

CHAPTER 131: OFFENSES AGAINST PROPERTY

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Cross-reference:

Animals, offenses against, see §§ 90.20 et seq.
Property recovered by police, deposit of stolen property, see §§ 34.10 et seq.

Statutory reference:

Cable television service devices, unauthorized sale or possession, felony, see R.C. § 2913.041
Deceptive acts or practices in connection with consumer transactions, see O.A.C. Chapter 109:4-3
Disrupting public services, felony, see R.C. § 2909.04
E-mail advertisements, civil offenses and felony forgery offense, see R.C. § 2307.64
E-mail spam, civil offenses and felony offenses, see R.C. § 2913.421
Food stamps, illegal use, see R.C. § 2913.46
Telecommunications: fraud and unlawful use of a device, felony offenses, see R.C. §§ 2913.05 and 2913.06
Terrorism involving agricultural products or equipment, see R.C. § 901.511

§ 131.01 DEFINITIONS.

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

ANHYDROUS AMMONIA. A compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described below. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately 82% nitrogen to 18% hydrogen.

ASSISTANCE DOG. Has the same meaning as in R.C. § 955.011.

CABLE TELEVISION SERVICE. Any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

COIN MACHINE. Any mechanical or electronic device designed to do both of the following:

- (1) Receive a coin or bill, or token made for that purpose;
- (2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.

COMPUTER. An electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. The term includes but is not limited to all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature.

COMPUTER CONTAMINANT. Means a computer program that is designed to modify, damage, destroy, disable, deny or degrade access to, allow unauthorized access to, functionally impair, record, or transmit information within a computer, computer system, or computer network without the express or implied consent of the owner or other person authorized to give consent and that is of a type or kind described in divisions (1) through (4) of this definition or of a type or kind similar to a type or kind described in divisions (1) through (4) of this definition:

(1) A group of computer programs commonly known as “viruses” and “worms” that are self-replicating or self-propagating and that are designed to contaminate other computer programs, compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system, or computer network;

(2) A group of computer programs commonly known as “Trojans” or “Trojan horses” that are not self-replicating or self-propagating and that are designed to compromise computer security, consume computer resources, modify, destroy, record, or transmit data, or disrupt the normal operation of the computer, computer system, or computer network;

(3) A group of computer programs commonly known as “zombies” that are designed to use a computer without the knowledge and consent of the owner, or other person authorized to give consent, and that are designed to send large quantities of data to a targeted computer network for the purpose of degrading the targeted computer’s or network’s performance, or denying access through the network to the targeted computer or network, resulting in what is commonly known as “denial of service” or “distributed denial of service” attacks;

(4) A group of computer programs commonly known as “trap doors”, “back doors”, or “root kits” that are designed to bypass standard authentication software and that are designed to allow access or use of a computer without the knowledge or consent of the owner, or other person authorized to give consent.

COMPUTER HACKING.

(1) The term means any of the following:

(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime;

(b) Misusing computer or network services including but not limited to mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, “misuse of computer and network services” includes but is not limited to the unauthorized use of any of the following:

1. Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;

2. File transfer program services or proxy servers to access other computers, computer systems, or computer networks;

3. Web servers to redirect users to other web pages or web servers.

(c) 1. Subject to division (1)(c)2. of this definition, using a group of computer programs commonly known as “port scanners” or “probes” to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes but is not limited to those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network’s facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including but not limited to operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.

2. The group of computer programs referred to in division (1)(c)1. of this definition does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including but not limited to domain name services, mail transfer services, and other operating system services, computer programs commonly called “ping”, “tcpdump”, and “traceroute” and other network monitoring and management computer software, and computer programs commonly known as “nslookup” and “whois” and other systems administration computer software.

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

(2) The term does not include the introduction of a computer contaminant, as defined in this section, into a computer, computer system, computer program, or computer network.

COMPUTER NETWORK. A set of related and remotely-connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

COMPUTER PROGRAM. An ordered set of data representing coded instructions or statements that, when executed by a computer, causes the computer to process data.

COMPUTER SERVICES. Includes but is not limited to the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.

COMPUTER SOFTWARE. Computer programs, procedures, and other documentation associated with the operation of a computer system.

COMPUTER SYSTEM. A computer and related devices, whether connected or unconnected, including but not limited to data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

COUNTERFEIT TELECOMMUNICATIONS DEVICE. A telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. The phrase includes but is not limited to a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.

CREATE A SUBSTANTIAL RISK OF SERIOUS PHYSICAL HARM TO ANY PERSON. Includes the creation of a substantial risk of serious physical harm to any emergency personnel.

CREDIT CARD. Includes but is not limited to a card, code, device, or other means of access to a customer's account for the purpose of obtaining money, property, labor, or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller

machine, or a cash dispensing machine. It also includes a county procurement card issued under R.C. § 301.29.

DANGEROUS DRUG. Has the same meaning as in R.C. § 4729.01.

DANGEROUS ORDNANCE. Has the same meaning as in R.C. § 2923.11.

DATA. A representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system, or computer network.

DECEPTION. To knowingly deceive another or cause another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

DEFRAUD. To knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

DEPRIVE. To do any of the following:

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

(2) To dispose of property so as to make it unlikely that the owner will recover it;

(3) To accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.

DISABLED ADULT. A person who is 18 years of age or older and has some impairment of body or mind that makes the person unable to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least 12 months without any present indication of recovery from the impairment, or who is 18 years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons.

DRUG ABUSE OFFENSE. Has the same meaning as in R.C. § 2925.01.

ELDERLY PERSON. A person who is 65 years of age or older.

ELECTRONIC FUND TRANSFER. Has the same meaning as in 92 Stat. 3728, 15 U.S.C. § 1693a, as amended.

EMERGENCY PERSONNEL. Means any of the following persons:

(1) A peace officer, as defined in R.C. § 2935.01;

(2) A member of a fire department or other firefighting agency of a municipal corporation, township, township fire district, joint fire district, other political subdivision, or combination of political subdivisions;

(3) A member of a private fire company, as defined in R.C. § 9.60, or a volunteer firefighter;

(4) A member of a joint ambulance district or joint emergency medical services district;

(5) An emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance operator, or other member of an emergency medical service that is owned or operated by a political subdivision or a private entity;

(6) The State Fire Marshal, the Chief Deputy State Fire Marshal, or an assistant state fire marshal;

(7) A fire prevention officer of a political subdivision or an arson, fire, or similar investigator of a political subdivision.

FEDERALLY-LICENSED FIREARMS DEALER. Has the same meaning as in R.C. § 5502.63.

FIREARM. Has the same meaning as in R.C. § 2923.11.

FORGE. To fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

GAIN ACCESS. To approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network, or any cable service or cable system both as defined in R.C. § 2913.04.

INFORMATION SERVICE.

(1) Subject to division (2) of this definition, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including but not limited to electronic publishing.

(2) The term does not include any use of a capability of a type described in division (1) of this definition for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

INTERNET. Has the same meaning as in R.C. § 341.42.

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

OCCUPIED STRUCTURE. Means any house, building, outbuilding, watercraft, aircraft, railroad car, truck, trailer, tent, or other structure, vehicle, or shelter, or any portion thereof, to which any of the following applies:

(1) It is maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether or not any person is actually present;

(2) At the time, it is occupied as the permanent or temporary habitation of any person, whether or not any person is actually present;

(3) At the time, it is specially adapted for the overnight accommodation of any person, whether or not any person is actually present;

(4) At the time, any person is present or likely to be present in it.

OWNER. Unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.

POLICE DOG OR HORSE. Has the same meaning as in R.C. § 2921.321.

POLITICAL SUBDIVISION. Has the same meaning as in R.C. § 2744.01.

RENTED PROPERTY. Personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property within any applicable minimum or maximum term; and the amount of consideration is generally determined by the duration of possession of the property.

SERVICES. Includes labor, personal services, professional services, rental services, public utility services including wireless service as defined in R.C. § 4931.40(F)(1), common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of R.C. § 2913.04 or any substantially equivalent municipal ordinance, includes cable services as defined in that section.

SLUG. An object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.

STATE. Has the same meaning as in R.C. § 2744.01.

TELECOMMUNICATION. The origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence or intelligence of any nature over any communications system by any method, including but not limited to a fiber optic, electronic, magnetic, optical, digital or analog method.

TELECOMMUNICATIONS DEVICE. Any instrument, equipment, machine, or other device that facilitates telecommunication, including but not limited to a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.

TELECOMMUNICATIONS SERVICE. The providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

THEFT OFFENSE. Any of the following:

(1) A violation of R.C. § 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former R.C. § 2913.47 or 2913.48, or R.C. § 2913.51, 2915.05, or 2921.41;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or of the United States substantially equivalent to any section listed in division (1) of this definition, or a violation of R.C. § 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;

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

UTTER. To issue, publish, transfer, use, put or send into circulation, deliver, or display.

WRITING. Any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing

having in or upon it any written, type-written, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(R.C. §§ 2909.01, 2913.01) (Rev. 2012)

§ 131.02 ARSON; DETERMINING PROPERTY VALUE OR AMOUNT OF PHYSICAL HARM.

(A) Arson.

(1) No person, by means of fire or explosion, shall knowingly cause or create a substantial risk of physical harm to any property of another without the other person's consent.

(2) Whoever violates this section is guilty of arson. Except as otherwise provided in this division, violation of this section is a misdemeanor of the first degree. If the value of the property or the amount of physical harm involved is \$1,000 or more, then the violation is a felony to be prosecuted under appropriate state law.

(R.C. § 2909.03) (Rev. 2012)

(B) Determining property value or amount of physical harm.

(1) The following criteria shall be used in determining the value of property or amount of physical harm involved in a violation of division (A):

(a) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record, or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort, or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.

(b) If the property is not covered under division (B)(1)(a) of this section, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.

(c) If the property is not covered under division (B)(1)(a) of this section, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

(2) As used in this section, **FAIR MARKET VALUE** has the same meaning as in R.C. § 2913.61.

(3) Prima facie evidence of the value of property, as provided in R.C. § 2913.61(D), may be used to establish the value of property pursuant to this section. (R.C. § 2909.11(B) - (D)) (Rev. 1999)

Cross-reference:

Negligent burning, see § 91.38

Statutory reference:

Aggravated arson, felony provisions, see R.C.

§ 2909.02

Arson, felony provisions generally, see R.C. § 2909.03

Convicted arsonist to make restitution to public agency, see R.C. § 2929.71

§ 131.03 CRIMINAL DAMAGING OR ENDANGERING; VEHICULAR VANDALISM.

(A) *Criminal damaging or endangering.*

(1) No person shall cause or create a substantial risk of physical harm to any property of another without the other person's consent:

(a) Knowingly, by any means; or

(b) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(2) Whoever violates this division (A) is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this division (A) creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. If the property involved in a violation of this division (A) is an aircraft, an aircraft engine, propeller, appliance, spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a risk of physical harm to any person, criminal damaging or endangering is a felony to be prosecuted under appropriate state law. If the property involved in a violation of this division (A) is an aircraft, an aircraft engine, propeller, appliance, spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a substantial risk of physical harm to any person or if the property involved in a violation of this division (A) is an occupied aircraft, criminal damaging or endangering is a felony to be prosecuted under appropriate state law.

(R.C. § 2909.06)

(B) *Vehicular vandalism.*

(1) As used in this division (B):

ALLEY. Has the same meaning as in R.C.

§ 4511.01.

HIGHWAY. Means any highway as defined in R.C. § 4511.01 or any lane, road, street, alley, bridge, or overpass.

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

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

VESSEL. Has the same meaning as in R.C. § 1547.01.

WATERS IN THIS STATE. Has the same meaning as in R.C. § 1547.01.

(2) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

(a) Any vehicle on a highway;

(b) Any boat or vessel on any of the waters in this state.

(3) Whoever violates this division (B) is guilty of vehicular vandalism. Except as otherwise provided in this division (B)(3), vehicular vandalism is a misdemeanor of the first degree. If the violation of this division (B) creates a substantial risk of physical harm to any person or the violation of this division (B) causes serious physical harm to property, vehicular vandalism is a felony to be prosecuted under appropriate state law. If the violation of this division (B) causes physical harm to any person or serious physical harm to any person, vehicular vandalism is a felony to be prosecuted under appropriate state law.

(R.C. § 2909.09) (Rev. 2003)

Statutory reference:

Disrupting public services, felony offense, see R.C.

§ 2909.04

Railroad grade crossing device vandalism, see R.C.

§ 2909.101

Railroad vandalism, see R.C. § 2909.10

Vandalism, felony offense, see R.C. § 2909.05

§ 131.04 CRIMINAL MISCHIEF.

(A) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with the property of another;

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

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

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

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

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

(a) In any manner or by any means, including but not limited to computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

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

(B) As used in this section, *SAFETY DEVICE* means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

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

(1) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this division, if the violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section creates a risk of physical harm to any person,

criminal mischief committed in violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is a misdemeanor of the first degree. If the property involved in the violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft and if the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) of this section or the loss to the victim resulting from the violation is \$1,000 or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A)(6) is used or intended to be used in the operation of an aircraft and the violation creates any risk of physical harm to any person, or if the aircraft in question is an occupied aircraft, criminal mischief committed in violation of division (A)(6) of this section is a felony to be prosecuted under appropriate state law.

(R.C. § 2909.07) (Rev. 2005)

§ 131.05 DAMAGING OR ENDANGERING AIRCRAFT OR AIRPORT OPERATIONS.

(A) As used in this section:

AIR GUN. Means a hand pistol or rifle that propels its projectile by means of releasing compressed air, carbon dioxide, or other gas.

AIRPORT OPERATIONAL SURFACE. Means any surface of land or water that is developed, posted, or marked so as to give an observer reasonable notice that the surface is designed and developed for the purpose of storing, parking, taxiing, or operating aircraft, or any surface of land or water that is actually being used for any of those purposes.

FIREARM. Has the same meaning as in R.C. § 2923.11.

SPRING-OPERATED GUN. Means a hand pistol or rifle that propels a projectile not less than four or more than five millimeters in diameter by means of a spring.

(B) No person shall do either of the following:

(1) Knowingly throw an object at, or drop an object upon, any moving aircraft.

(2) Knowingly shoot with a bow and arrow, or knowingly discharge a firearm, air gun, or spring-operated gun, at or toward any aircraft.

(C) No person shall knowingly or recklessly shoot with a bow and arrow, or shall knowingly or recklessly discharge a firearm, air gun, or spring-operated gun, upon or over any airport operational surface. This division does not apply to the following:

(1) An officer, agent, or employee of this or any other state or of the United States, or a law enforcement officer, authorized to discharge firearms and acting within the scope of his or her duties.

(2) A person who, with the consent of the owner or operator of the airport operational surface or the authorized agent of either, is lawfully engaged in any hunting or sporting activity or is otherwise lawfully discharging a firearm.

(D) Whoever violates division (B) of this section is guilty of endangering aircraft, a misdemeanor of the first degree. If the violation creates any risk of physical harm to any person, or if the aircraft that is the subject of the violation is occupied, endangering aircraft is a felony to be prosecuted under appropriate state law.

(E) Whoever violates division (C) of this section is guilty of endangering airport operations, a misdemeanor of the second degree. If the violation creates a risk of physical harm to any person or substantial risk of serious harm to any person, endangering airport operations is a felony to be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for the violation, the hunting license or permit of a person who violates division (C) of this section while hunting shall be suspended or revoked pursuant to R.C. § 1533.68.
(R.C. § 2909.08(A) - (E)) (Rev. 1999)

§ 131.06 CRIMINAL TRESPASS; AGGRAVATED TRESPASS.

(A) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized

access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to a charge under this section that the land or premises involved was owned, controlled, or in custody of a public agency.

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when the authorization was secured by deception.

(D) (1) Whoever violates division (A) of this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(2) Notwithstanding R.C. § 2929.28, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 2911.21 or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than 60 days. In such a case, R.C. § 4519.47 applies.

(E) Notwithstanding any provision of the Ohio Revised Code, if the offender, in committing the violation of this section, used an all-purpose vehicle, the Clerk of the Court shall pay the fine imposed pursuant to this section to the State Recreational Vehicle Fund created by R.C. § 4519.11.

(F) As used in this section:

(1) *ALL-PURPOSE VEHICLE*, *OFF-HIGHWAY MOTORCYCLE*, and *SNOWMOBILE* have the same meanings as in R.C. § 4519.01.

(2) *LAND* or *PREMISES* includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.
(R.C. § 2911.21) (Rev. 2010)

(G) Aggravated trespass.

(1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him or her.

(2) Whoever violates this division (G) is guilty of aggravated trespass, a misdemeanor of the first degree. (R.C. § 2911.211)

(H) Criminal trespass on a place of public amusement.

(1) As used in this division (H), **PLACE OF PUBLIC AMUSEMENT** means a stadium, theater, or other facility, whether licensed or not, at which a live performance, sporting event, or other activity takes place for entertainment of the public and to which access is made available to the public, regardless of whether admission is charged.

(2) No person, without privilege to do so, shall knowingly enter or remain on any restricted portion of a place of public amusement and, as a result of that conduct, interrupt or cause the delay of the live performance, sporting event, or other activity taking place at the place of public amusement after a printed written notice has been given as provided in division (H)(4)(a) of this section that the general public is restricted from access to that restricted portion of the place of public amusement. A restricted portion of a place of public amusement may include but is not limited to a playing field, an athletic surface, or a stage located at the place of public amusement.

(3) An owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement may use reasonable force to restrain and remove a person from a restricted portion of the place of public amusement if the person enters or remains on the restricted portion of the place of public amusement and, as a result of that conduct, interrupts or causes the delay of the live performance, sporting event, or other activity taking place at the place of public amusement. This division does not provide immunity from criminal liability for any use of force beyond reasonable force by an owner or lessee of a place of public amusement, an agent of either the owner or lessee, or a performer or participant at a place of public amusement.

(4) (a) Notice has been given that the general public is restricted from access to a portion of a place of public amusement if a printed written notice of the restricted access has been conspicuously posted or exhibited at the entrance to that portion of the place of public amusement. If a printed written notice is posted or exhibited as described in this division regarding a portion of a place of public amusement, in addition to that posting or exhibition, notice

that the general public is restricted from access to that portion of the place of public amusement also may be given, but is not required to be given, by either of the following means:

1. By notifying the person personally, either orally or in writing, that access to that portion of the place of public amusement is restricted;

2. By broadcasting over the public address system of the place of public amusement an oral warning that access to that portion of the place of public amusement is restricted.

(b) If notice that the general public is restricted from access to a portion of a place of public amusement is provided by the posting or exhibition of a printed written notice as described in division (H)(4)(a) of this section, the municipality, in a criminal prosecution for a violation of division (H)(2) of this section, is not required to prove that the defendant received actual notice that the general public is restricted from access to a portion of a place of public amusement.

(5) (a) Whoever violates division (H)(2) of this section is guilty of criminal trespass on a place of public amusement, a misdemeanor of the first degree.

(b) In addition to any jail term, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (H)(5)(a) of this section, a court may require an offender who violates this section to perform not less than 30 and not more than 120 hours of supervised community service work.

(R.C. § 2911.23) (Rev. 2007)

Cross-reference:

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

Violation of protection orders, see § 135.23

§ 131.07 TAMPERING WITH COIN MACHINES.

(A) No person, with purpose to commit theft or to defraud, shall knowingly enter, force an entrance into, tamper with, or insert any part of an instrument into any coin machine.

(B) Whoever violates this section is guilty of tampering with coin machines, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or of any theft offense as defined in R.C. § 2913.01, tampering with coin machines is a felony to be prosecuted under appropriate state law. (R.C. § 2911.32) (Rev. 1999)

§ 131.08 THEFT.

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

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

(B) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is petty theft, a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

- (1) If the value of the property or services is \$1,000 or more;
- (2) If the property stolen is any of the property listed in R.C. § 2913.71;
- (3) If the victim of the offense is an elderly person or disabled adult;
- (4) If the property stolen is a firearm or dangerous ordnance;
- (5) If the property stolen is a motor vehicle;
- (6) If the property stolen is any dangerous drug, or if the offender previously has been convicted of a felony drug abuse offense;
- (7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog; or
- (8) If the property stolen is anhydrous ammonia.

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

(1) Unless division (C)(2) of this section applies, suspend for not more than six months the offenders driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;

(2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to division (C)(1) of this section, or any other substantially equivalent state or local law, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in R.C. § 4510.02(A)(7), provided that the suspension shall be at least six months.

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

(E) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under division (C) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with R.C. Chapter 4510.
(R.C. § 2913.02) (Rev. 2012)

Statutory reference:

Felony theft provisions, see R.C. § 2913.02(B)

§ 131.09 UNAUTHORIZED USE OF A VEHICLE.

(A) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(B) No person shall knowingly use or operate an aircraft, motor vehicle, motorboat, or other motor-propelled vehicle without the consent of the owner or person authorized to give consent, and either remove it from this state, or keep possession of it for more than 48 hours.

(C) The following are affirmative defenses to a charge under this section:

- (1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that he or she was authorized to use or operate the property.

(2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(D) Whoever violates this section is guilty of unauthorized use of a vehicle.

(1) Except as otherwise provided in this division (D)(1), a violation of division (A) of this section is a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of division (A) of this section is a felony to be prosecuted under appropriate state law.

(2) A violation of division (B) of this section is a felony to be prosecuted under appropriate state law. (R.C. § 2913.03) (Rev. 2000)

Statutory reference:

Theft offense involving a motor vehicle, offender to pay towing and storage fees, see R.C. § 2913.82

§ 131.10 UNAUTHORIZED USE OF PROPERTY, INCLUDING TELECOMMUNICATION PROPERTY AND COMPUTERS; POSSESSION OF MUNICIPAL PROPERTY.

(A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(B) No person, in any manner and by any means, including but not limited to computer hacking, shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent.

(C) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the law enforcement automated database system created pursuant to R.C. § 5503.10 without the consent of, or beyond the scope of the express or implied consent of, the chair of the Law Enforcement Automated Data System Steering Committee.

(D) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the Ohio law enforcement gateway established and operated pursuant to R.C. § 109.57(C)(1) without the consent of, or beyond the scope of the express or implied consent of, the

Superintendent of the Bureau of Criminal Identification and Investigation.

(E) The affirmative defenses contained in R.C. § 2913.03(C) are affirmative defenses to a charge under this section.

(F) Whoever violates division (A) of this section is guilty of unauthorized use of property. Except as otherwise provided in this division, unauthorized use of property is a misdemeanor of the fourth degree.

(1) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided below, unauthorized use of property is a misdemeanor of the first degree.

(b) If the value of the property or services or the loss to the victim is \$1,000 or more, it is a felony to be prosecuted under appropriate state law.

(2) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is a felony to be prosecuted under appropriate state law.

(G) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, a felony to be prosecuted under appropriate state law.

(H) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated database system, a felony to be prosecuted under appropriate state law.

(I) Whoever violates division (D) of this section is guilty of unauthorized use of the Ohio law enforcement gateway, a felony to be prosecuted under appropriate state law.

(J) As used in this section:

CABLE OPERATOR. Means any person or group of persons that does either of the following:

(a) Provides cable service over a cable system and directly through one or more affiliates owns a significant interest in that cable system;

(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

CABLE SERVICE. Means any of the following:

(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;

(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division (a) of this definition;

(c) Any cable television service.

CABLE SYSTEM. Means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. The term does not include any of the following:

(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) Any facility that serves subscribers without using any public right-of-way;

(c) Any facility of a common carrier that, under 47 U.S.C. § 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C. § 522(7);

(d) Any open video system that complies with 47 U.S.C. § 573;

(e) Any facility of any electric utility used solely for operating its electric utility system. (R.C. § 2913.04) (Rev. 2012)

(K) Possession of municipal property.

(1) No person shall, without being authorized, have in his or her control or possession any equipment, tools, implements or other property belonging to the municipality. (R.C. § 5589.12)

(2) Whoever violates this division (K) is guilty of a minor misdemeanor. (R.C. § 5589.99(B)) (Rev. 2002)

Statutory reference:

Telecommunications: fraud and unlawful use of a device, felony offenses, see R.C. §§ 2913.05 and 2913.06

§ 131.11 PASSING BAD CHECKS.

(A) As used in this section:

CHECK. Includes any form of debit from a demand deposit account, including but not limited to any of the following:

(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or non-negotiable instrument;

(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.

ISSUE A CHECK. Means causing any form of debit from a demand deposit account.

(B) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.

(C) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored if either of the following occurs:

(1) The drawer has no account with the drawee at the time of issue or the stated date, whichever is later.

(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within 30 days after issue or the stated date, whichever is later, and the liability of the drawer, indorser, or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(D) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with R.C. § 1349.16 by doing any of the following when opening a checking account intended for personal, family, or household purposes at a financial institution:

(1) Falsely stating that he or she has not been issued a valid driver's or commercial driver's license or identification card issued under R.C. § 4507.50;

(2) Furnishing the license or card, or another identification document that contains false information;

(3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.

(E) In determining the value of the payment for purposes of division (F) of this section, the court may aggregate all checks and other negotiable instruments that

the offender issued or transferred or caused to be issued or transferred in violation of division (B) of this section within a period of 180 consecutive days.

(F) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this division, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of \$1,000 or more, or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of \$1,500 or more, passing bad checks is a felony to be prosecuted under appropriate state law.

(R.C. § 2913.11) (Rev. 2012)

§ 131.12 MISUSE OF CREDIT CARDS.

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

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;

(2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(B) No person, with purpose to defraud, shall do any of the following:

(1) Obtain control over a credit card as security for a debt;

(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;

(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;

(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.

(C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.

(D) Whoever violates this section is guilty of misuse of credit cards.

(1) Except as otherwise provided in division (D)(3) of this section, a violation of division (A), (B)(1), or (C) of this section is a misdemeanor of the first degree.

(2) Except as otherwise provided in this division or division (D)(3) of this section, a violation of division

(B)(2), (B)(3), or (B)(4) of this section is a misdemeanor of the first degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (B)(3), or (B)(4) of this section which violations involve one or more credit card accounts and occur within a period of 90 consecutive days commencing on the date of the first violation, is \$1,000 or more, misuse of credit cards is a felony to be prosecuted under appropriate state law.

(3) If the victim of the offense is an elderly person or disabled adult, and if the offense involves a violation of division (B)(1) or (B)(2) of this section, misuse of credit cards is a felony to be prosecuted under appropriate state law.

(R.C. § 2913.21) (Rev. 20122000)

§ 131.13 MAKING OR USING SLUGS.

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

(1) Insert or deposit a slug in a coin machine, with purpose to defraud;

(2) Make, possess, or dispose of a slug, with purpose of enabling another to defraud by inserting or depositing it in a coin machine.

(B) Whoever violates this section is guilty of making or using slugs, a misdemeanor of the second degree.

(R.C. § 2913.33)

§ 131.14 PRIMA FACIE EVIDENCE OF PURPOSE TO DEFRAUD.

In a prosecution of a person for a theft offense that alleges that the person, with purpose to defraud or knowing that he or she was facilitating a fraud, hired or rented an aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, buggy, or other property or equipment, kept or operated any of the same that has been hired or rented, or engaged accommodations at a hotel, motel, inn, campground, or other hostelry, it is prima facie evidence of purpose to defraud if the person did any of the following:

(A) Used deception to induce the rental agency to furnish the person with the aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, buggy, or other property or equipment, or used deception to induce the hostelry to furnish the person with accommodations;

(B) Hired or rented any aircraft, motor vehicle, motorcycle, motorboat, sailboat, camper, trailer, horse, buggy, or other property or equipment, or engaged accommodations, knowing that he or she is without sufficient means to pay the hire or rental;

(C) Absconded without paying the hire or rental;

(D) Knowingly failed to pay the hire or rental as required by the contract of hire or rental, without reasonable excuse for the failure;

(E) Knowingly failed to return hired or rented property as required by the contract of hire or rental, without reasonable excuse for the failure.
(R.C. § 2913.41) (Rev. 2001)

§ 131.15 TAMPERING WITH RECORDS.

(A) No person, knowing that he or she has no privilege to do so, and with purpose to defraud or knowing that he or she is facilitating a fraud, shall do any of the following:

(1) Falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record;

(2) Utter any writing or record, knowing it to have been tampered with as provided in division (A)(1) of this section.

(B) Whoever violates this section is guilty of tampering with records.

(1) Except as provided in division (B)(3) of this section, if the offense does not involve data or computer software, tampering with records is whichever of the following is applicable:

(a) If division (B)(1)(b) of this section does not apply, it is a misdemeanor of the first degree.

(b) If the writing or record is a will unrevoked at the time of the offense, it is a felony to be prosecuted under appropriate state law.

(2) Except as provided in division (B)(3) of this section, if the offense involves a violation of division (A) of this section involving data or computer software, tampering with records is whichever of the following is applicable:

(a) Except as otherwise provided in division (B)(2)(b) of this section, it is a misdemeanor of the first degree;

(b) If the value of the data or computer software involved in the offense or the loss to the victim is \$1,000 or more or if the offense is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services and the value of the property or services or the loss to the victim is \$7,500 or more, it is a felony to be prosecuted under appropriate state law.

(3) If the writing, data, computer software, or record is kept by or belongs to a local, state, or federal

governmental entity, it is a felony to be prosecuted under appropriate state law.

(R.C. § 2913.42) (Rev. 2012)

§ 131.16 SECURING WRITINGS BY DECEPTION.

(A) No person, by deception, shall cause another to execute any writing that disposes of or encumbers property, or by which a pecuniary obligation is incurred.

(B) Whoever violates this section is guilty of securing writings by deception. Except as otherwise provided in this division, securing writings by deception is a misdemeanor of the first degree. If the value of the property or the obligation involved is \$1,000 or more, securing writings by deception is a felony to be prosecuted under appropriate to state law. If the victim of the offense is an elderly person or disabled adult, securing writings by deception is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.43) (Rev. 2012)

§ 131.17 DEFRAUDING CREDITORS.

(A) No person, with purpose to defraud one or more of his or her creditors, shall do any of the following:

(1) Remove, conceal, destroy, encumber, convey, or otherwise deal with any of his or her property;

(2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage his or her affairs or estate, the existence, amount, or location of any of his or her property, or any other information regarding the property which he or she is legally required to furnish to the fiduciary.

(B) Whoever violates this section is guilty of defrauding creditors. Except as otherwise provided in this division, defrauding creditors is a misdemeanor of the first degree. If the value of the property involved is \$1,000 or more, defrauding creditors is a felony to be prosecuted under appropriate state law.
(R.C. § 2913.45) (Rev. 2012)

§ 131.18 RECEIVING STOLEN PROPERTY.

(A) No person shall receive, retain, or dispose of property of another knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(B) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

(C) Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division, receiving stolen property is a misdemeanor of the first degree. If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

(1) The value of the property involved is \$1,000 or more;

(2) The property involved is any of the property listed in R.C. § 2913.71;

(3) The property involved is a firearm or dangerous ordnance, as defined in R.C. § 2923.11;

(4) The property involved is a motor vehicle as defined in R.C. § 4501.01; or

(5) The property involved is any dangerous drug, as defined in R.C. § 4729.01.
(R.C. § 2913.51) (Rev. 2012)

§ 131.19 VALUE OF STOLEN PROPERTY.

(A) If more than one item of property or services is involved in a theft offense or in a violation of R.C. § 1716.14(A) involving a victim who is an elderly person or disabled adult, or any substantially equivalent municipal ordinance, the value of the property or services involved for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property or services involved in the offense.

(B) (1) When a series of offenses under R.C. § 2913.02, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of R.C. § 1716.14(A), R.C. § 2913.02, 2913.03, or 2913.04, R.C. § 2913.21(B)(1) or (B)(2), or R.C. § 2913.31 or 2913.43 involving a victim who is an elderly person or disabled adult, or any substantially equivalent municipal ordinance to any of these offenses, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property and services involved in all offenses in the series.

(2) If an offender commits a series of offenses under R.C. § 2913.02 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of R.C. § 1716.14(A), R.C. § 2913.02, 2913.03, or 2913.04, R.C. § 2913.21(B)(1) or (B)(2), or R.C. § 2913.31 or 2913.43, whether committed against one victim or more than one victim, involving a victim who is

an elderly person or disabled adult, or any substantially equivalent municipal ordinance to any of these offenses, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property and services involved in all of the offenses in the course of conduct.

(3) When a series of two or more offenses under R.C. § 2913.40, 2913.48, or 2921.41 is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value as required by R.C. § 2913.61(A) is the aggregate value of all property and services involved in all of the offenses in the series of two or more offenses.

(4) In prosecuting a single offense under division (B)(1), (B)(2) or (B)(3) of this section, it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses or violations of R.C. § 2913.40, 2913.48, or 2921.41 in the offender's same employment, capacity, or relationship to another as described in division (B)(1) or (B)(3) of this section, or committed one or more theft offenses that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in division (B)(2) of this section. While it is not necessary to separately allege and prove each offense in the series in order to prosecute a single offense under division (B)(1), (B)(2), or (B)(3) of this section, it remains necessary in prosecuting them as a single offense to prove the aggregate value of the property or services in order to meet the requisite statutory offense level sought by the prosecution.

(C) The following criteria shall be used in determining the value of property or services involved in a theft offense:

(1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record, or other thing that has intrinsic worth to its owner and that either is irreplaceable or is replaceable only on the expenditure of substantial time, effort, or money, is the amount which would compensate the owner for its loss.

(2) The value of personal effects and household goods, and of materials, supplies, equipment, and fixtures used in the profession, business, trade, occupation, or avocation of its owner, which property is not covered under division (C)(1) of this section, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing such property with new property of like kind and quality.

(3) The value of any real or personal property that is not covered under division (C)(1) or (C)(2) of this section, and the value of services, is the fair market value of the property or services. As used in this section, *FAIR MARKET VALUE* is the money consideration which a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.

(D) Without limitation on the evidence which may be used to establish the value of property or services involved in a theft offense:

(1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima facie evidence of its value.

(2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest marked quotation prior to the offense, is prima facie evidence of the value of the security or commodity.

(3) When the property involved is livestock, poultry, or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima facie evidence of the value of the livestock, poultry, or products.

(4) When the property involved is a negotiable instrument, the face value is prima facie evidence of the value of the instrument.

(5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check, or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima facie evidence of the value of the instrument.

(6) When the property involved is a ticket of admission, ticket for transportation, coupon, token, or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services which may be received by the instrument is prima facie evidence of the value of the instrument.

(7) When the services involved are gas, electricity, water, telephone, transportation, shipping, or other services for which the rate is established by law, the duly established rate is prima facie evidence of the value of the services.

(8) When the services involved are services for which the rate is not established by law, and the offender

has been notified prior to the offense of the rate for the services, either in writing, or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima facie evidence of the value of the services.
(R.C. § 2913.61(B) - (E)) (Rev. 2001)

§ 131.20 DEGREE OF OFFENSE WHEN CERTAIN PROPERTY INVOLVED.

Regardless of the value of the property involved, and regardless of whether the offender previously has been convicted of a theft offense, a violation of § 131.08 or § 131.18 is a felony to be prosecuted under appropriate state law if the property involved is any of the following:

(A) A credit card;

(B) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;

(C) A motor vehicle identification license plate as prescribed by R.C. § 4503.22, a temporary license placard or windshield sticker as prescribed by R.C. § 4503.182, or any comparable license plate, placard, or sticker as prescribed by the applicable law of another state or the United States;

(D) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by R.C. § 4505.07;

(E) A blank form for any license listed in R.C. § 4507.01.
(R.C. § 2913.71)

§ 131.21 INJURING VINES, BUSHES, TREES, OR CROPS.

(A) No person, without privilege to do so, shall recklessly cut down, destroy, girdle, or otherwise injure a vine, bush, shrub, sapling, tree, or crop standing or growing on the land of another or upon public land.

(B) In addition to the penalty provided in division (C) of this section, whoever violates this section is liable in treble damages for the injury caused.
(R.C. § 901.51)

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 901.99(A))

§ 131.22 DETENTION AND ARREST OF SHOPLIFTERS AND THOSE COMMITTING MOTION PICTURE PIRACY; PROTECTION OF INSTITUTIONAL PROPERTY.

(A) As used in this section:

ARCHIVAL INSTITUTION. Means any public or private building, structure, or shelter in which are stored historical documents, devices, records, manuscripts, or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for, or knowledge concerning the materials.

AUDIOVISUAL RECORDING FUNCTION. Has the same meaning as in R.C. § 2913.07.

FACILITY. Has the same meaning as in R.C. § 2913.07.

MUSEUM. Means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.

PRETRIAL DIVERSION PROGRAM. Means a rehabilitative, educational program designed to reduce recidivism and promote personal responsibility that is at least four hours in length and that has been approved by any court in this state.

(B) A merchant, or an employee or agent of a merchant, who has probable cause to believe that things offered for sale by a mercantile establishment have been unlawfully taken by a person, may, for the purposes set forth in division (D) below, detain the person in a reasonable manner for a reasonable length of time within the mercantile establishment or its immediate vicinity.

(C) Any officer, employee, or agent of a library, museum, or archival institution may, for the purposes set forth in division (D) below or for the purpose of conducting a reasonable investigation of a belief that the person has acted in a manner described in divisions (C)(1) and (C)(2) below, detain a person in a reasonable manner for a reasonable length of time within, or in the immediate vicinity of, the library, museum, or archival institution, if the officer, employee, or agent has probable cause to believe that the person has:

(1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed, or otherwise improperly tampered with property owned by or in the custody of the library, museum, or archival institution; or

(2) With purpose to deprive the library, museum, or archival institution of property owned by it or

in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

(D) An officer, agent, or employee of a library, museum, or archival institution pursuant to division (C) above or a merchant or an employee or agent of a merchant pursuant to division (B) above may detain another person for any of the following purposes:

(1) To recover the property that is the subject of the unlawful taking, criminal mischief, or theft;

(2) To cause an arrest to be made by a peace officer;

(3) To obtain a warrant of arrest;

(4) To offer the person, if the person is suspected of the unlawful taking, criminal mischief, or theft and notwithstanding any other provision of this Code or the Ohio Revised Code, an opportunity to complete a pretrial diversion program and to inform the person of the other legal remedies available to the library, museum, archival institution, or merchant.

(E) The owner or lessee of a facility in which a motion picture is being shown, or the owner's or lessee's employee or agent, who has probable cause to believe that a person is or has been operating an audiovisual recording function of a device in violation of R.C. § 2917.07 may, for the purpose of causing an arrest to be made by a peace officer or of obtaining an arrest warrant, detain the person in a reasonable manner for a reasonable length of time within the facility or its immediate vicinity.

(F) The officer, agent, or employee of the library, museum, or archival institution, the merchant or an employee or agent of a merchant, or the owner, lessee, employee, or agent of the facility acting under divisions (B), (C) or (E) above shall not search the person detained, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.

(G) Any peace officer may arrest without a warrant any person that the officer has probable cause to believe has committed any act described in divisions (C)(1) or (C)(2) above, that the officer has probable cause to believe has committed an unlawful taking in a mercantile establishment, or that the officer has reasonable cause to believe has committed an act prohibited by R.C. § 2913.07. An arrest under this division shall be made within a reasonable time after the commission of the act or unlawful taking.

(R.C. § 2935.041) (Rev. 2012)

Statutory reference:

Arrest without a warrant generally, see R.C. § 2935.03
Probable cause, see R.C. § 2933.22

§ 131.23 INSURANCE FRAUD; WORKERS' COMPENSATION FRAUD; MEDICAID FRAUD.

(A) Insurance fraud.

(1) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

(a) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;

(b) Assist, aid, abet, solicit, procure, or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.

(2) Whoever violates this division (A) is guilty of insurance fraud. Except as otherwise provided in this division, insurance fraud is a misdemeanor of the first degree. If the amount of the claim that is false or deceptive is \$1,000 or more, insurance fraud is a felony to be prosecuted under appropriate state law.

(3) This division (A) shall not be construed to abrogate, waive, or modify R.C. § 2317.02(A).

(4) As used in this division (A):

DATA. Has the same meaning as in R.C. § 2913.01 and additionally includes any other representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner.

DECEPTIVE. Means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information, or by any other conduct, act, or omission creates, confirms, or perpetuates a false impression, including but not limited to a false impression as to law, value, state of mind, or other objective or subjective fact.

INSURER. Means any person that is authorized to engage in the business of insurance in this state under R.C. Title 39, the Ohio Fair Plan Underwriting Association created under R.C. § 3929.43, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

POLICY. Means a policy, certificate, contract, or plan that is issued by an insurer.

STATEMENT. Includes but is not limited to any notice, letter, or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account, or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical, or dental chart or other record; x-ray, photograph, videotape, or movie film; test result; other evidence of loss, injury, or expense; computer-generated document; and data in any form.

(R.C. § 2913.47) (Rev. 2012)

(B) Workers' compensation fraud.

(1) No person, with purpose to defraud or knowing that the person is facilitating a fraud shall do any of the following:

(a) Receive workers' compensation benefits to which the person is not entitled;

(b) Make or present or cause to be made or presented a false or misleading statement with the purpose to secure payment for goods or services rendered under R.C. Chapter 4121, 4123, 4127, or 4131 or to secure workers' compensation benefits;

(c) Alter, falsify, destroy, conceal, or remove any record or document that is necessary to fully establish the validity of any claim filed with, or necessary to establish the nature and validity of all goods and services for which reimbursement or payment was received or is requested from the Bureau of Workers' Compensation, or a self-insuring employer under R.C. Chapter 4121, 4123, 4127, or 4131;

(d) Enter into an agreement or conspiracy to defraud the Bureau or Workers' Compensation or a self-insuring employer by making or presenting or causing to be made or presented a false claim for workers' compensation benefits;

(e) Make or present or cause to be made or presented a false statement concerning manual codes, classification or employees, payroll, paid compensation, or number of personnel, when information of that nature is necessary to determine the actual workers' compensation premium or assessment owed to the Bureau by an employer;

(f) Alter, forge, or create a workers' compensation certificate or falsely show current or correct workers' compensation coverage;

(g) Fail to secure or maintain workers' compensation coverage as required by R.C. Chapter 4123 with the intent to defraud the Bureau of Workers' Compensation.

(2) Whoever violates this division (B) is guilty of workers' compensation fraud. Except as otherwise provided in this division, workers' compensation fraud is a misdemeanor of the first degree. If the value of premiums

and assessments unpaid pursuant to actions described in divisions (B)(1)(e), (B)(1)(f), or (B)(1)(g) of this section, or goods, services, property, or money stolen is \$1,000 or more, workers' compensation fraud is a felony to be prosecuted under appropriate state law.

(3) Upon application of the governmental body that conducted the investigation and prosecution of a violation of this division (B), the court shall order the person who is convicted of the violation to pay the governmental body its costs of investigating and prosecuting the case. These costs are in addition to any other costs or penalty provided under federal, state or local law.

(4) The remedies and penalties provided in this division (B) are not exclusive remedies and penalties and do not preclude the use of any other criminal or civil remedy or penalty for any act that is in violation of this division (B).

(5) As used in this division (B):

CLAIM. Means any attempt to cause the Bureau of Workers' Compensation, an independent third party with whom the administrator or an employer contracts under R.C. § 4121.44, or a self-insuring employer to make payment or reimbursement for workers' compensation benefits.

EMPLOYEE. Has the same meaning as in R.C. § 4123.01.

EMPLOYER. Has the same meaning as in R.C. § 4123.01.

EMPLOYMENT. Means participating in any trade, occupation, business, service, or profession for substantial gainful remuneration.

FALSE. Means wholly or partially untrue or deceptive.

GOODS. Includes but is not limited to medical supplies, appliances, rehabilitative equipment, and any other apparatus or furnishing provided or used in the care, treatment, or rehabilitation of a claimant for workers' compensation benefits.

RECORDS. Means any medical, professional, financial, or business record relating to the treatment or care of any person, to goods or services provided to any person, or to rates paid for goods or services provided to any person, or any record that the administrator of workers' compensation requires pursuant to rule.

REMUNERATION. Includes but is not limited to wages, commissions, rebates, and any other reward or consideration.

SELF-INSURING EMPLOYER. Has the same meaning as in R.C. § 4123.01.

SERVICES. Includes but is not limited to any service provided by any health care provider to a claimant for workers' compensation benefits and any and all services provided by the Bureau as part of workers' compensation insurance coverage.

STATEMENT. Includes but is not limited to any oral, written, electronic, electronic impulse, or magnetic communication notice, letter, memorandum, receipt for payment, invoice, account, financial statement, or bill for services; a diagnosis, prognosis, prescription, hospital, medical, or dental chart or other record; and a computer generated document.

WORKERS' COMPENSATION BENEFITS. Means any compensation or benefits payable under R.C. Chapter 4121, 4123, 4127, or 4131. (R.C. § 2913.48) (Rev. 2012)

(C) *Medicaid fraud.*

(1) No person shall knowingly make or cause to be made a false or misleading statement or representation for use in obtaining reimbursement from the medical assistance program.

(2) No person, with purpose to commit fraud or knowing that the person is facilitating a fraud, shall do either of the following:

(a) Contrary to the terms of the person's provider agreement, charge, solicit, accept or receive for goods or services that the person provides under the medical assistance program any property, money or other consideration in addition to the amount of reimbursement under the medical assistance program and the person's provider agreement for the goods or services and any cost-sharing expenses authorized by R.C. § 5111.0112 or rules adopted pursuant to R.C. § 5111.01, 5111.011, or 5111.02.

(b) Solicit, offer or receive any remuneration, other than any cost-sharing expenses authorized by R.C. § 5111.0112 or rules adopted under R.C. § 5111.01, 5111.011, or 5111.02, in cash or in kind, including but not limited to a kickback or rebate, in connection with the furnishing of goods or services for which whole or partial reimbursement is or may be made under the medical assistance program.

(3) No person, having submitted a claim for or provided goods or services under the medical assistance program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the medical assistance program:

(a) Knowingly alter, falsify, destroy, conceal or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person; or

(b) Knowingly alter, falsify, destroy, conceal or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(4) Whoever violates this division (C) is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value of the property, services or funds obtained in violation of this section is \$1,000 or more, medicaid fraud is a felony to be prosecuted under appropriate State law.

(5) Upon application of the governmental agency, office or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the medical assistance program to which the person is not entitled to pay to the applicant its cost of investigating and prosecuting the case. The costs of investigation and prosecution that a defendant is ordered to pay pursuant to this division shall be in addition to any other penalties for the receipt of that reimbursement that are provided in this section, R.C. § 2913.40 or 5111.03, or any other provision of law.

(6) The provisions of this section are not intended to be exclusive remedies and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this section.

(7) As used in this division (C):

MEDICAL ASSISTANCE PROGRAM.

Means the program established by the Ohio Department of Job and Family Services to provide medical assistance under R.C. § 5111.01 and the Medicaid program of Title XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. § 301, as amended.

PROVIDER. Means any person who has signed a provider agreement with the Ohio Department of Job and Family Services to provide goods or services pursuant to the medical assistance program or any person who has signed an agreement with a party to such a provider agreement under which the person agrees to provide goods or services that are reimbursable under the medical assistance program.

PROVIDER AGREEMENT. Means an oral or written agreement between the Ohio Department of Job and Family Services and a person in which the person agrees to provide goods or services under the medical assistance program.

RECIPIENT. Means any individual who receives goods or services from a provider under the medical assistance program.

RECORDS. Means any medical, professional, financial or business records relating to the treatment or care of any recipient, to goods or services provided to any recipient, or to rates paid for goods or services provided to any recipient, and any records that are required by the rules of the Ohio Director of Job and Family Services to be kept for the medical assistance program.

STATEMENT or REPRESENTATION.

Means any oral, written, electronic, electronic impulse or magnetic communication that is used to identify an item of goods or a service for which reimbursement may be made under the medical assistance program or that states income and expense and is or may be used to determine a rate of reimbursement under the medical assistance program. (R.C. § 2913.40) (Rev. 2012)

(D) *Medicaid eligibility fraud.*

(1) No person shall knowingly do any of the following in an application for medicaid benefits or in a document that requires a disclosure of assets for the purpose of determining eligibility to receive medicaid benefits:

(a) Make or cause to be made a false or misleading statement;

(b) Conceal an interest in property;

(c) 1. Except as provided in division (D)(1)(c)2. of this section, fail to disclose a transfer of property that occurred during the period beginning 36 months before submission of the application or document and ending on the date the application or document was submitted;

2. Fail to disclose a transfer of property that occurred during the period beginning 60 months before submission of the application or document and ending on the date the application or document was submitted and that was made to an irrevocable trust a portion of which is not distributable to the applicant for medicaid benefits or the recipient of medicaid benefits or to a revocable trust.

(2) (a) Whoever violates this division (D) is guilty of medicaid eligibility fraud. Except as otherwise provided in this division, a violation of this division (D) is a misdemeanor of the first degree. If the value of the medicaid benefits paid as a result of the violation is \$1,000 or more, a violation of this division (D) is a felony to be prosecuted under appropriate state law.

(b) In addition to imposing a sentence under division (D)(2)(a) of this section, the court shall order that a person who is guilty of medicaid eligibility fraud make restitution in the full amount of any medicaid benefits paid on behalf of an applicant for or recipient of medicaid benefits for which the applicant or recipient was not eligible, plus interest at the rate applicable to judgments on

unreimbursed amounts from the date on which the benefits were paid to the date on which restitution is made.

(c) The remedies and penalties provided in this division (D) are not exclusive and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this division (D).

(3) This division (D) does not apply to a person who fully disclosed in an application for medicaid benefits or in a document that requires a disclosure of assets for the purpose of determining eligibility to receive medicaid benefits all of the interests in property of the applicant for or recipient of medicaid benefits, all transfers of property by the applicant for or recipient of medicaid benefits, and the circumstances of all those transfers.

(4) Any amounts of medicaid benefits recovered as restitution under this division (D) and any interest on those amounts shall be credited to the General Revenue Fund, and any applicable federal share shall be returned to the appropriate agency or department of the United States.

(5) As used in this division (D):

MEDICAID BENEFITS. Means benefits under the medical assistance program established under R.C. Chapter 5111.

PROPERTY. Means any real or personal property or other asset in which a person has any legal title or interest.

(R.C. § 2913.401) (Rev. 2012)

§ 131.24 INJURY TO PROPERTY 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 property.

(R.C. § 1533.171(A)) (Rev. 1999)

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

(R.C. § 1533.99(C))

Statutory reference:

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

§ 131.25 EVIDENCE OF INTENT TO COMMIT THEFT OF RENTED PROPERTY OR RENTAL SERVICES; EVIDENCE OF LACK OF CAPACITY TO CONSENT.

(A) *Evidence of intent to commit theft of rented property or rental services.*

(1) As used in this division (A):

RENTER. Means a person who owns rented property.

RENTEE. Means a person who pays consideration to a renter for the use of rented property.

(2) Each of the following shall be considered evidence of intent to commit theft of rented property or rental services:

(a) At the time of entering into the rental contract, the rentee presented the renter with identification that was materially false, fictitious, or not current with respect to name, address, place of employment, or other relevant information.

(b) After receiving a notice demanding the return of the rented property as provided in division (A)(3) of this section, the rentee neither returned the rented property nor made arrangements acceptable with the renter to return the rented property.

(3) To establish that a rentee has an intent to commit theft of rented property or rental services under division (A)(2)(b) above, a renter may issue a notice to a rentee demanding the return of the rented property. The renter shall mail the notice by certified mail, return receipt requested, to the rentee at the address the rentee gave when the rental contract was executed, or to the rentee at the last address the rentee or the rentee's agent furnished in writing to the renter.

(4) A demand for the return of the rented property is not a prerequisite for the prosecution of a rentee for theft of rented property or rental services. The evidence specified in division (A)(2) above does not constitute the only evidence that may be considered as evidence of intent to commit theft of rented property or rental services.
(R.C. § 2913.72) (Rev. 2010)

(B) *Evidence of lack of capacity to consent.*

(1) In a prosecution for any alleged violation of § 131.08 through 131.20, 131.23, 131.25 through 131.29, or 132.11, if the lack of consent of the victim is an element of the provision that allegedly was violated, evidence that, at the time of the alleged violation, the victim lacked the capacity to give consent is admissible to show that the victim did not give consent.

(2) As used in this section, **LACKS THE CAPACITY TO CONSENT** means being impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person or the person's resources.
(R.C. § 2913.73) (Rev. 2008)

§ 131.26 FORGERY OF IDENTIFICATION CARDS.

(A) No person shall knowingly do either of the following:

(1) Forge an identification card.

(2) Sell or otherwise distribute a card that purports to be an identification card, knowing it was forged.

(B) As used in this section, *IDENTIFICATION CARD* means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words “identity,” “identification,” “identification card,” or other similar words appear on the card.

(C) Whoever violates this section is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this division, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or a substantially equivalent state law or municipal ordinance, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine not less than \$250.

(R.C. § 2913.31(B), (C)(2)) (Rev. 2000)

Statutory reference:

Forgery, felony provisions, see R.C. § 2913.31(A) and (C)(1)

Forgery of originating address or other routing information in connection with the transmission of an electronic mail advertisement, felony provisions, see R.C. § 2307.64

§ 131.27 CRIMINAL SIMULATION.

(A) No person, with purpose to defraud, or knowing that the person is facilitating a fraud, shall do any of the following:

(1) Make or alter any object so that it appears to have value because of antiquity, rarity, curiosity, source, or authorship, which it does not in fact possess.

(2) Practice deception in making, retouching, editing, or reproducing any photograph, movie film, video tape, phonograph record, or recording tape.

(3) Falsely or fraudulently make, simulate, forge, alter, or counterfeit any wrapper, label, stamp, cork or cap prescribed by the Liquor Control Commission under R.C. Chapters 4301 and 4303, falsely or fraudulently cause to be made, simulated, forged, altered, or counterfeited any wrapper, label, stamp, cork or cap prescribed by the Liquor

Control Commission under R.C. Chapters 4301 and 4303, or use more than once any wrapper, label, stamp, cork or cap prescribed by the Liquor Control Commission under R.C. Chapters 4301 and 4303.

(4) Offer, or possess with the purpose to offer, any object that the person knows to have been simulated as provided in divisions (A)(1), (A)(2) or (A)(3) of this section.

(B) Whoever violates this section is guilty of criminal simulation. Except as otherwise provided in this division, criminal simulation is a misdemeanor of the first degree. If the loss to the victim is \$1,000 or more, criminal simulation is a felony to be prosecuted under appropriate state law. (R.C. § 2913.32) (Rev. 2012)

§ 131.28 PERSONATING AN OFFICER.

(A) No person, with purpose to defraud or knowing that he or she is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator, or agent of any governmental agency.

(B) Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree. (R.C. § 2913.44)

Cross-reference:

Impersonating an officer (non-fraud offense), see § 132.12

§ 131.29 TRADEMARK COUNTERFEITING.

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

(1) Attach, affix, or otherwise use a counterfeit mark in connection with the manufacture of goods or services, whether or not the goods or services are intended for sale or resale.

(2) Possess, sell, or offer for sale tools, machines, instruments, materials, articles, or other items of personal property with the knowledge that they are designed for the production or reproduction of counterfeit marks.

(3) Purchase or otherwise acquire goods, and keep or otherwise have the goods in the person’s possession, with the knowledge that a counterfeit mark is attached to, affixed to, or otherwise used in connection with the goods and with the intent to sell or otherwise dispose of the goods.

(4) Sell, offer for sale, or otherwise dispose of goods with the knowledge that a counterfeit mark is attached to, affixed to, or otherwise used in connection with the goods.

(5) Sell, offer for sale, or otherwise provide services with the knowledge that a counterfeit mark is used in connection with that sale, offer for sale, or other provision of the services.

(B) Whoever violates this section is guilty of trademark counterfeiting.

(1) A violation of division (A)(1) of this section is guilty of a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, a violation of division (A)(2) of this section is a misdemeanor of the first degree. If the circumstances of the violation indicate that the tools, machines, instruments, materials, articles, or other items of personal property involved in the violation were intended for use in the commission of a felony, a violation of division (A)(2) is a felony to be prosecuted under appropriate state law.

(3) Except as otherwise provided in this division, a violation of division (A)(3), (A)(4) or (A)(5) of this section is a misdemeanor of the first degree. If the cumulative sales price of the goods or services to which or in connection with which the counterfeit mark is attached, affixed or otherwise used in the offense is \$1,000 or more, a violation of division (A)(3), (A)(4) or (A)(5) is a felony to be prosecuted under appropriate state law.

(C) A defendant may assert as an affirmative defense to a charge of a violation of this section defenses, affirmative defenses, and limitations on remedies that would be available in a civil, criminal or administrative action or proceeding under the Lanham Act, being 15 U.S.C. §§ 1051 through 1127, as amended, the Trademark Counterfeiting Act of 1984, being 18 U.S.C. § 2320, as amended, R.C. Chapter 1329 or another section of the Ohio Revised Code, or common law.

(D) (1) Law enforcement officers may seize pursuant to Criminal Rule 41, R.C. Chapter 2933, or R.C. Chapter 2981 either of the following:

(a) Goods to which or in connection with which a person attached, affixed, otherwise used, or intended to attach, affix or otherwise use a counterfeit mark in violation of this section.

(b) Tools, machines, instruments, materials, articles, vehicles or other items of personal property that are possessed, sold, offered for sale, or used in a violation of this section or in an attempt to commit or complicity in the commission of a violation of this section.

(2) Notwithstanding any contrary provision of R.C. Chapter 2981, if a person is convicted of or pleads guilty to a violation of this section, an attempt to violate this section, or complicity in a violation of this section, the court involved shall declare that the goods described in division (D)(1)(a) of this section and the personal property described

in division (D)(1)(b) of this section are contraband and are forfeited. Prior to the court's entry of judgment under Criminal Rule 32, the owner of a registered trademark or service mark that is the subject to the counterfeit mark may recommend a manner in which the forfeited goods and forfeited personal property should be disposed of. If that owner makes a timely recommendation of a manner of disposition, the court is not bound by the recommendation. If that owner makes a timely recommendation of a manner of disposition, the court may include in its entry of judgment an order that requires appropriate persons to dispose of the forfeited goods and forfeited personal property in the recommended manner. If the owner fails to make a timely recommendation of a manner of disposition or if that owner makes a timely recommendation of a manner of disposition but the court determines to not follow the recommendation, the court shall include in its entry of judgement an order that requires the law enforcement agency that employs the law enforcement officer who seized the forfeited goods or the forfeited personal property to destroy them or cause their destruction.

(E) This section does not affect the rights of an owner of a trademark or service mark, or the enforcement in a civil action or in administrative proceedings of the rights of an owner of a trademark or service mark under the Lanham Act, being 15 U.S.C. §§ 1051 through 1127, as amended, the Trademark Counterfeiting Act of 1984, being 18 U.S.C. § 2320, as amended, R.C. Chapter 1329, or another section of the Ohio Revised Code, or common law.

(F) As used in this section:

COUNTERFEIT MARK.

(a) Except as provided in division (b) of this definition, the term means a spurious trademark or a spurious service mark that satisfies both of the following:

1. It is identical with or substantially indistinguishable from a mark that is registered on the principal register in the United States Patent and Trademark Office for the same goods or services as the goods or services to which or in connection with which the spurious trademark or spurious service mark is attached, affixed, or otherwise used, or from a mark that is registered with the Secretary of State pursuant to R.C. §§ 1329.54 through 1329.67 for the same goods or services as the goods or services to which or in connection with which the spurious trademark or spurious service mark is attached, affixed, or otherwise used, and the owner of the registration uses that registered trademark, whether or not the offender knows that the mark is registered in a manner described in this division (a)1.

2. Its use is likely to cause confusion or mistake or to deceive other persons.

(b) The term does not include a mark or other designation that is attached to, affixed to, or otherwise used in connection with goods or services if the holder of the

right to use the mark or other designation authorizes the manufacturer, producer, or vendor of those goods or services to attach, affix, or otherwise use the mark or other designation in connection with those goods or services at the time of their manufacture, production or sale.

CUMULATIVE SALES PRICE. Means the product of the lowest single unit sales price charged or sought to be charged by an offender for goods to which or in connection with which a counterfeit mark is attached, affixed, or otherwise used or of the lowest single service transaction price charged or sought to be charged by an offender for services in connection with which a counterfeit mark is used, multiplied by the total number of those goods or services, whether or not units of goods are sold or are in an offender's possession, custody or control.

REGISTERED TRADEMARK OR SERVICE MARK. Means a trademark or service mark that is registered in a manner described in division (a) of the definition of "counterfeit mark."

SERVICE MARK. Has the same meaning as in R.C. § 1329.54.

TRADEMARK. Has the same meaning as in R.C. § 1329.54.
(R.C. § 2913.34) (Rev. 2012)

§ 131.30 DIMINISHING OR INTERFERING WITH FORFEITABLE PROPERTY.

(A) No person shall destroy, damage, remove, or transfer property that is subject to forfeiture or otherwise take any action in regard to property that is subject to forfeiture with purpose to do any of the following:

(1) Prevent or impair the state's or political subdivision's lawful authority to take the property into its custody or control under R.C. Chapter 2981 or to continue holding the property under its lawful custody or control;

(2) Impair or defeat the court's continuing jurisdiction over the person and property;

(3) Devalue property that the person knows, or has reasonable cause to believe, is subject to forfeiture proceedings under R.C. Chapter 2981.

(B) Whoever violates this section is guilty of interference with or diminishing forfeitable property. Except as otherwise provided in this division (B), interference with or diminishing forfeitable property is a misdemeanor of the first degree. If the value of the property is \$1,000 or more, interference with or diminishing forfeitable property is a felony to be prosecuted under appropriate state law.
(R.C. § 2981.07) (Rev. 2012)

§ 131.31 RECORDING CREDIT CARD, TELEPHONE OR SOCIAL SECURITY NUMBERS.

(A) No person shall record or cause to be recorded either of the following:

(1) A credit card account number of the other party to a transaction, when a check, bill of exchange or other draft is presented for payment; or

(2) The telephone number or Social Security account number of the other party to a transaction, when payment is made by credit card charge agreement, check, bill of exchange or other draft.

(B) Division (A) of this section does not apply to a transaction, if all of the following conditions are met:

(1) The credit card account number, Social Security account number or telephone number is recorded for a legitimate business purpose, including collection purposes.

(2) The other party to the transaction consents to the recording of the credit card account number, Social Security account number or telephone number.

(3) The credit card account number, Social Security account number or telephone number that is recorded during the course of the transaction is not disclosed to any third party for any purposes other than collection purposes and is not used to market goods or services unrelated to the goods or services purchased in the transaction.

(C) Nothing in this section prohibits the recording of the number of a credit card account when given in lieu of a deposit to secure payment in the event of default, loss, damage or other occurrence, or requires a person to accept a check presented for payment, if the other party to the transaction refuses to consent to the recording of the number of the party's Social Security account or license to operate a motor vehicle.
(R.C. § 1349.17)

(D) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.
(R.C. § 1349.99) (Rev. 2002)

§ 131.32 PROSECUTIONS FOR THEFT OF UTILITIES.

(A) In a prosecution for a theft offense, as defined in R.C. § 2913.01, that involves alleged tampering with a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility, proof that a meter, conduit or attachment of a utility has been tampered with is prima facie evidence that the person who is obligated to pay for the service rendered through the meter, conduit or

attachment, and who is in possession or control of the meter, conduit or attachment at the time the tampering occurred has caused the tampering with intent to commit a theft offense.

(B) In a prosecution for a theft offense, as defined in R.C. § 2913.01, that involves the alleged reconnection of a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility, proof that a meter, conduit or attachment disconnected by a utility has been reconnected without the consent of the utility is prima facie evidence that the person in possession or control of the meter, conduit or attachment at the time of the reconnection has reconnected the meter, conduit or attachment with intent to commit a theft offense.

(C) As used in this section:

TAMPER. Means to interfere with, damage or bypass a utility meter, conduit or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on the meter.

UTILITY. Means any electric light company, gas company, natural gas company, pipe-line company, waterworks company or heating or cooling company, as defined in R.C. § 4905.03(A)(3), (A)(4), (A)(5), (A)(6), (A)(7), or (A)(8), its lessees, trustees or receivers, or any similar utility owned or operated by a political subdivision.
(R.C. § 4933.18) (Rev. 2011)

(D) Each electric light company, gas company, natural gas company, pipeline company, waterworks company or heating or cooling company, as defined by R.C. § 4905.03(A)(3), (A)(4), (A)(5), (A)(6), (A)(7), or (A)(8), or its lessees, trustees or receivers, and each similar utility owned or operated by a political subdivision, shall notify its customers, on an annual basis, that tampering with or bypassing a meter constitutes a theft offense that could result in the imposition of criminal sanctions.
(R.C. § 4933.19) (Rev. 2011)

(C) Whoever violates division (B) of this section is guilty of motion picture piracy, a misdemeanor of the first degree on the first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(D) This section does not prohibit or restrict a lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of the government of this state or a political subdivision of this state, or of the federal government, when acting in an official capacity, from operating an audiovisual recording function of a device in any facility in which a motion picture is being shown.

(E) Division (B) of this section does not limit or affect the application of any other prohibition in this code or the Ohio Revised Code. Any act that is a violation of both division (B) of this section and another provision of this code or the Ohio Revised Code may be prosecuted under this section, under the other provision of this code or the Ohio Revised Code, or under both this section and the other provision of this code or the Ohio Revised Code.
(R.C. § 2913.07) (Rev. 2005)

§ 131.33 MOTION PICTURE PIRACY.

(A) As used in this section:

AUDIOVISUAL RECORDING FUNCTION.
Means the capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology existing on, or developed after, March 9, 2004.

FACILITY. Means a movie theater.

(B) No person, without the written consent of the owner or lessee of the facility and of the licensor of the motion picture, shall knowingly operate an audiovisual recording function of a device in a facility in which the motion picture is being shown.