any of those actions or incidents, 408  
or two or more actions or incidents closely related in time, 409  
whether or not there has been a prior conviction based on any of 410  
those actions or incidents, directed at one or more persons 411  
employed by or belonging to the same corporation, association, 412  
or other organization. Actions or incidents that prevent, 413  
obstruct, or delay the performance by a public official, 414  
firefighter, rescuer, emergency medical services person, or 415  
emergency facility person of any authorized act within the 416  
public official's, firefighter's, rescuer's, emergency medical 417  
services person's, or emergency facility person's official 418  
capacity, or the posting of messages, use of intentionally 419  
written or verbal graphic gestures, or receipt of information or 420  
data through the use of any form of written communication or an 421  
electronic method of remotely transferring information, 422  
including, but not limited to, a computer, computer network, 423  
computer program, computer system, or telecommunications device, 424  
may constitute a "pattern of conduct." 425

(2) "Mental distress" means any of the following: 426

(a) Any mental illness or condition that involves some 427

temporary substantial incapacity; 428

(b) Any mental illness or condition that would normally 429  
require psychiatric treatment, psychological treatment, or other 430  
mental health services, whether or not any person requested or 431  
received psychiatric treatment, psychological treatment, or 432  
other mental health services. 433

(3) "Emergency medical services person" is the singular of 434  
"emergency medical services personnel" as defined in section 435  
2133.21 of the Revised Code. 436

(4) "Emergency facility person" is the singular of 437  
"emergency facility personnel" as defined in section 2909.04 of 438  
the Revised Code. 439

(5) "Public official" has the same meaning as in section 440  
2921.01 of the Revised Code. 441

(6) "Computer," "computer network," "computer program," 442  
"computer system," and "telecommunications device" have the same 443  
meanings as in section 2913.01 of the Revised Code. 444

(7) "Post a message" means transferring, sending, posting, 445  
publishing, disseminating, or otherwise communicating, or 446  
attempting to transfer, send, post, publish, disseminate, or 447  
otherwise communicate, any message or information, whether 448  
truthful or untruthful, about an individual, and whether done 449  
under one's own name, under the name of another, or while 450  
impersonating another. 451

(8) "Third person" means, in relation to conduct as 452  
described in division (A) (2) of this section, an individual who 453  
is neither the offender nor the victim of the conduct. 454

(9) "Sexual motivation" has the same meaning as in section 455



2971.01 of the Revised Code. 456

(10) "Organization" includes an entity that is a 457  
governmental employer. 458

(11) "Family or household member" means any of the 459  
following: 460

(a) Any of the following who is residing or has resided 461  
with the person against whom the act prohibited in division (A) 462  
(1) of this section is committed: 463

(i) A spouse, a person living as a spouse, or a former 464  
spouse of the person; 465

(ii) A parent, a foster parent, or a child of the person, 466  
or another person related by consanguinity or affinity to the 467  
person; 468

(iii) A parent or a child of a spouse, person living as a 469  
spouse, or former spouse of the person, or another person 470  
related by consanguinity or affinity to a spouse, person living 471  
as a spouse, or former spouse of the person. 472

(b) The natural parent of any child of whom the person 473  
against whom the act prohibited in division (A)(1) of this 474  
section is committed is the other natural parent or is the 475  
putative other natural parent. 476

(12) "Person living as a spouse" means a person who is 477  
living or has lived with the person against whom the act 478  
prohibited in division (A)(1) of this section is committed in a 479  
common law marital relationship, who otherwise is cohabiting 480  
with that person, or who otherwise has cohabited with the person 481  
within five years prior to the date of the alleged commission of 482  
the act in question. 483

(E) The state does not need to prove in a prosecution 484  
under this section that a person requested or received 485  
psychiatric treatment, psychological treatment, or other mental 486  
health services in order to show that the person was caused 487  
mental distress as described in division (D)(2)(b) of this 488  
section. 489

(F)(1) This section does not apply to a person solely 490  
because the person provided access or connection to or from an 491  
electronic method of remotely transferring information not under 492  
that person's control, including having provided capabilities 493  
that are incidental to providing access or connection to or from 494  
the electronic method of remotely transferring the information, 495  
and that do not include the creation of the content of the 496  
material that is the subject of the access or connection. In 497  
addition, any person providing access or connection to or from 498  
an electronic method of remotely transferring information not 499  
under that person's control shall not be liable for any action 500  
voluntarily taken in good faith to block the receipt or 501  
transmission through its service of any information that it 502  
believes is, or will be sent, in violation of this section. 503

(2) Division (F)(1) of this section does not create an 504  
affirmative duty for any person providing access or connection 505  
to or from an electronic method of remotely transferring 506  
information not under that person's control to block the receipt 507  
or transmission through its service of any information that it 508  
believes is, or will be sent, in violation of this section 509  
except as otherwise provided by law. 510

(3) Division (F)(1) of this section does not apply to a 511  
person who conspires with a person actively involved in the 512  
creation or knowing distribution of material in violation of 513

this section or who knowingly advertises the availability of 514  
material of that nature. 515

**Sec. 2913.02.** (A) No person, with purpose to deprive the 516  
owner of property or services, shall knowingly obtain or exert 517  
control over either the property or services in any of the 518  
following ways: 519

(1) Without the consent of the owner or person authorized 520  
to give consent; 521

(2) Beyond the scope of the express or implied consent of 522  
the owner or person authorized to give consent; 523

(3) By deception; 524

(4) By threat; 525

(5) By intimidation. 526

(B)(1) Whoever violates this section is guilty of theft. 527

(2) Except as otherwise provided in this division or 528  
division (B)(3), (4), (5), (6), (7), (8), or (9) of this 529  
section, a violation of this section is petty theft, a 530  
misdemeanor of the first degree. If the value of the property or 531  
services stolen is one thousand dollars or more and is less than 532  
seven thousand five hundred dollars or if the property stolen is 533  
any of the property listed in section 2913.71 of the Revised 534  
Code, a violation of this section is theft, a felony of the 535  
fifth degree. If the value of the property or services stolen is 536  
seven thousand five hundred dollars or more and is less than one 537  
hundred fifty thousand dollars, a violation of this section is 538  
grand theft, a felony of the fourth degree. If the value of the 539  
property or services stolen is one hundred fifty thousand 540  
dollars or more and is less than seven hundred fifty thousand 541

dollars, a violation of this section is aggravated theft, a 542  
felony of the third degree. If the value of the property or 543  
services is seven hundred fifty thousand dollars or more and is 544  
less than one million five hundred thousand dollars, a violation 545  
of this section is aggravated theft, a felony of the second 546  
degree. If the value of the property or services stolen is one 547  
million five hundred thousand dollars or more, a violation of 548  
this section is aggravated theft of one million five hundred 549  
thousand dollars or more, a felony of the first degree. 550

(3) Except as otherwise provided in division (B) (4), (5), 551  
(6), (7), (8), or (9) of this section, if the victim of the 552  
offense is an elderly person, disabled adult, active duty 553  
service member, or spouse of an active duty service member, a 554  
violation of this section is theft from a person in a protected 555  
class, and division (B) (3) of this section applies. Except as 556  
otherwise provided in this division, theft from a person in a 557  
protected class is a felony of the fifth degree. If the value of 558  
the property or services stolen is one thousand dollars or more 559  
and is less than seven thousand five hundred dollars, theft from 560  
a person in a protected class is a felony of the fourth degree. 561  
If the value of the property or services stolen is seven 562  
thousand five hundred dollars or more and is less than thirty- 563  
seven thousand five hundred dollars, theft from a person in a 564  
protected class is a felony of the third degree. If the value of 565  
the property or services stolen is thirty-seven thousand five 566  
hundred dollars or more and is less than one hundred fifty 567  
thousand dollars, theft from a person in a protected class is a 568  
felony of the second degree. If the value of the property or 569  
services stolen is one hundred fifty thousand dollars or more, 570  
theft from a person in a protected class is a felony of the 571  
first degree. 572

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

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

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

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

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

(9) Except as provided in division (B) (2) of this section

with respect to property with a value of seven thousand five 602  
hundred dollars or more and division (B) (3) of this section with 603  
respect to property with a value of one thousand dollars or 604  
more, if the property stolen is a special ~~purpose~~ purchase 605  
article as defined in section 4737.04 of the Revised Code or is 606  
a bulk merchandise container as defined in section 4737.012 of 607  
the Revised Code, a violation of this section is theft of a 608  
special ~~purpose~~ purchase article or articles or theft of a bulk 609  
merchandise container or containers, a felony of the fifth 610  
degree. 611

(10) In addition to the penalties described in division 612  
(B) (2) of this section, if the offender committed the violation 613  
by causing a motor vehicle to leave the premises of an 614  
establishment at which gasoline is offered for retail sale 615  
without the offender making full payment for gasoline that was 616  
dispensed into the fuel tank of the motor vehicle or into 617  
another container, the court may do one of the following: 618

(a) Unless division (B) (10) (b) of this section applies, 619  
suspend for not more than six months the offender's driver's 620  
license, probationary driver's license, commercial driver's 621  
license, temporary instruction permit, or nonresident operating 622  
privilege; 623

(b) If the offender's driver's license, probationary 624  
driver's license, commercial driver's license, temporary 625  
instruction permit, or nonresident operating privilege has 626  
previously been suspended pursuant to division (B) (10) (a) of 627  
this section, impose a class seven suspension of the offender's 628  
license, permit, or privilege from the range specified in 629  
division (A) (7) of section 4510.02 of the Revised Code, provided 630  
that the suspension shall be for at least six months. 631

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

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

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

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

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

~~telecommunication and makes~~ Makes the telecommunication with 662  
purpose to harass, intimidate, or abuse any person at the 663  
premises to which the telecommunication is made, whether or not 664  
actual communication takes place between the caller and a 665  
recipient; 666

(2) Describes, suggests, requests, or proposes that the 667  
caller, the recipient of the telecommunication, or any other 668  
person engage in sexual activity, and the recipient or another 669  
person at the premises to which the telecommunication is made 670  
has requested, in a previous telecommunication or in the 671  
immediate telecommunication, that the caller not make a 672  
telecommunication to the recipient or to the premises to which 673  
the telecommunication is made; 674

(3) During the telecommunication, violates section 2903.21 675  
of the Revised Code; 676

(4) Knowingly states to the recipient of the 677  
telecommunication that the caller intends to cause damage to or 678  
destroy public or private property, and the recipient, any 679  
member of the recipient's family, or any other person who 680  
resides at the premises to which the telecommunication is made 681  
owns, leases, resides, or works in, will at the time of the 682  
destruction or damaging be near or in, has the responsibility of 683  
protecting, or insures the property that will be destroyed or 684  
damaged; 685

(5) Knowingly makes the telecommunication to the recipient 686  
of the telecommunication, to another person at the premises to 687  
which the telecommunication is made, or to those premises, and 688  
the recipient or another person at those premises previously has 689  
told the caller not to make a telecommunication to those 690  
premises or to any persons at those premises; 691



(6) Knowingly makes any comment, request, suggestion, or proposal to the recipient of the telecommunication that is threatening, intimidating, menacing, coercive, or obscene with the intent to abuse, threaten, or harass the recipient; 692  
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(7) Without a lawful business purpose, knowingly interrupts the telecommunication service of any person; 696  
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(8) Without a lawful business purpose, knowingly transmits to any person, regardless of whether the telecommunication is heard in its entirety, any file, document, or other communication that prevents that person from using the person's telephone service or electronic communication device; 698  
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(9) Knowingly makes any false statement concerning the death, injury, illness, disfigurement, reputation, indecent conduct, or criminal conduct of the recipient of the telecommunication or family or household member of the recipient with purpose to abuse, threaten, intimidate, or harass the recipient; 703  
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(10) Knowingly incites another person through a telecommunication or other means to harass or participate in the harassment of a person; 709  
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(11) Knowingly alarms the recipient by making a telecommunication without a lawful purpose at an hour or hours known to be inconvenient to the recipient and in an offensive or repetitive manner. 712  
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(B) (1) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person. 716  
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(2) No person shall knowingly post a text or audio 720

statement or an image on an internet web site or web page for 721  
the purpose of abusing, threatening, or harassing another 722  
person. 723

(C) (1) Whoever violates this section is guilty of 724  
telecommunications harassment. 725

(2) A violation of division (A) (1), (2), (3), ~~or (5)~~, (6), 726  
(7), (8), (9), (10), or (11) or (B) of this section is a 727  
misdemeanor of the first degree on a first offense and a felony 728  
of the fifth degree on each subsequent offense. 729

(3) Except as otherwise provided in division (C) (3) of 730  
this section, a violation of division (A) (4) of this section is 731  
a misdemeanor of the first degree on a first offense and a 732  
felony of the fifth degree on each subsequent offense. If a 733  
violation of division (A) (4) of this section results in economic 734  
harm of one thousand dollars or more but less than seven 735  
thousand five hundred dollars, telecommunications harassment is 736  
a felony of the fifth degree. If a violation of division (A) (4) 737  
of this section results in economic harm of seven thousand five 738  
hundred dollars or more but less than one hundred fifty thousand 739  
dollars, telecommunications harassment is a felony of the fourth 740  
degree. If a violation of division (A) (4) of this section 741  
results in economic harm of one hundred fifty thousand dollars 742  
or more, telecommunications harassment is a felony of the third 743  
degree. 744

(D) No cause of action may be asserted in any court of 745  
this state against any provider of a telecommunications service, 746  
interactive computer service as defined in section 230 of Title 747  
47 of the United States Code, or information service, or against 748  
any officer, employee, or agent of a telecommunication service, 749  
interactive computer service as defined in section 230 of Title 750

47 of the United States Code, or information service, for any 751  
injury, death, or loss to person or property that allegedly 752  
arises out of the provider's, officer's, employee's, or agent's 753  
provision of information, facilities, or assistance in 754  
accordance with the terms of a court order that is issued in 755  
relation to the investigation or prosecution of an alleged 756  
violation of this section. A provider of a telecommunications 757  
service, interactive computer service as defined in section 230 758  
of Title 47 of the United States Code, or information service, 759  
or an officer, employee, or agent of a telecommunications 760  
service, interactive computer service as defined in section 230 761  
of Title 47 of the United States Code, or information service, 762  
is immune from any civil or criminal liability for injury, 763  
death, or loss to person or property that allegedly arises out 764  
of the provider's, officer's, employee's, or agent's provision 765  
of information, facilities, or assistance in accordance with the 766  
terms of a court order that is issued in relation to the 767  
investigation or prosecution of an alleged violation of this 768  
section. 769

(E) (1) This section does not apply to a person solely 770  
because the person provided access or connection to or from an 771  
electronic method of remotely transferring information not under 772  
that person's control, including having provided capabilities 773  
that are incidental to providing access or connection to or from 774  
the electronic method of remotely transferring the information, 775  
and that do not include the creation of the content of the 776  
material that is the subject of the access or connection. In 777  
addition, any person providing access or connection to or from 778  
an electronic method of remotely transferring information not 779  
under that person's control shall not be liable for any action 780  
voluntarily taken in good faith to block the receipt or 781

transmission through its service of any information that the 782  
person believes is, or will be sent, in violation of this 783  
section. 784

(2) Division (E)(1) of this section does not create an 785  
affirmative duty for any person providing access or connection 786  
to or from an electronic method of remotely transferring 787  
information not under that person's control to block the receipt 788  
or transmission through its service of any information that it 789  
believes is, or will be sent, in violation of this section 790  
except as otherwise provided by law. 791

(3) Division (E)(1) of this section does not apply to a 792  
person who conspires with a person actively involved in the 793  
creation or knowing distribution of material in violation of 794  
this section or who knowingly advertises the availability of 795  
material of that nature. 796

(4) A provider or user of an interactive computer service, 797  
as defined in section 230 of Title 47 of the United States Code, 798  
shall neither be treated as the publisher or speaker of any 799  
information provided by another information content provider, as 800  
defined in section 230 of Title 47 of the United States Code, 801  
nor held civilly or criminally liable for the creation or 802  
development of information provided by another information 803  
content provider, as defined in section 230 of Title 47 of the 804  
United States Code. Nothing in this division shall be construed 805  
to protect a person from liability to the extent that the person 806  
developed or created any content in violation of this section. 807

(F) Divisions (A)(5) to (11) and (B)(2) of this section do 808  
not apply to a person who, while employed or contracted by a 809  
newspaper, magazine, press association, news agency, news wire 810  
service, cable channel or cable operator, or radio or television 811

station, is gathering, processing, transmitting, compiling, 812  
editing, or disseminating information for the general public 813  
within the scope of the person's employment in that capacity or 814  
the person's contractual authority in that capacity. 815

(G) As used in this section: 816

(1) "Economic harm" means all direct, incidental, and 817  
consequential pecuniary harm suffered by a victim as a result of 818  
criminal conduct. "Economic harm" includes, but is not limited 819  
to, all of the following: 820

(a) All wages, salaries, or other compensation lost as a 821  
result of the criminal conduct; 822

(b) The cost of all wages, salaries, or other compensation 823  
paid to employees for time those employees are prevented from 824  
working as a result of the criminal conduct; 825

(c) The overhead costs incurred for the time that a 826  
business is shut down as a result of the criminal conduct; 827

(d) The loss of value to tangible or intangible property 828  
that was damaged as a result of the criminal conduct. 829

(2) "Caller" means the person described in division (A) of 830  
this section who makes or causes to be made a telecommunication 831  
or who permits a telecommunication to be made from a 832  
telecommunications device under that person's control. 833

(3) "Telecommunication" and "telecommunications device" 834  
have the same meanings as in section 2913.01 of the Revised 835  
Code. 836

(4) "Sexual activity" has the same meaning as in section 837  
2907.01 of the Revised Code. 838

~~(F)~~(5) "Family or household member" means any of the 839  
following: 840

(a) Any of the following who is residing or has resided 841  
with the recipient of the telecommunication against whom the act 842  
prohibited in division (A) (9) of this section is committed: 843

(i) A spouse, a person living as a spouse, or a former 844  
spouse of the recipient; 845

(ii) A parent, a foster parent, or a child of the 846  
recipient, or another person related by consanguinity or 847  
affinity to the recipient; 848

(iii) A parent or a child of a spouse, person living as a 849  
spouse, or former spouse of the recipient, or another person 850  
related by consanguinity or affinity to a spouse, person living 851  
as a spouse, or former spouse of the recipient. 852

(b) The natural parent of any child of whom the recipient 853  
of the telecommunication against whom the act prohibited in 854  
division (A) (9) of this section is committed is the other 855  
natural parent or is the putative other natural parent. 856

(6) "Person living as a spouse" means a person who is 857  
living or has lived with the recipient of the telecommunication 858  
against whom the act prohibited in division (A) (9) of this 859  
section is committed in a common law marital relationship, who 860  
otherwise is cohabiting with the recipient, or who otherwise has 861  
cohabited with the recipient within five years prior to the date 862  
of the alleged commission of the act in question. 863

(7) "Cable operator" has the same meaning as in section 864  
1332.21 of the Revised Code. 865

(H) Nothing in this section prohibits a person from making 866

a telecommunication to a debtor that is in compliance with the 867  
"Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 868  
U.S.C. 1692, as amended, or the "Telephone Consumer Protection 869  
Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. 870

**Section 2.** That existing sections 2903.13, 2903.211, 871  
2913.02, and 2917.21 of the Revised Code are hereby repealed. 872