

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

*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

**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*

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)

