

I N D E X

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By: David H. Madison ORDINANCE NO. 32-73

To enact a general criminal offense code for the City of Bexley, conforming to the 1974 Ohio Criminal Code which becomes effective January 1, 1974, and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

SECTION 1.

Chapter I

GENERAL PROVISIONS

Sec. 1-01. GENERAL DEFINITIONS.

AS USED IN THE GENERAL OFFENSE CODE:

(A) "FORCE" MEANS ANY VIOLENCE, COMPULSION, OR CONSTRAINT PHYSICALLY EXERTED BY ANY MEANS UPON OR AGAINST A PERSON OR THING.

(B) "IMPRISONED" MEANS, UNLESS THE CONTEXT OTHERWISE REQUIRES IMPRISONED IN A COUNTY OR MUNICIPAL JAIL OR WORKHOUSE.

(C) "KNOWLEDGE" - A PERSON ACTS KNOWINGLY, REGARDLESS OF HIS PURPOSE, WHEN HE IS AWARE THAT HIS CONDUCT WILL PROBABLY CAUSE A CERTAIN RESULT OR WILL PROBABLY BE OF A CERTAIN NATURE. A PERSON HAS KNOWLEDGE OF CIRCUMSTANCES WHEN HE IS AWARE THAT SUCH CIRCUMSTANCES PROBABLY EXIST.

(D) "LAW ENFORCEMENT OFFICER" MEANS ANY OF THE FOLLOWING:

(1) A SHERIFF, DEPUTY SHERIFF, CONSTABLE, MARSHAL, DEPUTY MARSHAL, MUNICIPAL POLICE OFFICER, OR STATE HIGHWAY PATROLMAN;

(2) AN OFFICER, AGENT, OR EMPLOYEE OF THE STATE OR ANY OF ITS AGENCIES, INSTRUMENTALITIES, OR POLITICAL SUBDIVISIONS, UPON WHOM, BY STATUTE, A DUTY TO CONSERVE THE PEACE OR TO ENFORCE ALL OR CERTAIN LAWS IS IMPOSED AND THE AUTHORITY TO ARREST VIOLATORS IS CONFERRED, WITHIN THE LIMITS OF SUCH STATUTORY DUTY AND AUTHORITY;

(3) THE MAYOR, IN HIS CAPACITY AS CHIEF CONSERVATOR OF THE PEACE WITHIN THIS MUNICIPALITY;

(4) A MEMBER OF AN AUXILIARY POLICE FORCE ORGANIZED BY COUNTY, TOWNSHIP, OR MUNICIPAL LAW ENFORCEMENT AUTHORITIES, WITHIN THE SCOPE OF SUCH MEMBER'S APPOINTMENT OR COMMISSION;

(5) A PERSON LAWFULLY CALLED PURSUANT TO SECTION 311.07 OF THE REVISED CODE TO AID A SHERIFF IN KEEPING THE PEACE, FOR THE PURPOSES AND DURING THE TIME WHEN SUCH PERSON IS CALLED;

(6) A PERSON APPOINTED BY A MAYOR PURSUANT TO SECTION 737.01 OF THE REVISED CODE AS A SPECIAL PATROLMAN OR OFFICER DURING RIOT OR EMERGENCY, FOR THE PURPOSES AND DURING THE TIME WHEN SUCH PERSON IS APPOINTED;

(7) A MEMBER OF THE ORGANIZED MILITIA OF THIS STATE OR THE ARMED FORCES OF THE UNITED STATES, LAWFULLY CALLED TO DUTY TO AID CIVIL AUTHORITIES IN KEEPING THE PEACE OR PROTECT AGAINST DOMESTIC VIOLENCE;

(8) A PROSECUTING ATTORNEY, ASSISTANT PROSECUTING ATTORNEY, SECRET SERVICE OFFICER, OR MUNICIPAL PROSECUTOR.

(E) "NEGLIGENCE" - A PERSON ACTS NEGLIGENTLY WHEN, BECAUSE OF A SUBSTANTIAL LAPSE FROM DUE CARE, HE FAILS TO PERCEIVE OR AVOID A RISK THAT HIS CONDUCT MAY CAUSE A CERTAIN RESULT OR MAY BE OF A CERTAIN NATURE. A PERSON IS NEGLIGENT WITH RESPECT TO CIRCUMSTANCES WHEN, BECAUSE OF A SUBSTANTIAL LAPSE FROM DUE CARE, HE FAILS TO PERCEIVE OR AVOID A RISK THAT SUCH CIRCUMSTANCES MAY EXIST.

(F) "OFFENSE OF VIOLENCE" MEANS ANY OF THE FOLLOWING:

(1) A VIOLATION OF SECTIONS 5-101, 8-103, 8-105, 8-106, 9-101, 9-107, 13-102 OF THE GENERAL OFFENSE CODE;

(2) A VIOLATION OF AN EXISTING OR FORMER MUNICIPAL ORDINANCE OR LAW OF THIS OR ANY OTHER STATE OR THE UNITED STATES, SUBSTANTIALLY EQUIVALENT TO ANY SECTION LISTED IN DIVISION (F) (1) OF THIS SECTION;

(3) AN OFFENSE, OTHER THAN A TRAFFIC OFFENSE, UNDER AN EXISTING OR FORMER MUNICIPAL ORDINANCE OR LAW OF THIS OR ANY OTHER STATE OR THE UNITED STATES, COMMITTED, PURPOSELY OR KNOWINGLY, AND INVOLVING PHYSICAL HARM TO PERSONS OR A RISK OF SERIOUS PHYSICAL HARM TO PERSONS;

(4) A CONSPIRACY OR ATTEMPT TO COMMIT, OR COMPLICITY IN COMMITTING ANY OFFENSE UNDER DIVISION (F), (1), (2), OR (3) OF THIS SECTION.

(G) "PHYSICAL HARM TO PERSONS" MEANS ANY INJURY, ILLNESS, OR OTHER PHYSIOLOGICAL IMPAIRMENT, REGARDLESS OF ITS GRAVITY OR DURATION.

(H) "PHYSICAL HARM TO PROPERTY" MEANS ANY TANGIBLE DAMAGE TO PROPERTY WHICH, IN ANY DEGREE, RESULTS IN LOSS TO ITS VALUE OR INTERFERES WITH ITS USE OR ENJOYMENT. "PHYSICAL HARM TO PROPERTY" DOES NOT INCLUDE WEAR AND TEAR OCCASIONED BY NORMAL USE.

(I) "PRIVILEGE" MEANS AN IMMUNITY, LICENSE, OR RIGHT CONFERRED BY LAW, OR BESTOWED BY EXPRESS OR IMPLIED GRANT, OR ARISING OUT OF STATUS, POSITION, OFFICE, OR RELATIONSHIP, OR GROWING OUT OF NECESSITY.

(J) "PROPERTY" MEANS ANY PROPERTY, REAL OR PERSONAL, TANGIBLE OR INTANGIBLE, AND ANY INTEREST OR LICENSE IN SUCH PROPERTY.

(K) "PURPOSE" - A PERSON ACTS PURPOSELY WHEN IT IS HIS SPECIFIC INTENTION TO CAUSE A CERTAIN RESULT, OR, WHEN THE GIST OF THE OFFENSE IS A PROHIBITION AGAINST CONDUCT OF A CERTAIN NATURE, REGARDLESS OF WHAT THE OFFENDER INTENDS TO ACCOMPLISH THEREBY, IT IS HIS SPECIFIC INTENTION TO ENGAGE IN CONDUCT OF THAT NATURE.

(L) "RECKLESSNESS" - A PERSON ACTS RECKLESSLY WHEN, WITH HEEDLESS INDIFFERENCE TO THE CONSEQUENCES, HE PERVERSELY DISREGARDS A KNOWN RISK THAT HIS CONDUCT IS LIKELY TO CAUSE A CERTAIN RESULT OR IS LIKELY TO BE OF A CERTAIN NATURE. A PERSON IS RECKLESS WITH RESPECT TO CIRCUMSTANCES WHEN, WITH HEEDLESS INDIFFERENCE TO THE CONSEQUENCES, HE PERVERSELY DISREGARDS A KNOWN RISK THAT SUCH CIRCUMSTANCES ARE LIKELY TO EXIST.

(M) "RISK" MEANS A SIGNIFICANT POSSIBILITY, AS CONTRASTED WITH A REMOTE POSSIBILITY, THAT A CERTAIN RESULT MAY OCCUR OR THAT CERTAIN CIRCUMSTANCES MAY EXIST.

(N) "SERIOUS PHYSICAL HARM TO PERSONS" MEANS ANY OF THE FOLLOWING:

(1) ANY MENTAL ILLNESS OR CONDITION OF SUCH GRAVITY AS WOULD NORMALLY REQUIRE HOSPITALIZATION OR PROLONGED PSYCHIATRIC TREATMENT;

(2) ANY PHYSICAL HARM WHICH CARRIES A SUBSTANTIAL RISK OF DEATH;

(3) ANY PHYSICAL HARM WHICH INVOLVES SOME PERMANENT INCAPACITY, WHETHER PARTIAL OR TOTAL, OR WHICH INVOLVES SOME TEMPORARY, SUBSTANTIAL INCAPACITY;

(4) ANY PHYSICAL HARM WHICH INVOLVES SOME PERMANENT DISFIGUREMENT, OR WHICH INVOLVES SOME TEMPORARY, SERIOUS DISFIGUREMENT;

(5) ANY PHYSICAL HARM WHICH INVOLVES ACUTE PAIN OF SUCH DURATION AS TO RESULT IN SUBSTANTIAL SUFFERING, OR WHICH INVOLVES ANY DEGREE OF PROLONGED OR INTRACTABLE PAIN.

(O) "SERIOUS PHYSICAL HARM TO PROPERTY" MEANS ANY PHYSICAL HARM TO PROPERTY WHICH DOES EITHER OF THE FOLLOWING:

(1) RESULTS IN SUBSTANTIAL LOSS TO THE VALUE OF THE PROPERTY, OR REQUIRES A SUBSTANTIAL AMOUNT OF TIME, EFFORT, OR MONEY TO REPAIR OR REPLACE;

(2) TEMPORARILY PREVENTS THE USE OR ENJOYMENT OF THE PROPERTY, OR SUBSTANTIALLY INTERFERES WITH ITS USE OR ENJOYMENT FOR AN EXTENDED PERIOD OF TIME.

(P) "SUBSTANTIAL RISK" MEANS A STRONG POSSIBILITY, AS CONTRASTED WITH A REMOTE OR SIGNIFICANT POSSIBILITY, THAT A CERTAIN RESULT MAY OCCUR OR THAT CERTAIN CIRCUMSTANCES MAY EXIST.

Sec. 1-102. OFFENSES; CLASSIFICATIONS.

AS USED IN THE GENERAL OFFENSE CODE:

(A) OFFENSES INCLUDE MISDEMEANORS OF THE FIRST, SECOND, THIRD, AND FOURTH DEGREE, MINOR MISDEMEANORS, AND OFFENSES NOT SPECIFICALLY CLASSIFIED.

(B) REGARDLESS OF THE PENALTY WHICH MAY BE IMPOSED, ANY OFFENSE SPECIFICALLY CLASSIFIED AS A MISDEMEANOR IS A MISDEMEANOR.

(C) ANY OFFENSE NOT SPECIFICALLY CLASSIFIED IS A MISDEMEANOR IF IMPRISONMENT FOR NOT MORE THAN ONE YEAR MAY BE IMPOSED AS A PENALTY.

(D) ANY OFFENSE NOT SPECIFICALLY CLASSIFIED IS A MINOR MISDEMEANOR IF THE ONLY PENALTY WHICH MAY BE IMPOSED IS A FINE NOT EXCEEDING ONE HUNDRED DOLLARS.

Sec. 1-103. OFFENSES; DEFINED.

(A) NO CONDUCT CONSTITUTES A CRIMINAL OFFENSE AGAINST THE CITY UNLESS IT IS DEFINED AS AN OFFENSE IN THE GENERAL OFFENSE CODE.

(B) AN OFFENSE IS DEFINED WHEN ONE OR MORE SECTIONS OF THE GENERAL OFFENSE CODE STATE A POSITIVE PROHIBITION OR ENJOIN A SPECIFIC DUTY, AND PROVIDE A PENALTY FOR VIOLATION OF SUCH PROHIBITION OR FAILURE TO MEET SUCH DUTY.

Sec. 1-104. OFFENSES; RULE OF CONSTRUCTION.

SECTIONS OF THE GENERAL OFFENSE CODE DEFINING OFFENSES OR PENALTIES SHALL BE STRICTLY CONSTRUED AGAINST THE CITY AND LIBERALLY CONSTRUED IN FAVOR OF THE ACCUSED.

Sec. 1-105. OFFENSES; STATUTE OF LIMITATIONS.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROSECUTION SHALL BE BARRED UNLESS IT IS COMMENCED WITHIN THE FOLLOWING PERIODS AFTER AN OFFENSE IS COMMITTED:

(1) FOR A MISDEMEANOR OTHER THAN A MINOR MISDEMEANOR, TWO YEARS;

(2) FOR A MINOR MISDEMEANOR, SIX MONTHS.

(B) IF THE PERIOD OF LIMITATION PROVIDED IN DIVISION (A) OF THIS SECTION HAS EXPIRED, PROSECUTION SHALL BE COMMENCED FOR AN OFFENSE OF WHICH AN ELEMENT IS FRAUD OR BREACH OF A FIDUCIARY DUTY, WITHIN ONE YEAR AFTER DISCOVERY OF THE OFFENSE EITHER BY AN AGGRIEVED PERSON, OR BY HIS LEGAL REPRESENTATIVE WHO IS NOT HIMSELF A PARTY TO THE OFFENSE.

(C) IF THE PERIOD OF LIMITATION PROVIDED IN DIVISION (A) OF THIS SECTION HAS EXPIRED, PROSECUTION SHALL BE COMMENCED FOR AN OFFENSE INVOLVING MISCONDUCT IN OFFICE BY A PUBLIC SERVANT AS DEFINED IN SECTION 7.101 OF THE GENERAL OFFENSE CODE, AT

ANY TIME WHILE THE ACCUSED REMAINS A PUBLIC SERVANT, OR WITHIN TWO YEARS THEREAFTER.

(D) AN OFFENSE IS COMMITTED WHEN EVERY ELEMENT OF THE OFFENSE OCCURS. IN THE CASE OF AN OFFENSE OF WHICH AN ELEMENT IS A CONTINUING COURSE OF CONDUCT, THE PERIOD OF LIMITATION DOES NOT BEGIN TO RUN UNTIL SUCH COURSE OF CONDUCT OR THE ACCUSED'S ACCOUNTABILITY FOR IT TERMINATES, WHICHEVER OCCURS FIRST.

(E) A PROSECUTION IS COMMENCED ON THE DATE AN INDICTMENT IS RETURNED OR AN INFORMATION FILED, OR ON THE DATE A LAWFUL ARREST WITHOUT A WARRANT IS MADE, OR ON THE DATE A WARRANT, SUMMONS, CITATION, OR OTHER PROCESS IS ISSUED, WHICHEVER OCCURS FIRST. A PROSECUTION IS NOT COMMENCED BY THE RETURN OF AN INDICTMENT OR THE FILING OF AN INFORMATION UNLESS REASONABLE DILIGENCE IS EXERCISED TO ISSUE AND EXECUTE PROCESS ON THE SAME. A PROSECUTION IS NOT COMMENCED UPON ISSUANCE OF A WARRANT, SUMMONS, CITATION, OR OTHER PROCESS, UNLESS REASONABLE DILIGENCE IS EXERCISED TO EXECUTE THE SAME.

(F) THE PERIOD OF LIMITATION SHALL NOT RUN DURING ANY TIME WHEN THE CORPUS DELICTI REMAINS UNDISCOVERED.

(G) THE PERIOD OF LIMITATION SHALL NOT RUN DURING ANY TIME WHEN THE ACCUSED PURPOSELY AVOIDS PROSECUTION. PROOF THAT THE ACCUSED ABSENTED HIMSELF FROM THIS STATE OR CONCEALED HIS IDENTITY OR WHEREABOUTS IS PRIMA-FACIE EVIDENCE OF HIS PURPOSE TO AVOID PROSECUTION.

(H) THE PERIOD OF LIMITATION SHALL NOT RUN DURING ANY TIME A PROSECUTION AGAINST THE ACCUSED BASED ON THE SAME CONDUCT IS PENDING IN THIS STATE, EVEN THOUGH THE INDICTMENT, INFORMATION, OR PROCESS WHICH COMMENCED THE PROSECUTION IS QUASHED OR THE PROCEEDINGS THEREON ARE SET ASIDE OR REVERSED ON APPEAL.

Sec. 1-106. OFFENSES; LIABILITY AND CULPABILITY.

(A) EXCEPT AS PROVIDED IN DIVISION (B) OF THIS SECTION, A PERSON IS NOT GUILTY OF AN OFFENSE UNLESS BOTH OF THE FOLLOWING APPLY:

(1) HIS LIABILITY IS BASED ON CONDUCT WHICH INCLUDES EITHER A VOLUNTARY ACT, OR AN OMISSION TO PERFORM AN ACT OR DUTY WHICH HE IS CAPABLE OF PERFORMING;

(2) HE HAS THE REQUISITE DEGREE OF CULPABILITY FOR EACH ELEMENT AS TO WHICH A CULPABLE MENTAL STATE IS SPECIFIED BY THE SECTION DEFINING THE OFFENSE.

(B) WHEN THE SECTION DEFINING AN OFFENSE DOES NOT SPECIFY ANY DEGREE OF CULPABILITY, AND PLAINLY INDICATES A PURPOSE TO IMPOSE STRICT CRIMINAL LIABILITY FOR THE CONDUCT DESCRIBED IN SUCH SECTION, THEN CULPABILITY IS NOT REQUIRED FOR A PERSON TO BE GUILTY OF THE OFFENSE. WHEN THE SECTION NEITHER SPECIFIES CULPABILITY NOR PLAINLY INDICATES A PURPOSE TO IMPOSE STRICT LIABILITY, RECKLESSNESS IS SUFFICIENT CULPABILITY TO COMMIT THE OFFENSE.

(C) AS USED IN THIS SECTION:

(1) POSSESSION IS A VOLUNTARY ACT IF THE POSSESSOR KNOWINGLY PROCURED OR RECEIVED THE THING POSSESSED, OR WAS AWARE OF HIS CONTROL THEREOF FOR A SUFFICIENT TIME TO HAVE ENDED HIS POSSESSION.

(2) REFLEXES, CONVULSIONS, BODY MOVEMENTS DURING UNCONSCIOUSNESS OR SLEEP, AND BODY MOVEMENTS THAT ARE NOT OTHERWISE A PRODUCT OF THE ACTOR'S VOLITION, ARE INVOLUNTARY ACTS.

(3) "CULPABILITY" MEANS PURPOSE, KNOWLEDGE, RECKLESSNESS, OR NEGLIGENCE, AS DEFINED IN SECTION 1-107 OF THE GENERAL OFFENSE CODE OR ANY OTHER SPECIFIC MENTAL STATE REQUIRED BY ANY SECTION OF THIS CODE.

Sec. 1-107. OFFENSES; CULPABILITY DEFINED.

(A) A PERSON ACTS PURPOSELY WHEN IT IS HIS SPECIFIC INTENTION TO CAUSE A CERTAIN RESULT, OR WHEN THE GIST OF THE OFFENSE IS A PROHIBITION AGAINST CONDUCT OF A CERTAIN NATURE, REGARDLESS OF WHAT THE OFFENDER INTENDS TO ACCOMPLISH THEREBY, IT IS HIS SPECIFIC INTENTION TO ENGAGE IN CONDUCT OF THAT NATURE.

(B) A PERSON ACTS KNOWINGLY, REGARDLESS OF HIS PURPOSE, WHEN HE IS AWARE THAT HIS CONDUCT WILL PROBABLY CAUSE A CERTAIN RESULT OR WILL PROBABLY BE OF A CERTAIN NATURE. A PERSON HAS KNOWLEDGE OF CIRCUMSTANCES WHEN HE IS AWARE THAT SUCH CIRCUMSTANCES PROBABLY EXIST.

(C) A PERSON ACTS RECKLESSLY WHEN, WITH HEEDLESS INDIFFERENCE TO THE CONSEQUENCES, HE PERVERSELY DISREGARDS A KNOWN RISK THAT HIS CONDUCT IS LIKELY TO CAUSE A CERTAIN RESULT OR IS LIKELY TO BE OF A CERTAIN NATURE. A PERSON IS RECKLESS WITH RESPECT TO CIRCUMSTANCES WHEN, WITH HEEDLESS INDIFFERENCE TO THE CONSEQUENCES, HE PERVERSELY DISREGARDS A KNOWN RISK THAT SUCH CIRCUMSTANCES ARE LIKELY TO EXIST.

(D) A PERSON ACTS NEGLIGENTLY WHEN, BECAUSE OF A SUBSTANTIAL LAPSE FROM DUE CARE, HE FAILS TO PERCEIVE OR AVOID A RISK THAT HIS CONDUCT MAY CAUSE A CERTAIN RESULT OR MAY BE OF A CERTAIN NATURE. A PERSON IS NEGLIGENT WITH RESPECT TO CIRCUMSTANCES WHEN, BECAUSE OF A SUBSTANTIAL LAPSE FROM DUE CARE, HE FAILS TO PERCEIVE OR AVOID A RISK THAT SUCH CIRCUMSTANCES MAY EXIST.

(E) WHEN THE SECTION DEFINING AN OFFENSE PROVIDES THAT NEGLIGENCE SUFFICES TO ESTABLISH AN ELEMENT THEREOF, THEN RECKLESSNESS, KNOWLEDGE, OR PURPOSE IS ALSO SUFFICIENT CULPABILITY FOR SUCH ELEMENT. WHEN RECKLESSNESS SUFFICES TO ESTABLISH AN ELEMENT OF AN OFFENSE, THEN KNOWLEDGE OR PURPOSE IS ALSO SUFFICIENT CULPABILITY FOR SUCH ELEMENT. WHEN KNOWLEDGE SUFFICES TO ESTABLISH AN ELEMENT OF AN OFFENSE, THEN PURPOSE IS ALSO SUFFICIENT CULPABILITY FOR SUCH ELEMENT.

Sec. 1-108. OFFENSES; ORGANIZATIONS.

(A) AN ORGANIZATION MAY BE CONVICTED OF AN OFFENSE UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

(1) THE OFFENSE IS A MINOR MISDEMEANOR COMMITTED BY AN OFFICER, AGENT, OR EMPLOYEE OF THE ORGANIZATION ACTING IN ITS BEHALF AND WITHIN THE SCOPE OF HIS OFFICE OR EMPLOYMENT, EXCEPT THAT IF THE SECTION DEFINING THE OFFENSE DESIGNATES THE OFFICERS, AGENTS, OR EMPLOYEES FOR WHOSE CONDUCT THE ORGANIZATION IS ACCOUNTABLE OR THE CIRCUMSTANCES UNDER WHICH IT IS ACCOUNTABLE, SUCH PROVISIONS SHALL APPLY.

(2) A PURPOSE TO IMPOSE ORGANIZATIONAL LIABILITY PLAINLY APPEARS IN THE SECTION DEFINING THE OFFENSE, AND THE OFFENSE IS COMMITTED BY AN OFFICER, AGENT, OR EMPLOYEE OF THE ORGANIZATION ACTING IN ITS BEHALF AND WITHIN THE SCOPE OF HIS OFFICE OR EMPLOYMENT, EXCEPT THAT IF THE SECTION DEFINING THE OFFENSE DESIGNATES THE OFFICERS, AGENTS, OR EMPLOYEES FOR WHOSE CONDUCT THE ORGANIZATION IS ACCOUNTABLE OR THE CIRCUMSTANCES UNDER WHICH IT IS ACCOUNTABLE, SUCH PROVISIONS SHALL APPLY.



(3) THE OFFENSE CONSISTS OF AN OMISSION TO DISCHARGE A SPECIFIC DUTY IMPOSED BY LAW ON THE ORGANIZATION.

(4) IF, ACTING WITH THE KIND OF CULPABILITY OTHERWISE REQUIRED FOR THE COMMISSION OF THE OFFENSE, ITS COMMISSION WAS AUTHORIZED, REQUESTED, COMMANDED, TOLERATED, OR PERFORMED BY THE BOARD OF DIRECTORS, TRUSTEES, PARTNERS, OR BY A HIGH MANAGERIAL OFFICER, AGENT, OR EMPLOYEE ACTING IN BEHALF OF THE ORGANIZATION AND WITHIN THE SCOPE OF HIS OFFICE OR EMPLOYMENT.

(B) WHEN STRICT LIABILITY IS IMPOSED FOR THE COMMISSION OF AN OFFENSE, A PURPOSE TO IMPOSE ORGANIZATIONAL LIABILITY SHALL BE PRESUMED, UNLESS THE CONTRARY PLAINLY APPEARS.

(C) IN A PROSECUTION OF AN ORGANIZATION FOR AN OFFENSE OTHER THAN ONE FOR WHICH STRICT LIABILITY IS IMPOSED, IT IS A DEFENSE THAT THE HIGH MANAGERIAL OFFICER, AGENT, OR EMPLOYEE HAVING SUPERVISORY RESPONSIBILITY OVER THE SUBJECT MATTER OF THE OFFENSE EXERCISED DUE DILIGENCE TO PREVENT ITS COMMISSION. THIS DEFENSE IS NOT AVAILABLE IF IT PLAINLY APPEARS INCONSISTENT WITH THE PURPOSE OF THE SECTION DEFINING THE OFFENSE.

(D) AS USED IN THIS SECTION, "ORGANIZATION" MEANS A CORPORATION FOR PROFIT OR NOT FOR PROFIT, PARTNERSHIP, LIMITED PARTNERSHIP, JOINT VENTURE, UNINCORPORATED ASSOCIATION, ESTATE, TRUST, OR OTHER COMMERCIAL OR LEGAL ENTITY. "ORGANIZATION" DOES NOT INCLUDE AN ENTITY ORGANIZED AS OR BY A GOVERNMENTAL AGENCY FOR THE EXECUTION OF GOVERNMENTAL PROGRAM. /

Sec. 1-109. OFFENSES: ORGANIZATION; OFFICERS, AGENTS, EMPLOYEES.

(A) AN OFFICER, AGENT, OR EMPLOYEE OF AN ORGANIZATION AS DEFINED IN SECTION 1-108 OF THE GENERAL OFFENSE CODE MAY BE PROSECUTED FOR AN OFFENSE COMMITTED BY SUCH ORGANIZATION, IF HE ACTS WITH THE KIND OF CULPABILITY REQUIRED FOR THE COMMISSION OF THE OFFENSE, AND ANY OF THE FOLLOWING APPLY:

(1) IN THE NAME OF THE ORGANIZATION OR IN ITS BEHALF, HE ENGAGES IN CONDUCT CONSTITUTING THE OFFENSE, OR CAUSES ANOTHER TO ENGAGE IN SUCH CONDUCT, OR TOLERATES SUCH CONDUCT WHEN IT IS OF A TYPE FOR WHICH HE HAS DIRECT RESPONSIBILITY;

(2) HE HAS PRIMARY RESPONSIBILITY TO DISCHARGE A DUTY IMPOSED ON THE ORGANIZATION BY LAW, AND SUCH DUTY IS NOT DISCHARGED.

(B) WHEN A PERSON IS CONVICTED OF AN OFFENSE BY REASON OF THIS SECTION, HE IS SUBJECT TO THE SAME PENALTY AS IF HE HAD ACTED IN HIS OWN BEHALF. /

Sec. 1-110. OFFENSES; REPEAT OFFENDER.

AS USED IN SECTION 1-112 OF THE GENERAL OFFENSE CODE:

(A) "REPEAT OFFENDER" MEANS A PERSON WHO HAS A HISTORY OF PERSISTENT CRIMINAL ACTIVITY, AND WHOSE CHARACTER AND CONDITION REVEAL A SUBSTANTIAL RISK THAT HE WILL COMMIT ANOTHER OFFENSE. IT IS PRIMA-FACIE EVIDENCE THAT A PERSON IS A REPEAT OFFENDER IF ANY OF THE FOLLOWING APPLY:

(1) HAVING BEEN CONVICTED OF ONE OR MORE OFFENSES OF VIOLENCE, AS DEFINED IN SECTION 2901.01 OF THE OHIO REVISED CODE AND SECTION 1-101 (F) OF THIS CODE, AND HAVING BEEN IMPRISONED PURSUANT TO SENTENCE FOR ANY SUCH OFFENSE, HE COMMITS A SUBSEQUENT OFFENSE OF VIOLENCE;

(2) HAVING BEEN CONVICTED OF ONE OR MORE SEX OFFENSES AS DEFINED IN SECTION 2950.01 OF THE OHIO REVISED CODE OR SECTION 9-101 OF THIS GENERAL OFFENSE CODE AND HAVING BEEN IMPRISONED PURSUANT TO SENTENCE FOR ANY SUCH OFFENSE, HE COMMITS A SUBSEQUENT SEX OFFENSE;

(3) HAVING BEEN CONVICTED OF ONE OR MORE THEFT OFFENSES AS DEFINED IN SECTION 2913.01 OF THE OHIO REVISED CODE OR SECTION 5-101 OF THIS GENERAL OFFENSE CODE AND HAVING BEEN IMPRISONED PURSUANT TO SENTENCE FOR ANY SUCH OFFENSE, HE COMMITS A SUBSEQUENT THEFT OFFENSE;

(4) HAVING BEEN CONVICTED OF TWO OR MORE FELONIES, AND HAVING BEEN IMPRISONED PURSUANT TO SENTENCE FOR ANY SUCH OFFENSE, HE COMMITS A SUBSEQUENT OFFENSE;

(5) HAVING BEEN CONVICTED OF THREE OR MORE OFFENSES OF ANY TYPE OR DEGREE OTHER THAN TRAFFIC OFFENSES, ALCOHOLIC INTOXICATION OFFENSES, OR MINOR MISDEMEANORS, AND HAVING BEEN IMPRISONED PURSUANT TO SENTENCE FOR ANY SUCH OFFENSE, HE COMMITS A SUBSEQUENT OFFENSE.

(B) "DANGEROUS OFFENDER" MEANS A PERSON WHO HAS COMMITTED AN OFFENSE, WHOSE HISTORY, CHARACTER, AND CONDITION REVEAL A SUBSTANTIAL RISK THAT HE WILL BE A DANGER TO OTHERS, AND WHOSE CONDUCT HAS BEEN CHARACTERIZED BY A PATTERN OF REPETITIVE, COMPULSIVE, OR AGGRESSIVE BEHAVIOR WITH HEEDLESS INDIFFERENCE TO THE CONSEQUENCES. "DANGEROUS OFFENDER" INCLUDES, WITHOUT LIMITATION, PSYCHOPATHIC OFFENDER AS DEFINED IN SECTION 2947.24 OF THE OHIO REVISED CODE.

Sec. 1-111. OFFENSES; PENALTY.

(A) WHOEVER IS CONVICTED OF OR PLEADS GUILTY TO A MISDEMEANOR OF ANY DEGREE OR TO A MINOR MISDEMEANOR SHALL BE FINED NOT MORE THAN ONE HUNDRED DOLLARS.

Sec. 1-112. OFFENSES; PENALTY; CONSIDERATIONS.

(A) IN DETERMINING WHETHER TO IMPOSE IMPRISONMENT OR A FINE, OR BOTH, FOR MISDEMEANOR, AND IN DETERMINING THE TERM OF IMPRISONMENT AND THE AMOUNT AND METHOD OF PAYMENT OF A FINE, THE COURT SHALL CONSIDER THE RISK THAT THE OFFENDER WILL COMMIT ANOTHER OFFENSE AND THE NEED FOR PROTECTING THE PUBLIC THEREFROM, THE NATURE AND CIRCUMSTANCES OF THE OFFENSE, THE HISTORY, CHARACTER, AND CONDITION OF THE OFFENDER AND HIS NEED FOR CORRECTIONAL OR REHABILITATIVE TREATMENT, AND THE ABILITY AND RESOURCES OF THE OFFENDER AND THE NATURE OF THE BURDEN THAT PAYMENT OF A FINE WILL IMPOSE ON HIM.

(B) IF THE OFFENDER IS A REPEAT OR DANGEROUS OFFENDER, IT DOES NOT CONTROL THE COURTS DISCRETION, BUT SHALL BE CONSIDERED IN FAVOR OF IMPOSING A LONGER TERM OF IMPRISONMENT FOR MISDEMEANOR.

(C) THE FOLLOWING DO NOT CONTROL THE COURTS DISCRETION, BUT SHALL BE CONSIDERED AGAINST IMPOSING IMPRISONMENT FOR MISDEMEANOR.

(1) THE OFFENSE NEITHER CAUSED NOR THREATENED SERIOUS PHYSICAL HARM TO PERSONS OR PROPERTY, OR THE OFFENDER DID NOT CONTEMPLATE THAT IT WOULD DO SO;

(2) THE OFFENSE WAS THE RESULT OF CIRCUMSTANCES UNLIKELY TO RECUR;

(3) THE VICTIM OF THE OFFENSE INDUCED OR FACILITATED IT;

(4) THERE ARE SUBSTANTIAL GROUNDS TENDING TO EXCUSE OR JUSTIFY THE OFFENSE, THOUGH FAILING TO ESTABLISH A DEFENSE:

(5) THE OFFENDER ACTED UNDER STRONG PROVOCATION;

(6) THE OFFENDER HAS NO HISTORY OF PRIOR DELINQUENCY OR CRIMINAL ACTIVITY, OR HAS LED A LAW-ABIDING LIFE FOR A SUBSTANTIAL TIME BEFORE COMMISSION OF THE PRESENT OFFENSE;

(7) THE OFFENDER IS LIKELY TO RESPOND QUICKLY TO CORRECTIONAL OR REHABILITATIVE TREATMENT.

(D) THE CRITERIA LISTED IN DIVISIONS (B) AND (C) OF THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE MATTERS WHICH MAY BE CONSIDERED IN DETERMINING WHETHER TO IMPOSE IMPRISONMENT FOR MISDEMEANOR.

(E) THE COURT SHALL NOT IMPOSE A FINE IN ADDITION TO IMPRISON-

MENT FOR MISDEMEANOR, UNLESS A FINE IS SPECIALLY ADAPTED TO DETERRENCE OF THE OFFENSE OR THE CORRECTION OF THE OFFENDER, OR THE OFFENSE HAS PROXIMATELY RESULTED IN PHYSICAL HARM TO THE PERSON OR PROPERTY OF ANOTHER, OR THE OFFENSE WAS COMMITTED FOR HIRE OR FOR PURPOSE OF GAIN.

(F) THE COURT SHALL NOT IMPOSE A FINE OR FINES WHICH, IN THE AGGREGATE AND TO THE EXTENT NOT SUSPENDED BY THE COURT, EXCEEDS THE AMOUNT WHICH THE OFFENDER IS OR WILL BE ABLE TO PAY BY THE METHOD AND WITHIN THE TIME ALLOWED WITHOUT UNDUE HARDSHIP TO HIMSELF OR HIS DEPENDENTS, OR WILL PREVENT HIM FROM MAKING RESTITUTION OR REPARATION TO THE VICTIM OF HIS OFFENSE.

Sec. 1-113. OFFENSES; PENALTY; ORGANIZATIONS.

(A) REGARDLESS OF THE PENALTIES PROVIDED IN SECTION 1-111 OF THE GENERAL OFFENSE CODE, AN ORGANIZATION CONVICTED OF AN OFFENSE PURSUANT TO SECTION 1-108 OF THE GENERAL OFFENSE CODE SHALL BE FINED, WHICH FINE SHALL BE FIXED BY THE COURT AS FOLLOWS:

- (1) FOR A MISDEMEANOR OF THE FIRST DEGREE, NOT MORE THAN FIVE THOUSAND DOLLARS;
- (2) FOR A MISDEMEANOR OF THE SECOND DEGREE, NOT MORE THAN FOUR THOUSAND DOLLARS;
- (3) FOR A MISDEMEANOR OF THE THIRD DEGREE, NOT MORE THAN THREE THOUSAND DOLLARS;
- (4) FOR A MISDEMEANOR OF THE FOURTH DEGREE, NOT MORE THAN TWO THOUSAND DOLLARS;
- (5) FOR A MINOR MISDEMEANOR, NOT MORE THAN ONE THOUSAND DOLLARS;
- (6) FOR A MISDEMEANOR NOT SPECIFICALLY CLASSIFIED, NOT MORE THAN TWO THOUSAND DOLLARS;
- (7) FOR A MINOR MISDEMEANOR NOT SPECIFICALLY CLASSIFIED, NOT MORE THAN ONE THOUSAND DOLLARS.

(B) WHEN AN ORGANIZATION IS CONVICTED OF AN OFFENSE NOT SPECIFICALLY CLASSIFIED, AND THE SECTION DEFINING THE OFFENSE OR PENALTY PLAINLY INDICATES A PURPOSE TO IMPOSE THE PENALTY PROVIDED FOR VIOLATION UPON ORGANIZATIONS, THEN SUCH PENALTY SHALL BE IMPOSED IN LIEU OF THE PENALTY PROVIDED IN THIS SECTION.

(C) WHEN AN ORGANIZATION IS CONVICTED OF AN OFFENSE NOT SPECIFICALLY CLASSIFIED, AND THE PENALTY PROVIDED INCLUDES A HIGHER FINE THAN THAT PROVIDED IN THIS SECTION, THEN THE PENALTY IMPOSED SHALL BE PURSUANT TO THE PENALTY PROVIDED FOR VIOLATION OF THE SECTION DEFINING THE OFFENSE.

(D) THIS SECTION DOES NOT PREVENT THE IMPOSITION OF AVAILABLE CIVIL SANCTIONS AGAINST AN ORGANIZATION CONVICTED OF AN OFFENSE PURSUANT TO SECTION 1-108 OF THE GENERAL OFFENSE CODE, EITHER IN ADDITION TO OR IN LIEU OF A FINE IMPOSED PURSUANT TO THIS SECTION.

Sec. 1-114. ATTEMPT.

(A) NO PERSON, PURPOSELY OR KNOWINGLY, AND WHEN PURPOSE OR KNOWLEDGE IS SUFFICIENT CULPABILITY FOR THE COMMISSION OF AN OFFENSE, SHALL ENGAGE IN CONDUCT WHICH, IF SUCCESSFUL, WOULD CONSTITUTE OR RESULT IN THE OFFENSE.

(B) IT IS NO DEFENSE TO A CHARGE UNDER THIS SECTION THAT, IN RETROSPECT, COMMISSION OF THE OFFENSE WHICH WAS THE OBJECT OF THE ATTEMPT WAS IMPOSSIBLE UNDER THE CIRCUMSTANCES.

(C) NO PERSON WHO IS CONVICTED OF COMMITTING A SPECIFIC OFFENSE OR OF COMPLICITY IN THE COMMISSION OF SUCH OFFENSE, SHALL BE CONVICTED OF AN ATTEMPT TO COMMIT THE SAME OFFENSE IN VIOLATION OF THIS SECTION.

(D) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION THAT THE ACTOR ABANDONED HIS EFFORT TO COMMIT THE OFFENSE OR OTHERWISE PREVENTED ITS COMMISSION, UNDER CIRCUMSTANCES MANIFESTING A COMPLETE AND VOLUNTARY RENUNCIATION OF HIS CRIMINAL PURPOSE.

(E) WHCEVER VIOLATES THIS SECTION IS GUILTY OF AN ATTEMPT TO COMMIT AN OFFENSE. AN ATTEMPT TO COMMIT ANY MISDEMEANOR IS A MISDEMEANOR OF THE NEXT LESSER DEGREE THAN THE MISDEMEANOR ATTEMPTED. IN THE CASE OF AN ATTEMPT TO COMMIT A MISDEMEANOR OF THE FOURTH DEGREE, AN ATTEMPT IS A MINOR MISDEMEANOR. IN THE CASE OF AN ATTEMPT TO COMMIT A MISDEMEANOR NOT SPECIFICALLY CLASSIFIED, AN ATTEMPT IS A MISDEMEANOR OF THE FOURTH DEGREE. AN ATTEMPT TO COMMIT A MINOR MISDEMEANOR IS NOT AN OFFENSE UNDER THIS SECTION.

Sec. 1-115. COMPLICITY.

(A) NO PERSON, ACTING WITH THE KIND OF CULPABILITY REQUIRED FOR THE COMMISSION OF AN OFFENSE, SHALL DO ANY OF THE FOLLOWING:

- (1) SOLICIT OR PROCURE ANOTHER TO COMMIT THE OFFENSE;
- (2) AID OR ABET ANOTHER IN COMMITTING THE OFFENSE;
- (3) CAUSE AN INNOCENT OR IRRESPONSIBLE PERSON TO COMMIT THE OFFENSE.

(B) IT IS NO DEFENSE TO A CHARGE UNDER THIS SECTION THAT NO PERSON WITH WHOM THE ACCUSED WAS IN COMPLICITY HAS BEEN CONVICTED AS A PRINCIPAL OFFENDER.

(C) NO PERSON SHALL BE CONVICTED OF COMPLICITY UNDER THIS SECTION UNLESS AN OFFENSE IS ACTUALLY COMMITTED, BUT A PERSON MAY BE CONVICTED OF COMPLICITY IN AN ATTEMPT TO COMMIT AN OFFENSE IN VIOLATION OF SECTION 1-114 OF THE GENERAL OFFENSE CODE.

(D) NO PERSON SHALL BE CONVICTED OF COMPLICITY UNDER THIS SECTION SOLELY UPON THE TESTIMONY OF AN ACCOMPLICE, UNSUPPORTED BY OTHER EVIDENCE.

(E) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION THAT, PRIOR TO THE COMMISSION OF OR ATTEMPT TO COMMIT THE OFFENSE, THE ACTOR TERMINATED HIS COMPLICITY, UNDER CIRCUMSTANCES MANIFESTING A COMPLETE AND VOLUNTARY RENUNCIATION OF HIS CRIMINAL PURPOSE.

(F) WHOEVER VIOLATES THIS SECTION IS GUILTY OF COMPLICITY IN THE COMMISSION OF AN OFFENSE, AND SHALL BE PROSECUTED AND PUNISHED AS IF HE WERE A PRINCIPAL OFFENDER. A CHARGE OF COMPLICITY MAY BE STATED IN TERMS OF THIS SECTION, OR IN TERMS OF THE PRINCIPAL OFFENSE.

Chapter 2

ADMINISTRATION AND LAW ENFORCEMENT

Section

- 2-201 Compounding a crime.
- 2-202 Failure to report a crime.
- 2-203 Failure to aid a law enforcement officer.

Section

- 2-204 Obstructing official business.
- 2-205 Obstructing justice.
- 2-206 Resisting arrest.
- 2-207 Personating an officer.

Sec. 2-201. COMPOUNDING A CRIME.

(A) NO PERSON SHALL KNOWINGLY DEMAND, ACCEPT, OR AGREE TO ACCEPT ANYTHING OF VALUE IN CONSIDERATION OF ABANDONING OR AGREEING TO ABANDON A PENDING CRIMINAL PROSECUTION.

(B) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION WHEN BOTH OF THE FOLLOWING APPLY:

(1) THE PENDING PROSECUTION INVOLVED IS FOR VIOLATION OF SECTIONS 5-107, 5-110 OR DIVISION (B) (2) OF SECTION 5-111 OF THE GENERAL OFFENSE CODE OF WHICH THE ACTOR UNDER THIS SECTION WAS THE VICTIM.

(2) THE THING OF VALUE DEMANDED, ACCEPTED, OR AGREED TO BE ACCEPTED, IN CONSIDERATION OF ABANDONING OR AGREEING TO ABANDON THE PROSECUTION, DID NOT EXCEED AN AMOUNT WHICH THE ACTOR REASONABLY BELIEVED DUE HIM AS RESTITUTION FOR THE LOSS CAUSED HIM BY THE OFFENSE.

(C) WHEN A PROSECUTING WITNESS ABANDONS OR AGREES TO ABANDON A PROSECUTION UNDER DIVISION (B) OF THIS SECTION, SUCH ABANDONMENT OR AGREEMENT IN NO WAY BINDS THE STATE TO ABANDONING THE PROSECUTION.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF COMPOUNDING A CRIME, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 2-202. FAILURE TO REPORT A CRIME.

(A) NO PERSON, KNOWING THAT A FELONY HAS BEEN OR IS BEING COMMITTED, SHALL KNOWINGLY FAIL TO REPORT SUCH INFORMATION TO LAW ENFORCEMENT AUTHORITIES.

(B) NO PHYSICIAN, LIMITED PRACTITIONER, OR NURSE, OR PERSON GIVING AID TO A SICK OR INJURED PERSON, SHALL NEGLIGENTLY FAIL TO REPORT TO LAW ENFORCEMENT AUTHORITIES ANY GUNSHOT OR STAB WOUND TREATED OR OBSERVED BY HIM, OR ANY SERIOUS PHYSICAL HARM TO PERSONS WHICH HE KNOWS OR HAS REASONABLE CAUSE TO BELIEVE RESULTED FROM AN OFFENSE OF VIOLENCE.

(C) DIVISION (A) OF THIS SECTION DOES NOT REQUIRE DISCLOSURE OF INFORMATION, WHEN ANY OF THE FOLLOWING APPLIES:

(1) THE INFORMATION IS PRIVILEGED BY REASON OF THE RELATIONSHIP BETWEEN ATTORNEY AND CLIENT, DOCTOR AND PATIENT, LICENSED PSYCHOLOGIST OR LICENSED SCHOOL PSYCHOLOGIST AND CLIENT, PRIEST AND PENITENT, OR HUSBAND AND WIFE.

(2) THE INFORMATION WOULD TEND TO INCRIMINATE A MEMBER OF THE ACTOR'S IMMEDIATE FAMILY.

(3) DISCLOSURE OF THE INFORMATION WOULD AMOUNT TO REVEALING A NEWS SOURCE PRIVILEGED UNDER SECTION 2739.04 OR 2739.12 OF THE OHIO REVISED CODE.

(4) DISCLOSURE OF THE INFORMATION WOULD AMOUNT TO DISCLOSURE BY AN ORDAINED CLERGYMAN OF AN ORGANIZED RELIGIOUS BODY CONFIDENTIAL COMMUNICATION MADE TO HIM IN HIS CAPACITY AS SUCH BY A PERSON SEEKING HIS AID OR COUNSEL.

(5) DISCLOSURE WOULD AMOUNT TO REVEALING INFORMATION ACQUIRED BY THE ACTOR IN THE COURSE OF HIS DUTIES IN CONNECTION WITH A BONA FIDE PROGRAM OF TREATMENT OR SERVICES FOR DRUG DEPENDENT PERSONS OR PERSONS IN DANGER OF DRUG DEPENDENCE, WHICH PROGRAM IS MAINTAINED OR CONDUCTED BY A HOSPITAL, CLINIC, PERSON, AGENCY, OR ORGANIZATION REGISTERED PURSUANT TO SECTION 5122.51 OF THE OHIO REVISED CODE.

(D) NO DISCLOSURE OF INFORMATION PURSUANT TO DIVISION (A) OR (B) OF THIS SECTION SHALL GIVE RISE TO ANY LIABILITY OR RECRIMINATION FOR A BREACH OF PRIVILEGE OR CONFIDENCE.

(E) WHOEVER VIOLATES THIS SECTION IS GUILTY OF FAILURE TO REPORT A CRIME. VIOLATION OF DIVISION (A) OF THIS SECTION IS A MISDEMEANOR OF THE FOURTH DEGREE. VIOLATION OF DIVISION (B) OF THIS SECTION IS A MISDEMEANOR OF THE SECOND DEGREE.

Sec. 2-203. FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(A) NO PERSON SHALL NEGLIGENTLY FAIL OR REFUSE TO AID A LAW ENFORCEMENT OFFICER, WHEN CALLED UPON FOR ASSISTANCE IN PREVENTING OR HALTING THE COMMISSION OF AN OFFENSE, OR IN APPREHENDING OR DETAINING AN OFFENDER, WHEN SUCH AID CAN BE GIVEN WITHOUT A SUBSTANTIAL RISK OF PHYSICAL HARM TO THE PERSON GIVING IT.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF FAILURE TO AID A LAW ENFORCEMENT OFFICER, A MINOR MISDEMEANOR.

Sec. 2-204. OBSTRUCTING OFFICIAL BUSINESS.

(A) NO PERSON, WITHOUT PRIVILEGE TO DO SO AND WITH PURPOSE TO PREVENT, OBSTRUCT, OR DELAY THE PERFORMANCE BY A PUBLIC OFFICIAL OF ANY AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY, SHALL DO ANY ACT WHICH HAMPERS OR IMPEDES A PUBLIC OFFICIAL IN THE PERFORMANCE OF HIS LAWFUL DUTIES.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF OBSTRUCTING OFFICIAL BUSINESS, A MISDEMEANOR OF THE SECOND DEGREE.

Sec. 2-205. OBSTRUCTING JUSTICE.

(A) NO PERSON, WITH PURPOSE TO HINDER THE DISCOVERY, APPREHENSION, PROSECUTION, CONVICTION, OR PUNISHMENT OF ANOTHER FOR A MISDEMEANOR OFFENSE, OR TO ASSIST ANOTHER TO BENEFIT FROM THE COMMISSION OF A MISDEMEANOR OFFENSE, SHALL DO ANY OF THE FOLLOWING:

(1) HARBOR OR CONCEAL SUCH OTHER PERSON;

(2) PROVIDE SUCH OTHER PERSON WITH MONEY, TRANSPORTATION, A WEAPON, A DISGUISE, OR OTHER MEANS OF AVOIDING DISCOVERY OR APPREHENSION;

(3) WARN SUCH OTHER PERSON OF IMPENDING DISCOVERY OR APPREHENSION;

(4) DESTROY OR CONCEAL PHYSICAL EVIDENCE OF THE CRIME, OR INDUCE ANY PERSON TO WITHHOLD TESTIMONY OR INFORMATION OR TO ELUDE LEGAL PROCESS SUMMONING HIM TO TESTIFY OR SUPPLY EVIDENCE;

(5) COMMUNICATE FALSE INFORMATION TO ANY PERSON.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF OBSTRUCTING JUSTICE, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 2-206. RESISTING ARREST.

(A) NO PERSON, RECKLESSLY OR BY FORCE, SHALL RESIST OR INTERFERE WITH A LAWFUL ARREST OF HIMSELF OR ANOTHER.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF RESISTING ARREST, A MISDEMEANOR OF THE SECOND DEGREE.

Sec. 2-207. PERSONATING AN OFFICER.

(A) NO PERSON, WITH PURPOSE TO DEFRAUD OR KNOWING THAT HE 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.

Chapter 3  
FAMILY OFFENSES

Section	Section
3-101 Bigamy.	3-104 Endangering children.
3-102 Promoting abortion.	3-105 Interference with custody.
3-103 Nonsupport of dependents.	

Sec. 3-101. BIGAMY.

(A) NO MARRIED PERSON SHALL MARRY ANOTHER OR CONTINUE TO COHABIT WITH SUCH OTHER PERSON IN THIS STATE.

(B) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION THAT THE ACTOR'S SPOUSE WAS CONTINUOUSLY ABSENT FOR FIVE YEARS IMMEDIATELY PRECEDING THE PURPORTED SUBSEQUENT MARRIAGE, AND WAS NOT KNOWN BY THE ACTOR TO BE ALIVE WITHIN THAT TIME.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF BIGAMY, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 3-102. PROMOTING ABORTION.

(A) NO PERSON SHALL MANUFACTURE, POSSESS FOR SALE OR DISTRIBUTION, ADVERTISE OR HOLD HIMSELF OUT AS POSSESSING FOR SALE OR DISTRIBUTION, OR SELL OR DISTRIBUTE ANY DRUG, MEDICINE, INSTRUMENT, OR THING, WHEN ANY OF THE FOLLOWING APPLY:

(1) THE OFFENDER KNOWS OR HAS REASONABLE CAUSE TO BELIEVE THAT SUCH DRUG, MEDICINE, INSTRUMENT, OR THING IS CAPABLE OF CAUSING AN ABORTION AND IS USED PRIMARILY FOR THAT PURPOSE.

(2) THE OFFENDER KNOWS OR HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON TO WHOM HE SELLS OR DISTRIBUTES SUCH DRUG, MEDICINE, INSTRUMENT, OR THING INTENDS TO USE IT TO CAUSE AN ABORTION.

(3) THE OFFENDER DIRECTLY OR INDIRECTLY REPRESENTS THAT SUCH DRUG, MEDICINE, INSTRUMENT, OR THING IS EFFECTIVE IN CAUSING AN ABORTION, REGARDLESS OF WHETHER IT IS EFFECTIVE AS REPRESENTED.

(B) THIS SECTION DOES NOT PROHIBIT A MANUFACTURER OR DISTRIBUTOR OF DRUGS OR SURGICAL SUPPLIES, OR A PHARMACIST OR PHYSICIAN, FROM LAWFULLY MANUFACTURING, POSSESSING, SELLING, OR DISTRIBUTING, IN THE USUAL COURSE OF HIS BUSINESS OR PROFESSION, ANY DRUG, MEDICINE, INSTRUMENT, OR THING INTENDED FOR ANY LAWFUL MEDICAL PURPOSE, INCLUDING AN ABORTION PERMITTED UNDER THE OHIO REVISED CODE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PROMOTING ABORTION, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 3-103. NONSUPPORT OF DEPENDENTS.

(A) NO PERSON SHALL, ABANDON, OR FAIL TO PROVIDE ADEQUATE SUPPORT TO:

(1) HIS OR HER SPOUSE, AS REQUIRED BY LAW;

(2) HIS OR HER LEGITIMATE OR ILLEGITIMATE CHILD UNDER EIGHTEEN, OR MENTALLY OR PHYSICALLY HANDICAPPED CHILD UNDER TWENTY-ONE;

(3) HIS OR HER AGED OR INFIRM PARENT OR ADOPTIVE PARENT, WHO FROM LACK OF ABILITY AND MEANS IS UNABLE TO PROVIDE ADEQUATELY FOR HIS OR HER OWN SUPPORT;

(4) ANY PERSON WHOM, BY LAW OR BY COURT ORDER OR DECREE, THE OFFENDER IS LEGALLY OBLIGED TO SUPPORT.

(B) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION THAT THE ACTOR WAS UNABLE TO PROVIDE ADEQUATE SUPPORT, AND PROVIDED SUCH SUPPORT AS WAS WITHIN HIS ABILITY AND MEANS.

(C) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER DIVISION (A) (3) OF THIS SECTION THAT THE PARENT ABANDONED OR FAILED TO SUPPORT THE ACTOR AS REQUIRED BY LAW, WHILE THE ACTOR WAS UNDER AGE EIGHTEEN, OR WAS MENTALLY OR PHYSICALLY HANDICAPPED AND UNDER AGE TWENTY-ONE.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF NONSUPPORT OF DEPENDENTS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 3-104. ENDANGERING CHILDREN.

(A) NO PERSON, BEING THE PARENT, GUARDIAN, CUSTODIAN, PERSON HAVING CUSTODY OR CONTROL, OR PERSON IN LOCO PARENTIS OF A CHILD UNDER EIGHTEEN OR A MENTALLY OR PHYSICALLY HANDICAPPED CHILD UNDER TWENTY-ONE YEARS OF AGE, SHALL CREATE A SUBSTANTIAL RISK TO THE HEALTH OR SAFETY OF SUCH CHILD, BY VIOLATING A DUTY OF CARE, PROTECTION, OR SUPPORT, IT IS NOT A VIOLATION OF A DUTY OF CARE, PROTECTION, OR SUPPORT UNDER THIS DIVISION WHEN THE PARENT, GUARDIAN, CUSTODIAN, OR PERSON HAVING CUSTODY OR CONTROL OF A CHILD TREATS THE PHYSICAL OR MENTAL ILLNESS OR DEFECT OF SUCH CHILD BY SPIRITUAL MEANS THROUGH PRAYER ALONE, IN ACCORDANCE WITH THE TENETS OF A RECOGNIZED RELIGIOUS BODY.

(B) NO PERSON SHALL DO ANY OF THE FOLLOWING TO A CHILD UNDER EIGHTEEN OR A MENTALLY OR PHYSICALLY HANDICAPPED CHILD UNDER TWENTY-ONE:

(1) TORTURE OR CRUELLY ABUSE THE CHILD;

(2) ADMINISTER CORPORAL PUNISHMENT OR OTHER PHYSICAL DISCIPLINARY MEASURE, OR PHYSICALLY RESTRAIN THE CHILD IN A CRUEL MANNER OR FOR A PROLONGED PERIOD, WHICH PUNISHMENT, DISCIPLINE, OR RESTRAINT IS EXCESSIVE UNDER THE CIRCUMSTANCES AND CREATES A SUBSTANTIAL RISK OF SERIOUS PHYSICAL HARM TO THE CHILD;

(3) REPEATEDLY ADMINISTER UNWARRANTED DISCIPLINARY MEASURES TO THE CHILD, WHEN THERE IS A SUBSTANTIAL RISK THAT SUCH CONDUCT, IF CONTINUED, WILL SERIOUSLY IMPAIR OR RETARD THE CHILD'S MENTAL HEALTH OR DEVELOPMENT.

(C) THIS SECTION SHALL NOT APPLY IF VIOLATION OF THIS SECTION RESULTS IN SERIOUS PHYSICAL HARM TO THE CHILD INVOLVED, OR IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER THIS SECTION OR OF ANY OFFENSE INVOLVING NEGLIGENCE, ABANDONMENT, CONTRIBUTING TO THE DELINQUENCY OF, OR PHYSICAL ABUSE OF A CHILD.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF ENDANGERING CHILDREN, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 3-105. INTERFERENCE WITH CUSTODY.

(A) NO PERSON, KNOWING HE IS WITHOUT PRIVILEGE TO DO SO OR BEING RECKLESS IN THAT REGARD, SHALL ENTICE, TAKE, KEEP, OR HARBOR ANY OF THE FOLLOWING PERSONS FROM HIS PARENT, GUARDIAN, OR CUSTODIAN:

(1) A CHILD UNDER THE AGE OF EIGHTEEN, OR A MENTALLY OR PHYSICALLY HANDICAPPED CHILD UNDER THE AGE OF TWENTY-ONE;

(2) A PERSON COMMITTED BY LAW TO AN INSTITUTION FOR DELINQUENT, UNRULY, NEGLECTED, OR DEPENDENT CHILDREN;

(3) A PERSON COMMITTED BY LAW TO AN INSTITUTION FOR THE MENTALLY ILL OR MENTALLY DEFICIENT.

(B) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF ENTICING OR TAKING UNDER DIVISION (A) (1) OF THIS SECTION, THAT THE ACTOR REASONABLY BELIEVED THAT HIS CONDUCT WAS NECESSARY TO PRESERVE THE CHILD'S HEALTH OR SAFETY. IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF KEEPING OR HARBORING UNDER DIVISION (A) OF THIS SECTION, THAT THE ACTOR IN GOOD FAITH GAVE NOTICE TO LAW ENFORCEMENT OR JUDICIAL AUTHORITIES WITHIN A REASONABLE TIME AFTER THE CHILD OR COMMITTED PERSON CAME UNDER HIS SHELTER, PROTECTION, OR INFLUENCE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF INTERFERENCE WITH CUSTODY, A MISDEMEANOR OF THE THIRD DEGREE.



## Chapter 4 GAMBLING OFFENSES

Section	Section
4-101 Definitions.	4-104 Operating a gambling house.
4-102 Application of provisions.	
4-103 Gambling.	

### Sec. 4-101. DEFINITIONS.

AS USED IN SECTIONS 4-101 TO 4-106 OF THE GENERAL OFFENSE CODE:

(A) "BOOKMAKING" MEANS THE BUSINESS OF RECEIVING OR PAYING OFF BETS.

(B) "BETS" MEANS THE HAZARDING OF ANYTHING OF VALUE UPON THE RESULT OF AN EVENT, UNDERTAKING, OR CONTINGENCY, BUT DOES NOT INCLUDE A BONA FIDE BUSINESS RISK.

(C) "SCHEME OF CHANCE" MEANS A LOTTERY, NUMBERS GAME, POOL, OR OTHER SCHEME IN WHICH A PARTICIPANT GIVES A VALUABLE CONSIDERATION FOR A CHANCE TO WIN A PRIZE.

(D) "GAME OF CHANCE" MEANS POKER, CRAPS, ROULETTE, A SLOT MACHINE, A PUNCH BOARD, OR OTHER GAME IN WHICH A PLAYER GIVES ANYTHING OF VALUE IN THE HOPE OF GAIN, THE OUTCOME OF WHICH IS DETERMINED LARGELY OR WHOLLY BY CHANCE.

(E) "SCHEME OR GAME OF CHANCE CONDUCTED FOR PROFIT" MEANS ANY SCHEME OR GAME OF CHANCE DESIGNED TO PRODUCE INCOME FOR ITS BACKER, PROMOTER, OR OPERATOR, BUT DOES NOT INCLUDE ANY SCHEME OR GAME OF CHANCE DESIGNED TO PRODUCE INCOME SOLELY FOR CHARITABLE PURPOSES WHEN THE ENTIRE NET INCOME AFTER DEDUCTION OF NECESSARY EXPENSES IS APPLIED TO SUCH PURPOSES.

(F) "GAMBLING DEVICE" MEANS:

- (1) A BOOK, TOTALIZER, OR OTHER EQUIPMENT FOR RECORDING BETS;
- (2) A TICKET, TOKEN, OR OTHER DEVICE REPRESENTING A CHANCE, SHARE, OR INTEREST IN A SCHEME OF CHANCE, OR EVIDENCING A BET;
- (3) A DECK OF CARDS, DICE, GAMING TABLE, ROULETTE WHEEL, SLOT MACHINE, PUNCH BOARD, OR OTHER APPARATUS DESIGNED FOR USE IN CONNECTION WITH A GAME OF CHANCE;
- (4) ANY EQUIPMENT, DEVICE, APPARATUS, OR PARAPHERNALIA SPECIALLY DESIGNED FOR GAMBLING PURPOSES.

(G) "GAMBLING OFFENSE" MEANS ANY OF THE FOLLOWING:

- (1) A VIOLATION OF SECTION 4-103 OR 4-104 OF THE GENERAL OFFENSE CODE.
- (2) A VIOLATION OF AN EXISTING OR FORMER MUNICIPAL ORDINANCE OR LAW OF THIS OR ANY OTHER STATE OR THE UNITED STATES SUBSTANTIALLY EQUIVALENT TO ANY SECTION LISTED IN DIVISION (G) (1) OF THIS SECTION;
- (3) AN OFFENSE UNDER AN EXISTING OR FORMER MUNICIPAL ORDINANCE OR LAW OF THIS OR ANY OTHER STATE OR THE UNITED STATES, OF WHICH GAMBLING IS AN ELEMENT;
- (4) AN ATTEMPT TO COMMIT, OR COMPLICITY IN COMMITTING AN OFFENSE UNDER DIVISION (F) (1), (2), OR (3) OF THIS SECTION.

### Sec. 4-102. APPLICATION OF PROVISIONS.

(A) ANY PERSON HAVING PREVIOUSLY BEEN CONVICTED OF A GAMBLING OFFENSE UNDER THIS CODE OR THE OHIO REVISED CODE, SHALL, ON A SUBSEQUENT OFFENSE, BE PROSECUTED PURSUANT TO THE PROVISIONS OF TITLE 29 OF THE OHIO REVISED CODE.

Sec. 4-103. GAMBLING.

(A) NO PERSON SHALL:

(1) ENGAGE IN BOOKMAKING, OR KNOWINGLY ENGAGE IN CONDUCT WHICH FACILITATES BOOKMAKING;

(2) ESTABLISH, PROMOTE, OR OPERATE, OR KNOWINGLY ENGAGE IN CONDUCT WHICH FACILITATES ANY SCHEME OR GAME OF CHANCE CONDUCTED FOR PROFIT;

(3) KNOWINGLY PROCURE, TRANSMIT, EXCHANGE, OR ENGAGE IN CONDUCT WHICH FACILITATES THE PROCUREMENT, TRANSMISSION, OR EXCHANGE OF, INFORMATION FOR USE IN ESTABLISHING ODDS OR DETERMINING WINNERS IN CONNECTION WITH BOOKMAKING OR WITH ANY SCHEME OR GAME OF CHANCE CONDUCTED FOR PROFIT.

(4) ENGAGE IN BETTING OR IN PLAYING ANY SCHEME OR GAME OF CHANCE AS A SUBSTANTIAL SOURCE OF INCOME OR LIVELIHOOD;

(5) WITH PURPOSE TO VIOLATE DIVISION (A) (1), (2), (3), OR (4) OF THIS SECTION, ACQUIRE, POSSESS, CONTROL, OR OPERATE ANY GAMBLING DEVICE.

(B) FOR PURPOSES OF DIVISION (A) (1) OF THIS SECTION, A PERSON FACILITATES BOOKMAKING IF HE IN ANY WAY KNOWINGLY AIDS AN ILLEGAL BOOKMAKING OPERATION, INCLUDING WITHOUT LIMITATION PLACING A BET WITH A PERSON ENGAGED IN OR FACILITATING ILLEGAL BOOKMAKING. FOR PURPOSES OF DIVISION (A) (2) OF THIS SECTION, A PERSON FACILITATES A SCHEME OR GAME OF CHANCE CONDUCTED FOR PROFIT IF HE IN ANY WAY KNOWINGLY AIDS THE CONDUCT OR OPERATION OF ANY SUCH SCHEME OR GAME, INCLUDING WITHOUT LIMITATION PLAYING ANY SUCH SCHEME OR GAME.

(C) THIS SECTION DOES NOT PROHIBIT CONDUCT IN CONNECTION WITH GAMBLING EXPRESSLY PERMITTED BY LAW.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF GAMBLING, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 4-104. OPERATING A GAMBLING HOUSE.

(A) NO PERSON, BEING THE OWNER OR LESSEE, OR HAVING CUSTODY, CONTROL, OR SUPERVISION OF PREMISES, SHALL:

(1) USE OR OCCUPY SUCH PREMISES FOR GAMBLING IN VIOLATION OF SECTION 4-103 OF THE GENERAL OFFENSE CODE.

(2) RECKLESSLY PERMIT SUCH PREMISES TO BE USED OR OCCUPIED FOR GAMBLING IN VIOLATION OF SECTION 4-103 OF THE GENERAL OFFENSE CODE.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF OPERATING A GAMBLING HOUSE, A MISDEMEANOR OF THE FIRST DEGREE.

(C) PREMISES USED OR OCCUPIED IN VIOLATION OF THIS SECTION CONSTITUTE A NUISANCE SUBJECT TO ABATEMENT.

Chapter 5  
HABITATION AND PROPERTY OFFENSES

Section		Section	
5-101	Definitions.	5-112	Making or using slugs.
5-102	Application of provisions.	5-113	Defrauding a livery or hostelry.
5-103	Arsen.	5-114	Tampering with records.
5-104	Criminal damaging or endangering.	5-115	Securing writings by deception.
5-105	Criminal mischief	5-116	Defrauding creditors.
5-106	Criminal trespass.	5-117	Receiving stolen property.
5-107	Petty theft.	5-118	Tampering with coin machines.
5-108	Unauthorized use of a vehicle.	5-119	Valuation of property.
5-109	Unauthorized use of property.	5-120	Exclusions.
5-110	Passing bad checks.	5-121	Destruction of vines, shrubs, trees or crops.
5-111	Misuse of credit cards.		

Sec. 5-101. DEFINITIONS.

AS USED IN SECTIONS 5-101 TO 5-121 OF THE GENERAL OFFENSE CODE:

(A) "DECEPTION" MEANS KNOWINGLY DECEIVING ANOTHER OR CAUSING 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 WHICH 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.

(B) "DEFRAUD" MEANS TO KNOWINGLY OBTAIN, BY DECEPTION, SOME BENEFIT FOR ONESELF OR ANOTHER, OR TO KNOWINGLY CAUSE, BY DECEPTION, SOME DETRIMENT TO ANOTHER.

(C) "DEPRIVE" MEANS TO:

(1) WITHHOLD PROPERTY OF ANOTHER PERMANENTLY, OR FOR SUCH PERIOD AS TO APPROPRIATE A SUBSTANTIAL PORTION OF ITS VALUE OR USE, OR WITH PURPOSE TO RESTORE IT ONLY UPON PAYMENT OF A REWARD OR OTHER CONSIDERATION;

(2) DISPOSE OF PROPERTY SO AS TO MAKE IT UNLIKELY THAT THE OWNER WILL RECOVER IT;

(3) ACCEPT, USE, OR APPROPRIATE MONEY, PROPERTY, OR SERVICES, WITH PURPOSE NOT TO GIVE PROPER CONSIDERATION IN RETURN THEREFOR, AND WITHOUT REASONABLE JUSTIFICATION OR EXCUSE FOR NOT GIVING PROPER CONSIDERATION.

(D) "OWNER" MEANS ANY PERSON, OTHER THAN THE ACTOR, WHO IS THE OWNER OF, OR WHO HAS POSSESSION OR CONTROL OF, OR ANY LICENSE OR INTEREST IN PROPERTY OR SERVICES, EVEN THOUGH SUCH OWNERSHIP, POSSESSION, CONTROL, LICENSE, OR INTEREST IS UNLAWFUL.

(E) "SERVICES" INCLUDE LABOR, PERSONAL SERVICES, PROFESSIONAL SERVICES, PUBLIC UTILITY SERVICES, COMMON CARRIER SERVICES, FOOD, DRINK, TRANSPORTATION, AND ENTERTAINMENT.

(F) "WRITING" MEANS ANY DOCUMENT, LETTER, MEMORANDUM, NOTE, PAPER, PLATE, FILM, OR OTHER THING HAVING IN OR UPON IT ANY WRITTEN, TYPEWRITTEN, OR PRINTED MATTER, AND ALSO MEANS ANY TOKEN, STAMP, SEAL, CREDIT CARD, BADGE, TRADEMARK, LABEL, OR OTHER SYMBOL OF VALUE, RIGHT, PRIVILEGE, LICENSE, OR IDENTIFICATION.

(G) "FORGE" MEANS 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 SUCH WRITING IN FACT IS NOT AUTHENTICATED THEREBY.

(H) "UTTER" MEANS TO ISSUE, PUBLISH, TRANSFER, USE, PUT OR SEND INTO CIRCULATION, DELIVER, OR DISPLAY.

(I) "COIN MACHINE" MEANS 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.

(J) "SLUG" MEANS AN OBJECT WHICH, 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.

(K) "THEFT OFFENSE" MEANS ANY OF THE FOLLOWING:

(1) A VIOLATION OF SECTION 5-106, 5-107, 5-108, 5-109, 5-110, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, OR 5-118 OF THE GENERAL OFFENSE CODE.

(2) A VIOLATION OF AN EXISTING OR FORMER MUNICIPAL ORDINANCE OR LAW OF THIS OR ANY OTHER STATE OR THE UNITED STATES SUBSTANTIALLY EQUIVALENT TO ANY SECTION LISTED IN DIVISION (K) (1) OF THIS SECTION;

(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) AN ATTEMPT TO COMMIT, OR COMPLICITY IN COMMITTING ANY OFFENSE UNDER DIVISION (K) (1), (2), OR (3) OF THIS SECTION.

Sec. 5-102. APPLICATION OF PROVISIONS.

(A) ANY PERSON HAVING PREVIOUSLY BEEN CONVICTED OF A THEFT OFFENSE UNDER THIS CODE OR THE OHIO REVISED CODE SHALL, ON A SUBSEQUENT OFFENSE, BE PROSECUTED PURSUANT TO THE PROVISIONS OF TITLE 29 OF THE OHIO REVISED CODE.

(B) THIS SECTION SHALL NOT APPLY TO SECTIONS 5-109, 5-112, 5-114, 5-115 AND 5-116 OF THE GENERAL OFFENSE CODE.

Sec. 5-103. ARSON.

(A) NO PERSON, BY MEANS OF FIRE OR EXPLOSION, SHALL KNOWINGLY AND WITHOUT PURPOSE TO DEFRAUD CAUSE, OR CREATE A SUBSTANTIAL RISK OF PHYSICAL HARM TO ANY PROPERTY OF ANOTHER WITHOUT HIS CONSENT.

(B) THIS SECTION SHALL NOT APPLY IF:

(1) THE VALUE OF THE PROPERTY OR THE AMOUNT OF PHYSICAL HARM INVOLVED IS ONE HUNDRED FIFTY DOLLARS OR MORE; OR

(2) THE PROPERTY INVOLVED IS THE CITY HALL, JEFFREY MANSION, A BUILDING, OR ANOTHER STRUCTURE OWNED AND USED FOR PUBLIC PURPOSES.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF ARSON, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-104. CRIMINAL DAMAGING OR ENDANGERING.

(A) NO PERSON SHALL CAUSE, OR CREATE A SUBSTANTIAL RISK OF PHYSICAL HARM TO ANY PROPERTY OF ANOTHER WITHOUT HIS CONSENT:

(1) KNOWINGLY, BY ANY MEANS;

(2) RECKLESSLY, BY MEANS OF FIRE, EXPLOSION, FLOOD, POISON GAS, POISON, RADIOACTIVE MATERIAL, CAUSTIC OR CORROSIVE MATERIAL, OR OTHER INHERENTLY DANGEROUS AGENCY OR SUBSTANCE.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF CRIMINAL DAMAGING OR ENDANGERING, A MISDEMEANOR OF THE SECOND DEGREE, IF VIOLATION OF THIS SECTION CREATES A RISK OF PHYSICAL HARM TO ANY PERSON, CRIMINAL DAMAGING OR ENDANGERING IS A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-105. CRIMINAL MISCHIEF.

(A) NO PERSON SHALL:

(1) WITHOUT PRIVILEGE TO DO SO, KNOWINGLY 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 WHICH IS HARMFUL OR OFFENSIVE TO PERSONS EXPOSED, OR WHICH TENDS TO CAUSE PUBLIC ALARM;

(3) WITHOUT PRIVILEGE TO DO SO, KNOWINGLY MOVE, DEFACE, DESTROY, OR OTHERWISE TAMPER WITH A BENCH MARK, TRIANGULATION STATION, BOUNDARY MARKER, OR OTHER SURVEY STATION, MONUMENT, OR MARKER.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF CRIMINAL MISCHIEF, A MISDEMEANOR OF THE THIRD DEGREE. IF VIOLATION OF THIS SECTION CREATES A RISK OF PHYSICAL HARM TO ANY PERSON, CRIMINAL MISCHIEF IS A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-106. CRIMINAL 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 HE 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 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 SUCH AUTHORIZATION WAS SECURED BY DECEPTION.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF CRIMINAL TRESPASS, A MISDEMEANOR OF THE FOURTH DEGREE.

(E) AS USED IN THIS SECTION, "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.

Sec. 5-107. PETTY THEFT.

(A) NO PERSON, WITH PURPOSE TO DEPRIVE THE OWNER OF PROPERTY OR SERVICES, SHALL KNOWINGLY OBTAIN OR EXERT CONTROL OVER EITHER:

(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.

(B) THIS SECTION SHALL NOT APPLY IF THE VALUE OF THE PROPERTY INVOLVED IS ONE HUNDRED FIFTY DOLLARS OR MORE, OR IS ANY OF THE PROPERTY LISTED IN SECTION 5-120.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PETTY THEFT, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-108. 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) 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 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.

(C) THIS SECTION SHALL NOT APPLY IF THE OFFENDER REMOVES THE VEHICLE FROM THIS STATE OR RETAINS POSSESSION OF IT FOR MORE THAN FORTY-EIGHT HOURS.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF UNAUTHORIZED USE OF A VEHICLE, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-109. UNAUTHORIZED USE OF 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) THE AFFIRMATIVE DEFENSES CONTAINED IN DIVISION (B) OF SECTION 5-108 OF THE GENERAL OFFENSE CODE ARE AFFIRMATIVE DEFENSES TO A CHARGE UNDER THIS SECTION.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF UNAUTHORIZED USE OF PROPERTY, A MISDEMEANOR OF THE FOURTH DEGREE.

Sec. 5-110. PASSING BAD CHECKS:

(A) 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.

(B) FOR PURPOSES OF THIS SECTION, A PERSON WHO ISSUES OR TRANSFERS A CHECK OR NEGOTIABLE INSTRUMENT IS PRESUMED TO KNOW THAT IT WILL BE DISHONORED, IF EITHER OF THE FOLLOWING OCCURS:

(1) THE DRAWER HAD NO ACCOUNT WITH THE DRAWEE AT THE TIME OF ISSUE OR THE STATED DATE, WHICHEVER IS LATER.

(2) THE CHECK OR INSTRUMENT WAS PROPERLY REFUSED PAYMENT FOR INSUFFICIENT FUNDS UPON PRESENTMENT WITHIN THIRTY 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.

(C) THIS SECTION SHALL NOT APPLY IF THE CHECK OR OTHER NEGOTIABLE INSTRUMENT IS FOR PAYMENT OF ONE HUNDRED FIFTY DOLLARS OR MORE.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PASSING BAD CHECKS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-111. 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 VALUED AT LESS THAN ONE HUNDRED FIFTY DOLLARS BY THE USE OF A CREDIT CARD, KNOWING OR HAVING REASONABLE CAUSE TO BELIEVE THAT SUCH CARD HAS EXPIRED OR BEEN REVOKED OR WAS OBTAINED, IS RETAINED, OR IS BEING USED IN VIOLATION OF THE LAW;

(3) FURNISH PROPERTY OR SERVICES VALUED AT LESS THAN ONE HUNDRED FIFTY DOLLARS UPON PRESENTATION OF A CREDIT CARD, KNOWING THAT SUCH 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 VALUED AT LESS THAN ONE HUNDRED FIFTY DOLLARS HAVE BEEN FURNISHED, KNOWING THAT SUCH 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, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-112. 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.

Sec. 5-113. DEFRAUDING A LIVERY OR HOSTELRY.

(A) NO PERSON, WITH PURPOSE TO DEFRAUD OR KNOWING THAT HE IS FACILITATING A FRAUD, SHALL DO EITHER OF THE FOLLOWING:

(1) HIRE AN AIRCRAFT, MOTOR VEHICLE, MOTORCYCLE, MOTORBOAT, SAILBOAT, CAMPER, TRAILER, HORSE, OR BUGGY, OR KEEP OR OPERATE ANY OF THE SAME WHICH HAS BEEN HIRED;

(2) ENGAGE ACCOMMODATIONS AT A HOTEL, MOTEL, INN, CAMPGROUND, OR OTHER HOSTELRY.

(B) IT IS PRIMA-FACIE EVIDENCE OF PURPOSE TO DEFRAUD IF THE OFFENDER DOES ANY OF THE FOLLOWING:

(1) USES DECEPTION TO INDUCE THE RENTAL AGENCY TO FURNISH THE OFFENDER WITH ANY OF THE PROPERTY LISTED IN DIVISION (A) (1) OF THIS SECTION, OR USES DECEPTION TO INDUCE THE HOSTELRY TO FURNISH HIM WITH ACCOMMODATIONS;

(2) HIRES ANY OF THE PROPERTY NAMED IN DIVISION (A) (1) OF THIS SECTION, OR ENGAGES ACCOMMODATIONS, KNOWING HE IS WITHOUT SUFFICIENT MEANS TO PAY THE HIRE OR RENTAL;

(3) ABSCONDS WITHOUT PAYING THE HIRE OR RENTAL;

(4) KNOWINGLY FAILS TO PAY THE HIRE OR RENTAL AS REQUIRED BY THE CONTRACT OF HIRE OR RENTAL, WITHOUT REASONABLE EXCUSE FOR SUCH FAILURE;

(5) KNOWINGLY FAILS TO RETURN HIRED PROPERTY AS REQUIRED BY THE CONTRACT OF HIRE, WITHOUT REASONABLE EXCUSE FOR SUCH FAILURE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DEFRAUDING A LIVERY OR HOSTELRY, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-114. TAMPERING WITH RECORDS.

(A) NO PERSON, KNOWING HE HAS NO PRIVILEGE TO DO SO, AND WITH PURPOSE TO DEFRAUD OR KNOWING THAT HE IS FACILITATING A FRAUD, SHALL DO ANY OF THE FOLLOWING:

(1) FALSIFY, DESTROY, REMOVE, CONCEAL, ALTER, DEFACE, OR MUTILATE ANY WRITING 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) THIS SECTION SHALL NOT APPLY IF THE WRITING OR RECORD IS A WILL UNREVOKED AT THE TIME OF THE OFFENSE, OR A RECORD KEPT BY OR BELONGING TO A GOVERNMENTAL AGENCY.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF TAMPERING WITH RECORDS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-115. SECURING WRITINGS BY DECEPTION.

(A) NO PERSON, BY DECEPTION, SHALL CAUSE ANOTHER TO EXECUTE ANY WRITING WHICH DISPOSES OF OR ENCUMBERS PROPERTY, OR BY WHICH A PECUNIARY OBLIGATION IS INCURRED.

(B) THIS SECTION SHALL NOT APPLY IF THE VALUE OF THE PROPERTY OR THE OBLIGATION INVOLVED IS ONE HUNDRED FIFTY DOLLARS OR MORE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF SECURING WRITINGS BY DECEPTION, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-116. DEFRAUDING CREDITORS.

(A) NO PERSON, WITH PURPOSE TO DEFRAUD ONE OR MORE OF HIS CREDITORS, SHALL DO ANY OF THE FOLLOWING:

(1) REMOVE, CONCEAL, DESTROY, ENCUMBER, CONVEY, OR OTHERWISE DEAL WITH ANY OF HIS PROPERTY;

(2) MISREPRESENT OR REFUSE TO DISCLOSE TO A FIDUCIARY APPOINTED TO ADMINISTER OR MANAGE HIS AFFAIRS OR ESTATE, THE EXISTENCE, AMOUNT, OR LOCATION OF ANY OF HIS PROPERTY, OR ANY OTHER INFORMATION REGARDING SUCH PROPERTY WHICH HE IS LEGALLY REQUIRED TO FURNISH TO THE FIDUCIARY.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DEFRAUDING CREDITORS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 5-117. RECEIVING STOLEN PROPERTY.

(A) NO PERSON SHALL RECEIVE, RETAIN, OR DISPOSE OF PROPERTY OF ANOTHER, KNOWING OR HAVING REASONABLE CAUSE TO BELIEVE IT HAS BEEN OBTAINED THROUGH COMMISSION OF A THEFT OFFENSE.

(B) THIS SECTION SHALL NOT APPLY IF THE VALUE OF THE PROPERTY INVOLVED IS ONE HUNDRED FIFTY DOLLARS OR MORE, OR IS ANY OF THE PROPERTY LISTED IN SECTION 5-120.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF RECEIVING STOLEN PROPERTY, A MISDEMEANOR OF THE FIRST DEGREE.



Sec. 5-118. 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.

Sec. 5-119. VALUATION OF PROPERTY.

(A) WHEN A PERSON IS CHARGED WITH A THEFT OFFENSE INVOLVING PROPERTY OR SERVICES VALUED AT ONE HUNDRED FIFTY DOLLARS OR MORE, THE JURY OR COURT TRYING THE ACCUSED SHALL DETERMINE THE VALUE OF SUCH PROPERTY OR SERVICES AS OF THE TIME OF THE OFFENSE AND, IF A GUILTY VERDICT IS RETURNED, SHALL RETURN THE FINDING OF VALUE AS PART OF THE VERDICT, IN ANY SUCH CASE IT IS UNNECESSARY TO FIND AND RETURN EXACT VALUE, AND IT IS SUFFICIENT IF THE FINDING AND RETURN IS TO THE EFFECT THAT THE VALUE OF THE PROPERTY OR SERVICES INVOLVED WAS LESS THAN ONE HUNDRED FIFTY DOLLARS OR WAS ONE HUNDRED FIFTY DOLLARS OR MORE.

(B) WHERE MORE THAN ONE ITEM OF PROPERTY OR SERVICES IS INVOLVED IN A THEFT OFFENSE, THE VALUE OF THE PROPERTY OR SERVICES INVOLVED FOR THE PURPOSE OF DETERMINING THE VALUE AS REQUIRED BY DIVISION (A) OF THIS SECTION, IS THE AGGREGATE VALUE OF ALL PROPERTY OR SERVICES INVOLVED IN THE OFFENSE.

(C) WHEN A SERIES OF OFFENSES UNDER SECTION 5-107 OF THE GENERAL OFFENSE CODE IS COMMITTED BY THE OFFENDER IN HIS SAME EMPLOYMENT, CAPACITY, OR RELATIONSHIP TO ANOTHER, ALL SUCH OFFENSES SHALL BE TRIED AS A SINGLE OFFENSE, AND THE VALUE OF THE PROPERTY OR SERVICES INVOLVED FOR THE PURPOSE OF DETERMINING THE VALUE AS REQUIRED BY DIVISION (A) OF THIS SECTION, IS THE AGGREGATE VALUE OF ALL PROPERTY AND SERVICES INVOLVED IN ALL OFFENSES IN THE SERIES. IN PROSECUTING A SINGLE OFFENSE UNDER THIS DIVISION, IT IS NOT NECESSARY TO SEPARATELY ALLEGE AND PROVE EACH OFFENSE IN THE SERIES. IT IS SUFFICIENT TO ALLEGE AND PROVE THAT THE OFFENDER, WITHIN A GIVEN SPAN OF TIME COMMITTED ONE OR MORE THEFT OFFENSES IN HIS SAME EMPLOYMENT, CAPACITY, OR RELATIONSHIP TO ANOTHER.

(D) 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 WHICH HAS INTRINSIC WORTH TO ITS OWNER AND WHICH IS EITHER 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 PROPERTY, REAL OR PERSONAL, NOT COVERED UNDER DIVISION (C) (1) OR (2) OF THIS SECTION, AND THE VALUE OF SERVICES, IS THE FAIR MARKET VALUE OF SUCH 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.

(E) 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 SUCH 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 MARKET QUOTATION PRIOR TO THE OFFENSE, IS PRIMA-FACIE EVIDENCE OF THE VALUE OF SUCH 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 SUCH LIVESTOCK, POULTRY, OR PRODUCTS.

(4) WHEN THE PROPERTY INVOLVED IS A NEGOTIABLE INSTRUMENT, THE FACE VALUE IS PRIMA-FACIE EVIDENCE OF THE VALUE OF SUCH 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 THEREBY, IS PRIMA-FACIE EVIDENCE OF THE VALUE OF SUCH 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 SUCH 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 SUCH 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 SUCH NOTICE IS PRIMA-FACIE EVIDENCE OF THE VALUE OF SUCH SERVICES.

Sec. 5-120. EXCLUSIONS.

SECTIONS 5-107 AND 5-117 OF THIS CHAPTER ARE NOT VIOLATED WHEN THE PROPERTY INVOLVED IS ANY OF THE FOLLOWING:

(A) A CREDIT CARD;

(B) A PRINTED FORM FOR A CHECK OR OTHER NEGOTIABLE INSTRUMENT, WHICH 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 WHICH HAS NOT BEEN EXECUTED BY THE DRAWER OR MAKER OR ON WHICH THE AMOUNT IS BLANK;

(C) A FIREARM OR DANGEROUS ORDINANCE AS DEFINED IN SECTION 2923.11 OF THE REVISED CODE;

(D) A MOTOR VEHICLE AS DEFINED IN SECTION 4501.01 OF THE REVISED CODE;

(E) A MOTOR VEHICLE IDENTIFICATION LICENSE PLATE AS PRESCRIBED BY SECTION 4503.22 OF THE REVISED CODE, OR AS PRESCRIBED BY THE APPLICABLE LAW OF ANOTHER STATE OR THE UNITED STATES;

(F) A BLANK FORM FOR A CERTIFICATE OF TITLE OR A MANUFACTURER'S OR IMPORTER'S CERTIFICATE TO A MOTOR VEHICLE, AS PRESCRIBED BY SECTION 4505.07 OF THE REVISED CODE;

(G) A BLANK FORM FOR ANY LICENSE LISTED IN DIVISION (A) OF SECTION 4507.01 OF THE REVISED CODE.

(H) OFFENSES CONCERNING THE ABOVE PROPERTY SHALL BE PROSECUTED PURSUANT TO SECTION 2913.71 OF THE OHIO REVISED CODE.

Sec. 5-121. DESTRUCTION OF VINES, SHRUBS, 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) WHOEVER VIOLATES THIS SECTION IS LIABLE IN TREBLE DAMAGES FOR THE INJURY CAUSED.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MINOR MISDEMEANOR.

## Chapter 6 HEALTH AND SAFETY

### Section

6-101 Unvented heaters.

#### Sec. 6-101. UNVENTED HEATERS.

(A) A BRAZIER, SALAMANDER, SPACE HEATER, ROOM HEATER, FURNACE, WATER HEATER, OR OTHER BURNER OR HEATER USING WOOD, COAL, COKE, FUEL OIL, KEROSENE, GASOLINE, NATURAL GAS, OR SIMILAR FUEL, AND TENDING TO GIVE OFF CARBON MONOXIDE OR OTHER HARMFUL GASES:

(1) WHEN USED IN LIVING QUARTERS, OR IN ANY ENCLOSED BUILDING OR SPACE IN WHICH PERSONS ARE USUALLY PRESENT, SHALL BE USED WITH A FLUE OR VENT SO DESIGNED, INSTALLED, AND MAINTAINED AS TO VENT THE PRODUCTS OF COMBUSTION OUTDOORS;

(2) WHEN USED AS A PORTABLE OR TEMPORARY BURNER OR HEATER AT A CONSTRUCTION SITE, OR IN A WAREHOUSE, SHED, OR STRUCTURE IN WHICH PERSONS ARE TEMPORARILY PRESENT, SHALL BE VENTED AS PROVIDED IN DIVISION (A) (1) OF THIS SECTION, OR USED WITH SUFFICIENT VENTILATION TO AVOID THE DANGER OF CARBON MONOXIDE POISONING.

(B) THIS SECTION DOES NOT APPLY TO DOMESTIC RANGES, LAUNDRY STOVES, GAS LOGS INSTALLED IN A FIREPLACE WITH AN ADEQUATE FLUE, OR HOT PLATES, UNLESS THE SAME ARE USED AS SPACE OR ROOM HEATERS.

(C) NO PERSON SHALL NEGLIGENTLY USE, OR, BEING THE OWNER, PERSON IN CHARGE, OR OCCUPANT OF PREMISES, NEGLIGENTLY PERMIT THE USE OF A BURNER OR HEATER IN VIOLATION OF THE STANDARDS FOR VENTING AND VENTILATION PROVIDED IN THIS SECTION.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.

## Chapter 7 JUSTICE AND PUBLIC ADMINISTRATION

### Section

7-101 Definitions.  
7-102 Falsification.  
7-103 Having an unlawful interest in public contract.

### Section

7-104 Soliciting or receiving improper compensation.  
7-105 Dereliction of duty.  
7-106 Interfering with civil rights.

#### Sec. 7-101. DEFINITIONS.

AS USED IN SECTIONS 7-101 TO 7-106 OF THE GENERAL OFFENSE CODE:

(A) "PUBLIC OFFICIAL" MEANS ANY ELECTED OR APPOINTED OFFICER, OR EMPLOYEE, OR AGENT OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, WHETHER IN A TEMPORARY OR PERMANENT CAPACITY, AND INCLUDING WITHOUT LIMITATION LEGISLATORS, JUDGES, AND LAW ENFORCEMENT OFFICERS.

(B) "PUBLIC SERVANT" MEANS ANY OF THE FOLLOWING:

(1) ANY PUBLIC OFFICIAL;

(2) ANY PERSON PERFORMING AD HOC A GOVERNMENTAL FUNCTION, INCLUDING WITHOUT LIMITATION A JUROR, MEMBER OF A TEMPORARY COMMISSION, MASTER, ARBITRATOR, ADVISOR, OR CONSULTANT;

(3) A CANDIDATE FOR PUBLIC OFFICE, WHETHER OR NOT HE IS ELECTED OR APPOINTED TO THE OFFICE FOR WHICH HE IS A CANDIDATE. A PERSON IS A CANDIDATE FOR PURPOSES OF THIS DIVISION IF HE HAS BEEN NOMINATED ACCORDING TO LAW FOR ELECTION OR APPOINTMENT TO PUBLIC OFFICE, OR IF HE HAS FILED A PETITION OR PETITIONS AS REQUIRED BY LAW TO HAVE HIS NAME PLACED ON THE BALLOT IN A PRIMARY, GENERAL, OR SPECIAL ELECTION, OR IF HE CAMPAIGNS AS A WRITE-IN CANDIDATE IN ANY PRIMARY, GENERAL, OR SPECIAL ELECTION.

(C) "OFFICIAL PROCEEDING" MEANS ANY PROCEEDING BEFORE A LEGISLATIVE, JUDICIAL, ADMINISTRATIVE, OR OTHER GOVERNMENTAL AGENCY OR OFFICIAL AUTHORIZED TO TAKE EVIDENCE UNDER OATH, AND INCLUDES ANY PROCEEDING BEFORE A REFEREE, HEARING EXAMINER, COMMISSIONER, NOTARY, OR OTHER PERSON TAKING TESTIMONY OR A DEPOSITION IN CONNECTION WITH AN OFFICIAL PROCEEDING.

(D) "DETENTION" MEANS ARREST, OR CONFINEMENT IN ANY FACILITY FOR CUSTODY OF PERSONS CHARGED WITH OR CONVICTED OF CRIME OR ALLEGED OR FOUND TO BE DELINQUENT OR UNRULY, OR DETENTION FOR EXTRADITION OR DEPORTATION, DETENTION DOES NOT INCLUDE SUPERVISION OF PROBATION OR PAROLE, NOR CONSTRAINT INCIDENTAL TO RELEASE ON BAIL.

(E) "DETENTION FACILITY" MEANS ANY PLACE USED FOR THE CONFINEMENT OF A PERSON CHARGED WITH OR CONVICTED OF CRIME OR ALLEGED OR FOUND TO BE DELINQUENT OR UNRULY.

Sec. 7-102. FALSIFICATION.

(A) NO PERSON SHALL KNOWINGLY MAKE A FALSE STATEMENT, OR KNOWINGLY MAKE A FALSE STATEMENT OR KNOWINGLY SWEAR OR AFFIRM THE TRUTH OF A FALSE STATEMENT PREVIOUSLY MADE, WHEN ANY OF THE FOLLOWING APPLY:

(1) THE STATEMENT IS MADE IN ANY OFFICIAL PROCEEDING.

(2) THE STATEMENT IS MADE WITH PURPOSE TO INCRIMINATE ANOTHER.

(3) THE STATEMENT IS MADE WITH PURPOSE TO MISLEAD A PUBLIC OFFICIAL IN PERFORMING HIS OFFICIAL FUNCTION.

(4) THE STATEMENT IS MADE WITH PURPOSE TO SECURE THE PAYMENT OF WORKMEN'S COMPENSATION, UNEMPLOYMENT COMPENSATION, AID FOR THE AGED, AID FOR THE BLIND, AID FOR THE PERMANENTLY AND TOTALLY DISABLED, AID TO DEPENDENT CHILDREN, GENERAL RELIEF, RETIREMENT BENEFITS, OR OTHER BENEFITS ADMINISTERED BY A GOVERNMENTAL AGENCY OR PAID OUT OF A PUBLIC TREASURY.

(5) THE STATEMENT IS MADE WITH PURPOSE TO SECURE THE ISSUANCE BY A GOVERNMENTAL AGENCY OF A LICENSE, PERMIT, AUTHORIZATION, CERTIFICATE, REGISTRATION, OR RELEASE.

(6) THE STATEMENT IS SWORN OR AFFIRMED BEFORE A NOTARY PUBLIC OR OTHER PERSON EMPOWERED TO ADMINISTER OATHS.

(7) THE STATEMENT IS IN WRITING ON OR IN CONNECTION WITH A REPORT OR RETURN WHICH IS REQUIRED OR AUTHORIZED BY LAW.

(8) THE STATEMENT IS IN WRITING, AND IS MADE WITH PURPOSE TO INDUCE ANOTHER TO EXTEND CREDIT TO OR EMPLOY THE OFFENDER, OR TO CONFER ANY DEGREE, DIPLOMA, CERTIFICATE OF ATTAINMENT, AWARD OF EXCELLENCE, OR HONOR ON THE OFFENDER, OR TO EXTEND TO OR BESTOW UPON THE OFFENDER ANY OTHER VALUABLE BENEFIT OR DISTINCTION, WHEN THE PERSON TO WHOM SUCH STATEMENT IS DIRECTED RELIES UPON IT TO HIS DETRIMENT.

(B) IT IS NO DEFENSE TO A CHARGE UNDER DIVISION (A) (4) OF THIS SECTION THAT THE OATH OR AFFIRMATION WAS ADMINISTERED OR TAKEN IN AN IRREGULAR MANNER.

(C) WHERE CONTRADICTORY STATEMENTS RELATING TO THE SAME FACT ARE MADE BY THE OFFENDER WITHIN THE PERIOD OF THE STATUTE OF LIMITATIONS FOR FALSIFICATION, IT IS NOT NECESSARY FOR THE PROSECUTION TO PROVE WHICH STATEMENT WAS FALSE, BUT ONLY THAT ONE OR THE OTHER WAS FALSE.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF FALSIFICATION, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 7-103. HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

(A) NO PUBLIC OFFICIAL SHALL KNOWINGLY DO ANY OF THE FOLLOWING:

(1) DURING HIS TERM OF OFFICE OR WITHIN ONE YEAR THEREAFTER, OCCUPY ANY POSITION OF PROFIT IN THE PROSECUTION OF A PUBLIC CONTRACT AUTHORIZED BY HIM OR BY A LEGISLATIVE BODY, COMMISSION, OR BOARD OF WHICH HE WAS A MEMBER AT THE TIME OF AUTHORIZATION AND NOT LET BY COMPETITIVE BIDDING, OR LET BY COMPETITIVE BIDDING IN WHICH HIS IS NOT THE LOWEST AND BEST BID;

(2) HAVE AN INTEREST IN THE PROFITS OR BENEFITS OF A PUBLIC CONTRACT ENTERED INTO BY OR FOR THE USE OF THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY WITH WHICH HE IS CONNECTED;

(3) HAVE AN INTEREST IN THE PROFITS OR BENEFITS OF A PUBLIC CONTRACT WHICH IS NOT LET BY COMPETITIVE BIDDING WHEN REQUIRED BY LAW, AND WHICH INVOLVES MORE THAN ONE HUNDRED FIFTY DOLLARS.

(B) IN THE ABSENCE OF BRIBERY OR A PURPOSE TO DEFRAUD, A PUBLIC SERVANT SHALL NOT BE CONSIDERED AS HAVING AN INTEREST IN A PUBLIC CONTRACT WHEN ALL OF THE FOLLOWING APPLY:

(1) THE INTEREST OF SUCH PERSON IS LIMITED TO OWNING OR CONTROLLING SHARES OF THE CORPORATION, OR BEING A CREDITOR OF THE CORPORATION OR OTHER ORGANIZATION, WHICH IS THE CONTRACTOR ON THE PUBLIC CONTRACT INVOLVED, OR WHICH IS THE ISSUER OF THE SECURITY IN WHICH PUBLIC FUNDS ARE INVESTED;

(2) THE SHARES OWNED OR CONTROLLED BY SUCH PERSON DO NOT EXCEED FIVE PER CENT OF THE OUTSTANDING SHARES OF THE CORPORATION, AND THE AMOUNT DUE SUCH PERSON AS CREDITOR DOES NOT EXCEED FIVE PER CENT OF THE TOTAL INDEBTEDNESS OF THE CORPORATION OR OTHER ORGANIZATION;

(3) SUCH PERSON, PRIOR TO THE TIME THE PUBLIC CONTRACT IS ENTERED INTO, FILES WITH THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY INVOLVED, AN AFFIDAVIT GIVING HIS EXACT STATUS IN CONNECTION WITH THE CORPORATION OR OTHER ORGANIZATION.

(C) THIS SECTION DOES NOT APPLY TO A PUBLIC CONTRACT IN WHICH A PUBLIC SERVANT HAS AN INTEREST, WHEN ALL OF THE FOLLOWING APPLY:

(1) THE SUBJECT OF THE PUBLIC CONTRACT IS NECESSARY SUPPLIES OR SERVICES FOR THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY INVOLVED;

(2) THE SUPPLIES OR SERVICES ARE UNOBTAINABLE ELSEWHERE FOR THE SAME OR LOWER COST, OR ARE BEING FURNISHED TO THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY AS PART OF A CONTINUING COURSE OF DEALING ESTABLISHED PRIOR TO THE PUBLIC SERVANT'S BECOMING ASSOCIATED WITH THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY INVOLVED;

(3) THE TREATMENT ACCORDED THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY IS EITHER PREFERENTIAL TO OR THE SAME AS THAT ACCORDED OTHER CUSTOMERS OR CLIENTS IN SIMILAR TRANSACTIONS;

(4) THE ENTIRE TRANSACTION IS CONDUCTED AT ARM'S LENGTH, WITH FULL KNOWLEDGE BY THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY INVOLVED, OF THE INTEREST OF THE PUBLIC SERVANT, AND THE PUBLIC SERVANT TAKES NO PART IN THE DELIBERATIONS OR DECISION OF THE POLITICAL SUBDIVISION OR GOVERNMENTAL AGENCY OR INSTRUMENTALITY WITH RESPECT TO THE PUBLIC CONTRACT.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT. VIOLATION OF THIS SECTION IS A MISDEMEANOR OF THE FIRST DEGREE.

(E) AS USED IN THIS SECTION, "PUBLIC CONTRACT" MEANS ANY OF THE FOLLOWING:

(1) THE PURCHASE OR ACQUISITION, OR A CONTRACT FOR THE PURCHASE OR ACQUISITION OF PROPERTY OR SERVICES BY OR FOR THE USE OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, OR ANY AGENCY OR INSTRUMENTALITY OF EITHER.

(2) A CONTRACT FOR THE DESIGN, CONSTRUCTION, ALTERATION, REPAIR, OR MAINTENANCE OF ANY PUBLIC PROPERTY.

Sec. 7-104. SOLICITING OR RECEIVING IMPROPER COMPENSATION.

(A) NO PUBLIC SERVANT SHALL KNOWINGLY DO ANY OF THE FOLLOWING:

(1) SOLICIT OR RECEIVE COMPENSATION OTHER THAN THAT ALLOWED BY LAW TO PERFORM HIS OFFICIAL DUTIES;

(2) SOLICIT OR RECEIVE GREATER FEES OR COSTS THAN ARE ALLOWED BY LAW TO PERFORM HIS OFFICIAL DUTIES;

(3) RECEIVE ANY FEE OR REWARD, OR ANY PART OF THE COMPENSATION OF A PUBLIC SERVANT OVER WHOM HE HAS SUPERVISORY AUTHORITY, IN CONSIDERATION OF APPOINTING SUCH PUBLIC SERVANT TO PUBLIC EMPLOYMENT.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF SOLICITING OR RECEIVING IMPROPER COMPENSATION, A MISDEMEANOR OF THE FIRST DEGREE.

(C) A PUBLIC SERVANT WHO IS CONVICTED OF VIOLATION OF THIS SECTION IS DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE, EMPLOYMENT, OR POSITION OF TRUST IN THIS CITY FOR A PERIOD OF SEVEN YEARS FROM THE DATE OF CONVICTION.

Sec. 7-105. DERELICTION OF DUTY.

(A) NO LAW ENFORCEMENT OFFICER SHALL NEGLIGENTLY DO ANY OF THE FOLLOWING:

(1) FAIL TO SERVE A LAWFUL WARRANT WITHOUT DELAY;

(2) FAIL TO PREVENT OR HALT THE COMMISSION OF AN OFFENSE OR TO APPREHEND AN OFFENDER, WHEN IT IS IN HIS POWER TO DO SO ALONE OR WITH AVAILABLE ASSISTANCE.

(B) NO LAW ENFORCEMENT, MINISTERIAL, OR JUDICIAL OFFICER SHALL NEGLIGENTLY FAIL TO PERFORM A LAWFUL DUTY IN A CRIMINAL CASE OR PROCEEDING.

(C) NO OFFICER, HAVING CHARGE OF A DETENTION FACILITY, SHALL NEGLIGENTLY DO ANY OF THE FOLLOWING:

(1) ALLOW THE DETENTION FACILITY TO BECOME LITTERED OR UNSANITARY;

(2) FAIL TO PROVIDE PERSONS CONFINED IN THE DETENTION FACILITY WITH ADEQUATE FOOD, CLOTHING, BEDDING, SHELTER, AND MEDICAL ATTENTION;

(3) FAIL TO CONTROL AN UNRULY PRISONER, OR TO PREVENT INTIMIDATION OF OR PHYSICAL HARM TO A PRISONER BY ANOTHER;

(4) ALLOW A PRISONER TO ESCAPE;

(5) FAIL TO OBSERVE ANY LAWFUL AND REASONABLE REGULATION FOR THE MANAGEMENT OF THE DETENTION FACILITY.

(D) NO PUBLIC OFFICIAL OF THE STATE SHALL RECKLESSLY CREATE A DEFICIENCY, INCUR A LIABILITY, OR EXPEND A GREATER SUM THAN IS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE USE IN ANY ONE YEAR OF THE DEPARTMENT, AGENCY, OR INSTITUTION OF THE STATE WITH WHICH THE PUBLIC OFFICIAL IS CONNECTED.

(E) NO PUBLIC SERVANT SHALL RECKLESSLY FAIL TO PERFORM A DUTY EXPRESSLY IMPOSED BY LAW WITH RESPECT TO HIS OFFICE, OR RECKLESSLY DO ANY ACT EXPRESSLY FORBIDDEN BY LAW WITH RESPECT TO HIS OFFICE.

(F) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DERELICTION OF DUTY, A MISDEMEANOR OF THE SECOND DEGREE.

Sec. 7-106. INTERFERING WITH CIVIL RIGHTS.

(A) NO PUBLIC SERVANT, UNDER COLOR OF HIS OFFICE, EMPLOYMENT, OR AUTHORITY, SHALL KNOWINGLY DEPRIVE, OR CONSPIRE OR ATTEMPT TO DEPRIVE ANY PERSON OF A CONSTITUTIONAL OR STATUTORY RIGHT.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF INTERFERING WITH CIVIL RIGHTS, A MISDEMEANOR OF THE FIRST DEGREE.

## Chapter 8 OFFENSES AGAINST PERSONS

Section		Section	
8-101	Negligent homicide.	8-106	Menacing.
8-102	Vehicular homicide.	8-107	Unlawful restraint.
8-103	Assault.	8-108	Child stealing.
8-104	Negligent assault.	8-109	Coercion.
8-105	Aggravated menacing.		

Sec. 8-101. NEGLIGENCE HOMICIDE.

(A) NO PERSON SHALL NEGLIGENCELY CAUSE THE DEATH OF ANOTHER BY MEANS OF A DEADLY WEAPON OR DANGEROUS ORDNANCE AS DEFINED IN SECTION 13-101 OF THE GENERAL OFFENSE CODE.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF NEGLIGENCE HOMICIDE, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 8-102. VEHICULAR HOMICIDE.

(A) NO PERSON, WHILE OPERATING OR PARTICIPATING IN THE OPERATION OF A MOTOR VEHICLE, MOTORCYCLE, SNOWMOBILE, LOCOMOTIVE, WATERCRAFT, OR AIRCRAFT, SHALL NEGLIGENCELY CAUSE THE DEATH OF ANOTHER.

(B) THIS SECTION SHALL NOT APPLY IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF AN OFFENSE UNDER THIS SECTION OR SECTION 8-101 OF THIS CODE, OR AN OFFENSE UNDER SECTIONS 2903.05 OR 2903.07 OF THE OHIO REVISED CODE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF VEHICULAR HOMICIDE, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 8-103. ASSAULT.

(A) NO PERSON SHALL KNOWINGLY CAUSE OR ATTEMPT TO CAUSE PHYSICAL HARM TO ANOTHER.

(B) NO PERSON SHALL RECKLESSLY CAUSE SERIOUS PHYSICAL HARM TO ANOTHER.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF ASSAULT, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 8-104. NEGLIGENT ASSAULT.

(A) NO PERSON SHALL NEGLIGENTLY, BY MEANS OF A DEADLY WEAPON OR DANGEROUS ORDNANCE AS DEFINED IN SECTION 13-101 OF THE GENERAL OFFENSE CODE CAUSE PHYSICAL HARM TO ANOTHER.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF NEGLIGENT ASSAULT, A MISDEMEANOR OF THE THIRD DEGREE.

Sec. 8-105. AGGRAVATED MENACING.

(A) NO PERSON SHALL KNOWINGLY CAUSE ANOTHER TO BELIEVE THAT THE OFFENDER WILL CAUSE SERIOUS PHYSICAL HARM TO THE PERSON OR PROPERTY OF SUCH OTHER PERSON OR MEMBER OF HIS IMMEDIATE FAMILY.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF AGGRAVATED MENACING, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 8-106. MENACING.

(A) NO PERSON SHALL KNOWINGLY CAUSE ANOTHER TO BELIEVE THAT THE OFFENDER WILL CAUSE PHYSICAL HARM TO THE PERSON OR PROPERTY OF SUCH OTHER PERSON OR MEMBER OF HIS IMMEDIATE FAMILY.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF MENACING, A MISDEMEANOR OF THE FOURTH DEGREE.

Sec. 8-107. UNLAWFUL RESTRAINT.

(A) NO PERSON, WITHOUT PRIVILEGE TO DO SO, SHALL KNOWINGLY RESTRAIN ANOTHER OF HIS LIBERTY.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF UNLAWFUL RESTRAINT, A MISDEMEANOR OF THE THIRD DEGREE.

Sec. 8-108. CHILD STEALING.

(A) NO PERSON WHO IS A NATURAL OR ADOPTIVE PARENT, OR A STEP-PARENT OF A CHILD, BUT NOT ENTITLED TO LEGAL CUSTODY OF THE CHILD WHEN THE OFFENSE OCCURS, BY ANY MEANS, AND WITH PURPOSE TO WITHHOLD A CHILD UNDER THE AGE OF FOURTEEN OR MENTALLY INCOMPETENT FROM THE LEGAL CUSTODY OF HIS PARENT, GUARDIAN, OR CUSTODIAN, SHALL REMOVE SUCH CHILD FROM WHERE HE IS FOUND.

(B) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION THAT THE ACTOR REASONABLY BELIEVED THAT HIS CONDUCT WAS NECESSARY TO PRESERVE THE CHILD'S HEALTH OR WELFARE.

(C) THIS SECTION SHALL NOT APPLY IF THE OFFENDER REMOVES THE CHILD FROM THIS STATE.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF CHILDSTEALING, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 8-109. COERCION.

(A) NO PERSON, WITH PURPOSE TO COERCE ANOTHER INTO TAKING OR REFRAINING FROM ACTION CONCERNING WHICH HE HAS A LEGAL FREEDOM OF CHOICE, SHALL DO ANY OF THE FOLLOWING:

(1) THREATEN TO COMMIT ANY OFFENSE;

(2) UTTER OR THREATEN ANY CALUMNY AGAINST ANY PERSON;

(3) EXPOSE OR THREATEN TO EXPOSE ANY MATTER TENDING TO SUBJECT ANY PERSON TO HATRED, CONTEMPT, OR RIDICULE, OR TO DAMAGE HIS PERSONAL OR BUSINESS REPUTE, OR TO IMPAIR HIS CREDIT;



(4) INSTITUTE OR THREATEN CRIMINAL PROCEEDINGS AGAINST ANY PERSON;

(5) TAKE OR WITHHOLD, OR THREATEN TO TAKE OR WITHHOLD OFFICIAL ACTION, OR CAUSE OR THREATEN TO CAUSE OFFICIAL ACTION TO BE TAKEN OR WITHHELD.

(3) DIVISIONS (A) (4) AND (5) OF THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT A PROSECUTOR OR COURT FROM DOING ANY OF THE FOLLOWING IN GOOD FAITH AND IN THE INTERESTS OF JUSTICE:

(1) OFFERING OR AGREEING TO GRANT, OR GRANTING IMMUNITY FROM PROSECUTION PURSUANT TO SECTION 2945.44 OF THE OHIO REVISED CODE;

(2) IN RETURN FOR A PLEA OF GUILTY TO ONE OR MORE OFFENSES CHARGED OR TO ONE OR MORE OTHER OR LESSER OFFENSES, OR IN RETURN FOR THE TESTIMONY OF THE ACCUSED IN A CASE TO WHICH HE IS NOT A PARTY, OFFERING OR AGREEING TO DISMISS, OR DISMISSING ONE OR MORE CHARGES PENDING AGAINST AN ACCUSED, OR OFFERING OR AGREEING TO IMPOSE, OR IMPOSING A CERTAIN SENTENCE OR MODIFICATION OF SENTENCE;

(3) IMPOSING PROBATION ON CERTAIN CONDITIONS, INCLUDING WITHOUT LIMITATION REQUIRING THE OFFENDER TO MAKE RESTITUTION OR REDRESS TO THE VICTIM OF HIS OFFENSE.

(C) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER DIVISION (A) (3), (4), OR (5) OF THIS SECTION THAT THE ACTOR'S CONDUCT WAS A REASONABLE RESPONSE TO THE CIRCUMSTANCES WHICH OCCASIONED IT, AND THAT HIS PURPOSE WAS LIMITED TO:

(1) COMPELLING ANOTHER TO REFRAIN FROM MISCONDUCT OR TO DESIST FROM FURTHER MISCONDUCT;

(2) PREVENTING OR REDRESSING A WRONG OR INJUSTICE;

(3) PREVENTING ANOTHER FROM TAKING ACTION FOR WHICH THE ACTOR REASONABLY BELIEVED SUCH OTHER PERSON TO BE DISQUALIFIED;

(4) COMPELLING ANOTHER TO TAKE ACTION WHICH THE ACTOR REASONABLY BELIEVED SUCH OTHER PERSON TO BE UNDER A DUTY TO TAKE.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF COERCION, A MISDEMEANOR OF THE SECOND DEGREE.

(E) AS USED IN THIS SECTION, "THREAT" INCLUDES A DIRECT THREAT AND A THREAT BY INNUENDO.

## Chapter 9 PUBLIC MORALITY

### Section

9-101 Definitions.  
9-102 Corruption of a minor.  
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### Section

9-109 Prostitution.  
9-110 Disseminating matter harmful to juveniles.  
9-111 Pandering obscenity.  
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9-113 Presumption of knowledge.

### Sec. 9-101. DEFINITIONS.

AS USED IN SECTIONS 9-101 TO 9-113 OF THE GENERAL OFFENSE CODE:

(A) "SEXUAL CONDUCT" MEANS VAGINAL INTERCOURSE BETWEEN A MALE AND FEMALE, AND ANAL INTERCOURSE, FELLATIO, AND CUNNILINGUS BETWEEN PERSONS REGARDLESS OF SEX. PENETRATION, HOWEVER SLIGHT, IS SUFFICIENT TO COMPLETE VAGINAL OR ANAL INTERCOURSE.

(B) "SEXUAL CONTACT" MEANS ANY TOUCHING OF AN EROGENOUS ZONE OF ANOTHER, INCLUDING WITHOUT LIMITATION THE THIGH, GENITALS, BUTTOCK, PUBIC REGION, OR, IF SUCH PERSON IS A FEMALE, A BREAST, FOR THE PURPOSE OF SEXUALLY AROUSING OR GRATIFYING EITHER PERSON.

(C) "SEXUAL ACTIVITY" MEANS SEXUAL CONDUCT OR SEXUAL CONTACT, OR BOTH.

(D) "PROSTITUTE" MEANS A MALE OR FEMALE WHO PROMISCUOUSLY ENGAGES IN SEXUAL ACTIVITY FOR HIRE, REGARDLESS OF WHETHER THE HIRE IS PAID TO THE PROSTITUTE OR TO ANOTHER.

(E) ANY MATERIAL OR PERFORMANCE IS "HARMFUL TO JUVENILES," IF IT IS OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT COMMUNITY WITH RESPECT TO WHAT IS SUITABLE FOR JUVENILES, AND IF ANY OF THE FOLLOWING APPLY:

(1) IT TENDS TO APPEAL TO THE PRURIENT INTEREST OF JUVENILES;

(2) IT CONTAINS A DISPLAY, DESCRIPTION, OR REPRESENTATION OF SEXUAL ACTIVITY, MASTURBATION, SEXUAL EXCITEMENT, OR NUDITY;

(3) IT CONTAINS A DISPLAY, DESCRIPTION, OR REPRESENTATION OF BESTIALITY OR EXTREME OR BIZARRE VIOLENCE, CRUELTY, OR BRUTALITY;

(4) IT CONTAINS A DISPLAY, DESCRIPTION, OR REPRESENTATION OF HUMAN BODILY FUNCTIONS OF ELIMINATION;

(5) IT MAKES REPEATED USE OF FOUL LANGUAGE;

(6) IT CONTAINS A DISPLAY, DESCRIPTION, OR REPRESENTATION IN LURID DETAIL OF THE VIOLENT PHYSICAL TORTURE, DISMEMBERMENT, DESTRUCTION, OR DEATH OF A HUMAN BEING;

(7) IT CONTAINS A DISPLAY, DESCRIPTION, OR REPRESENTATION OF CRIMINAL ACTIVITY WHICH TENDS TO GLORIFY OR GLAMORIZE SUCH ACTIVITY, AND WHICH WITH RESPECT TO JUVENILES HAS A DOMINANT TENDENCY TO CORRUPT.

(F) WHEN CONSIDERED AS A WHOLE, AND JUDGED WITH REFERENCE TO ORDINARY ADULTS, OR, IF IT IS DESIGNED FOR SEXUAL DEVIATES OR OTHER SPECIALLY SUSCEPTIBLE GROUP, JUDGED WITH REFERENCE TO SUCH GROUP, ANY MATERIAL OR PERFORMANCE IS "OBSCENE" IF THE FOLLOWING APPLY:

(1) ITS DOMINANT APPEAL IS TO PRURIENT INTEREST; AND

(2) ITS DOMINANT TENDENCY IS TO AROUSE LUST BY DISPLAYING OR DEPICTING SEXUAL ACTIVITY, MASTURBATION, SEXUAL EXCITEMENT, OR NUDITY IN A WAY WHICH TENDS TO REPRESENT HUMAN BEINGS AS MERE OBJECTS OF SEXUAL APPETITE; OR

(3) ITS DOMINANT TENDENCY IS TO AROUSE LUST BY DISPLAYING OR DEPICTING BESTIALITY OR EXTREME OR BIZARRE VIOLENCE, CRUELTY, OR BRUTALITY; OR

(4) ITS DOMINANT TENDENCY IS TO APPEAL TO SCATOLOGICAL INTEREST BY DISPLAYING OR DEPICTING HUMAN BODILY FUNCTIONS OF ELIMINATION IN A WAY WHICH INSPIRES DISGUST OR REVULSION IN PERSONS WITH ORDINARY SENSIBILITIES, WITHOUT SERVING ANY GENUINE SCIENTIFIC, EDUCATIONAL, SOCIOLOGICAL, MORAL, OR ARTISTIC PURPOSE; AND

(5) WHEN TAKEN AS A WHOLE, IT LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL OR SCIENTIFIC VALUE.

(G) "SEXUAL EXCITEMENT" MEANS THE CONDITION OF HUMAN MALE OR FEMALE GENITALS WHEN IN A STATE OF SEXUAL STIMULATION OR AROUSAL.

(H) "NUDITY" MEANS THE SHOWING, REPRESENTATION, OR DEPICTION OF HUMAN MALE OR FEMALE GENITALS, PUBIC AREA, OR BUTTOCKS WITH LESS THAN A FULL, OPAQUE COVERING, OR OF A FEMALE BREAST WITH LESS THAN A FULL, OPAQUE COVERING OF ANY PORTION THEREOF BELOW THE TOP OF THE NIPPLE, OR OF COVERED MALE GENITALS IN A DISCERNIBLY TURGID STATE.

(I) "JUVENILE" MEANS AN UNMARRIED PERSON UNDER THE AGE OF EIGHTEEN.

(J) "MATERIAL" MEANS ANY BOOK, MAGAZINE, NEWSPAPER, PAMPHLET, POSTER, PRINT, PICTURE, FIGURE, IMAGE, DESCRIPTION, MOTION PICTURE FILM, PHONOGRAPHIC RECORD OR TAPE, OR OTHER TANGIBLE THING CAPABLE OF AROUSING INTEREST THROUGH SIGHT, SOUND, OR TOUCH.

(K) "PERFORMANCE" MEANS ANY MOTION PICTURE, PREVIEW, TRAILER, PLAY, SHOW, SKIT, DANCE, OR OTHER EXHIBITION PERFORMED BEFORE AN AUDIANCE.

Sec. 9-102. CORRUPTION OF A MINOR.

(A) NO PERSON, EIGHTEEN YEARS OF AGE OR OLDER, SHALL ENGAGE IN SEXUAL CONDUCT WITH ANOTHER, NOT THE SPOUSE OF THE OFFENDER, WHEN THE OFFENDER KNOWS SUCH OTHER PERSON IS OVER TWELVE BUT NOT OVER FIFTEEN YEARS OF AGE, OR THE OFFENDER IS RECKLESS IN THAT REGARD.

(B) THIS SECTION SHALL NOT APPLY IF THE OFFENDER IS FOUR OR MORE YEARS OLDER THAN THE OTHER PERSON.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF CORRUPTING A MINOR, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 9-103. SEXUAL IMPOSITION.

(A) NO PERSON SHALL HAVE SEXUAL CONTACT WITH ANOTHER, NOT THE SPOUSE OF THE OFFENDER, WHEN ANY OF THE FOLLOWING APPLY:

(1) THE OFFENDER KNOWS THAT THE SEXUAL CONTACT IS OFFENSIVE TO THE OTHER PERSON, OR IS RECKLESS IN THAT REGARD.

(2) THE OFFENDER KNOWS THAT THE OTHER PERSON'S ABILITY TO APPRAISE THE NATURE OF OR CONTROL THE OFFENDER'S CONDUCT IS SUBSTANTIALLY IMPAIRED.

(3) THE OFFENDER KNOWS THAT THE OTHER PERSON SUBMITS BECAUSE OF BEING UNAWARE OF THE SEXUAL CONTACT.

(4) THE OTHER PERSON IS OVER TWELVE BUT NOT OVER FIFTEEN YEARS OF AGE, WHETHER OR NOT THE OFFENDER KNOWS THE AGE OF SUCH PERSON, AND THE OFFENDER IS AT LEAST EIGHTEEN YEARS OF AGE AND FOUR OR MORE YEARS OLDER THAN THE OTHER PERSON.

(B) NO PERSON SHALL BE CONVICTED OF A VIOLATION OF THIS SECTION SOLELY UPON THE VICTIM'S TESTIMONY UNSUPPORTED BY OTHER EVIDENCE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF SEXUAL IMPOSITION, A MISDEMEANOR OF THE THIRD DEGREE.

Sec. 9-104. IMPORTUNING.

(A) NO PERSON SHALL SOLICIT A PERSON UNDER THIRTEEN YEARS OF AGE TO ENGAGE IN SEXUAL ACTIVITY WITH THE OFFENDER, WHETHER OR NOT THE OFFENDER KNOWS THE AGE OF SUCH PERSON.

(B) NO PERSON SHALL SOLICIT A PERSON OF THE SAME SEX TO ENGAGE IN SEXUAL ACTIVITY WITH THE OFFENDER, WHEN THE OFFENDER KNOWS SUCH SOLICITATION IS OFFENSIVE TO THE OTHER PERSON, OR IS RECKLESS IN THAT REGARD.

(C) NO PERSON SHALL SOLICIT ANOTHER, NOT THE SPOUSE OF THE OFFENDER, TO ENGAGE IN SEXUAL CONDUCT WITH THE OFFENDER, WHEN THE OFFENDER IS EIGHTEEN YEARS OF AGE OR OLDER AND FOUR OR MORE YEARS OLDER THAN THE OTHER PERSON, AND THE OTHER PERSON IS OVER TWELVE BUT NOT OVER FIFTEEN YEARS OF AGE, WHETHER OR NOT THE OFFENDER KNOWS THE AGE OF THE OTHER PERSON.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF IMPORTUNING, VIOLATION OF DIVISION (A) OR (B) OF THIS SECTION IS A MISDEMEANOR OF THE FIRST DEGREE. VIOLATION OF DIVISION (C) OF THIS SECTION IS A MISDEMEANOR OF THE FOURTH DEGREE.

Sec. 9-105. VOYEURISM.

(A) NO PERSON, FOR THE PURPOSE OF SEXUALLY AROUSING OR GRATIFYING HIMSELF OR HERSELF, SHALL COMMIT TRESPASS OR OTHERWISE SURREPTITIOUSLY INVADE THE PRIVACY OF ANOTHER, TO SPY OR EAVESDROP UPON ANOTHER.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF VOYEURISM, A MISDEMEANOR OF THE THIRD DEGREE.

Sec. 9-106. PUBLIC INDECENCY.

(A) NO PERSON SHALL RECKLESSLY DO ANY OF THE FOLLOWING, UNDER CIRCUMSTANCES IN WHICH HIS OR HER CONDUCT IS LIKELY TO BE VIEWED BY AND AFFRONT OTHERS, NOT MEMBERS OF HIS OR HER HOUSEHOLD:

(1) EXPOSE HIS OR HER PRIVATE PARTS, OR ENGAGE IN MASTURBATION;

(2) ENGAGE IN SEXUAL CONDUCT;

(3) ENGAGE IN CONDUCT WHICH TO AN ORDINARY OBSERVER WOULD APPEAR TO BE SEXUAL CONDUCT OR MASTURBATION.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PUBLIC INDECENCY, A MISDEMEANOR OF THE FOURTH DEGREE.

Sec. 9-107. PROCURING.

(A) NO PERSON, KNOWINGLY AND FOR GAIN, SHALL DO EITHER OF THE FOLLOWING:

(1) ENTICE OR SOLICIT ANOTHER TO PATRONIZE A PROSTITUTE OR BROTHEL;

(2) PROCURE A PROSTITUTE FOR ANOTHER TO PATRONIZE, OR TAKE OR DIRECT ANOTHER AT HIS OR HER REQUEST TO ANY PLACE FOR THE PURPOSE OF PATRONIZING A PROSTITUTE.

(B) NO PERSON, HAVING AUTHORITY OR RESPONSIBILITY OVER THE USE OF PREMISES, SHALL KNOWINGLY PERMIT SUCH PREMISES TO BE USED FOR THE PURPOSE OF ENGAGING IN SEXUAL ACTIVITY FOR HIRE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PROCURING, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 9-108. SOLICITING.

(A) NO PERSON SHALL SOLICIT ANOTHER TO ENGAGE WITH SUCH OTHER PERSON IN SEXUAL ACTIVITY FOR HIRE.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF SOLICITING, A MISDEMEANOR OF THE THIRD DEGREE.

Sec. 9-109. PROSTITUTION.

(A) NO PERSON SHALL ENGAGE IN SEXUAL ACTIVITY FOR HIRE.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PROSTITUTION, A MISDEMEANOR OF THE THIRD DEGREE.

Sec. 9-110. DISSEMINATING MATTER HARMFUL TO JUVENILES.

(A) NO PERSON, WITH KNOWLEDGE OF ITS CHARACTER, SHALL RECKLESSLY FURNISH OR PRESENT TO A JUVENILE ANY MATERIAL OR PERFORMANCE WHICH IS HARMFUL TO JUVENILES.

(B) THE FOLLOWING ARE AFFIRMATIVE DEFENSES TO A CHARGE UNDER THIS SECTION, INVOLVING MATERIAL OR A PERFORMANCE WHICH IS HARMFUL TO JUVENILES.

(1) THE DEFENDANT IS THE PARENT, GUARDIAN, OR SPOUSE OF THE JUVENILE INVOLVED.

(2) THE JUVENILE INVOLVED, AT THE TIME THE MATERIAL OR PERFORMANCE WAS PRESENTED TO HIM WAS ACCOMPANIED BY HIS PARENT OR GUARDIAN WHO, WITH KNOWLEDGE OF ITS CHARACTER, CONSENTED TO THE MATERIAL OR PERFORMANCE BEING FURNISHED OR PRESENTED TO THE JUVENILE.

(3) THE JUVENILE EXHIBITED TO THE DEFENDANT OR HIS AGENT OR EMPLOYEE A DRAFT CARD, DRIVER'S LICENSE, BIRTH CERTIFICATE, MARRIAGE LICENSE, OR OTHER OFFICIAL OR APPARENTLY OFFICIAL DOCUMENT PURPORTING TO SHOW THAT SUCH JUVENILE WAS EIGHTEEN YEARS OF AGE OR OVER OR MARRIED, AND THE PERSON TO WHOM SUCH DOCUMENT WAS EXHIBITED DID NOT OTHERWISE HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH JUVENILE WAS UNDER THE AGE OF EIGHTEEN AND UNMARRIED.

(C) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION, INVOLVING MATERIAL OR A PERFORMANCE WHICH IS HARMFUL TO JUVENILES, THAT SUCH MATERIAL OR PERFORMANCE WAS FURNISHED OR PRESENTED FOR A BONA FIDE MEDICAL, SCIENTIFIC, EDUCATIONAL, GOVERNMENTAL, JUDICIAL, OR OTHER PROPER PURPOSE, BY A PHYSICIAN, PSYCHOLOGIST, SOCIOLOGIST, SCIENTIST, TEACHER, LIBRARIAN, CLERGYMAN, PROSECUTOR, JUDGE, OR OTHER PROPER PERSON.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DISSEMINATING MATTER HARMFUL TO JUVENILES. VIOLATION OF THIS SECTION IS A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 9-111. PANDERING OBSCENITY.

(A) NO PERSON, WITH KNOWLEDGE OF THE CHARACTER OF THE MATERIAL OR PERFORMANCE INVOLVED, SHALL DO ANY OF THE FOLLOWING:

(1) CREATE, REPRODUCE, OR PUBLISH ANY OBSCENE MATERIAL, WHEN THE OFFENDER KNOWS THAT SUCH MATERIAL IS TO BE USED FOR COMMERCIAL EXPLOITATION OR WILL BE PUBLICLY DISSEMINATED OR DISPLAYED, OR WHEN HE IS RECKLESS IN THAT REGARD;

(2) EXHIBIT OR ADVERTISE FOR SALE OR DISSEMINATION, OR SELL OR PUBLICLY DISSEMINATE OR DISPLAY ANY OBSCENE MATERIAL;

(3) CREATE, DIRECT, OR PRODUCE AN OBSCENE PERFORMANCE, WHEN THE OFFENDER KNOWS THAT IT IS TO BE USED FOR COMMERCIAL EXPLOITATION OR WILL BE PUBLICLY PRESENTED, OR WHEN HE IS RECKLESS IN THAT REGARD;

(4) ADVERTISE AN OBSCENE PERFORMANCE FOR PRESENTATION, OR PRESENT OR PARTICIPATE IN PRESENTING AN OBSCENE PERFORMANCE, WHEN SUCH PERFORMANCE IS PRESENTED PUBLICLY, OR WHEN ADMISSION IS CHARGED;

(5) POSSESS OR CONTROL ANY OBSCENE MATERIAL WITH PURPOSE TO VIOLATE DIVISION (A) (2) OR (4) OF THIS SECTION.

(B) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION, THAT THE MATERIAL OR PERFORMANCE INVOLVED WAS DISSEMINATED OR PRESENTED FOR A BONA FIDE MEDICAL, SCIENTIFIC, EDUCATIONAL, RELIGIOUS, GOVERNMENTAL, JUDICIAL, OR OTHER PROPER PURPOSE, BY OR TO A PHYSICIAN, PSYCHOLOGIST, SOCIOLOGIST, SCIENTIST, TEACHER, PERSON PURSUING BONA FIDE STUDIES OR RESEARCH, LIBRARIAN, CLERGYMAN, PROSECUTOR, JUDGE, OR OTHER PERSON HAVING A PROPER INTEREST IN SUCH MATERIAL OR PERFORMANCE.

(C) THIS SECTION SHALL NOT APPLY IF THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION OR OF SECTION 9-110 OF THE GENERAL OFFENSE CODE, OR A VIOLATION OF SECTIONS 2907.31 OR 2907.32 OF THE OHIO REVISED CODE.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF PANDERING OBSCENITY, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 9-112. DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(A) NO PERSON, FOR THE PURPOSE OF ENABLING A JUVENILE TO OBTAIN ANY MATERIAL OR GAIN ADMISSION TO ANY PERFORMANCE WHICH IS HARMFUL TO JUVENILES SHALL DO EITHER OF THE FOLLOWING:

(1) FALSELY REPRESENT THAT HE IS THE PARENT, GUARDIAN, OR SPOUSE OF SUCH JUVENILE;

(2) FURNISH SUCH JUVENILE WITH ANY IDENTIFICATION OR DOCUMENT PURPORTING TO SHOW THAT SUCH JUVENILE IS EIGHTEEN YEARS OF AGE OR OVER OR MARRIED.

(B) NO JUVENILE, FOR THE PURPOSE OF OBTAINING ANY MATERIAL OR GAINING ADMISSION TO ANY PERFORMANCE WHICH IS HARMFUL TO JUVENILES, SHALL DO EITHER OF THE FOLLOWING:

(1) FALSELY REPRESENT THAT HE IS EIGHTEEN YEARS OF AGE OR OVER OR MARRIED;

(2) EXHIBIT ANY IDENTIFICATION OR DOCUMENT PURPORTING TO SHOW THAT HE IS EIGHTEEN YEARS OF AGE OR OVER OR MARRIED.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES, A MISDEMEANOR OF THE SECOND DEGREE. A JUVENILE WHO VIOLATES DIVISION (B) OF THIS SECTION SHALL BE ADJUDGED AN UNRULY CHILD, WITH SUCH DISPOSITION OF THE CASE AS MAY BE APPROPRIATE UNDER CHAPTER 2151. OF THE REVISED CODE.

Sec. 9-113. PRESUMPTION OF KNOWLEDGE.

(A) AN OWNER OR MANAGER, OR HIS AGENT OR EMPLOYEE, OF A BOOKSTORE, NEWSSTAND, THEATER, OR OTHER COMMERCIAL ESTABLISHMENT ENGAGED IN SELLING MATERIALS OR EXHIBITING PERFORMANCES, WHO, IN THE COURSE OF BUSINESS:

(1) POSSESSES FIVE OR MORE IDENTICAL OR SUBSTANTIALLY SIMILAR OBSCENE ARTICLES, HAVING KNOWLEDGE OF THEIR CHARACTER, IS PRESUMED TO POSSESS THEM IN VIOLATION OF DIVISION (A) (5) OF SECTION 9-111 OF THE GENERAL OFFENSE CODE.

(2) DOES ANY OF THE ACTS PROHIBITED BY SECTION 9-110 OR 9-111 OF THE GENERAL OFFENSE CODE IS PRESUMED TO HAVE KNOWLEDGE OF THE CHARACTER OF THE MATERIAL OR PERFORMANCE INVOLVED, IF HE HAS ACTUAL NOTICE OF THE NATURE OF SUCH MATERIAL OR PERFORMANCE, WHETHER OR NOT HE HAS PRECISE KNOWLEDGE OF ITS CONTENTS.

(B) WITHOUT LIMITATION ON THE MANNER IN WHICH SUCH NOTICE MAY BE GIVEN, ACTUAL NOTICE OF THE CHARACTER OF MATERIAL OR A PERFORMANCE MAY BE GIVEN IN WRITING BY THE CHIEF LEGAL OFFICER OF THE JURISDICTION IN WHICH THE PERSON TO WHOM THE NOTICE IS DIRECTED DOES BUSINESS, SUCH NOTICE, REGARDLESS OF THE MANNER IN WHICH IT IS GIVEN, SHALL IDENTIFY THE SENDER, IDENTIFY THE MATERIAL OR PERFORMANCE INVOLVED, STATE WHETHER IT IS OBSCENE OR HARMFUL TO JUVENILES, AND BEAR THE DATE OF SUCH NOTICE.

## Chapter 10 PUBLIC ORDER

Section

10-101 Riot.  
10-102 Failure to disperse.  
10-103 Disorderly conduct.  
10-104 Disturbing a lawful meeting.

Section

10-105 Misconduct at emergency.  
10-106 Telephone harassment.  
10-107 Inducing panic.  
10-108 False alarms.

Sec. 10-101. RIOT.

(A) NO PERSON SHALL PARTICIPATE WITH FOUR OR MORE OTHERS IN A COURSE OF DISORDERLY CONDUCT IN VIOLATION OF SECTION 10-103 OF THE GENERAL OFFENSE CODE.

(1) WITH PURPOSE TO COMMIT OR FACILITATE THE COMMISSION OF A MISDEMEANOR, OTHER THAN DISORDERLY CONDUCT;

(2) WITH PURPOSE TO INTIMIDATE A PUBLIC OFFICIAL OR EMPLOYEE INTO TAKING OR REFRAINING FROM OFFICIAL ACTION, OR WITH PURPOSE TO HINDER, IMPEDE, OR OBSTRUCT A FUNCTION OF GOVERNMENT;

(3) WITH PURPOSE TO HINDER, IMPEDE, OR OBSTRUCT THE ORDERLY PROCESS OF ADMINISTRATION OR INSTRUCTION AT AN EDUCATIONAL INSTITUTION, OR TO INTERFERE WITH OR DISRUPT LAWFUL ACTIVITIES CARRIED ON AT SUCH INSTITUTION.

(B) NO PERSON SHALL PARTICIPATE WITH FOUR OR MORE OTHERS WITH PURPOSE TO DO AN ACT WITH UNLAWFUL FORCE OR VIOLENCE, EVEN THOUGH SUCH ACT MIGHT OTHERWISE BE LAWFUL.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF RIOT, A MISDEMEANOR OF THE FIRST DEGREE. |

Sec. 10-102. FAILURE TO DISPERSE.

(A) WHERE FIVE OR MORE PERSONS ARE PARTICIPATING IN A COURSE OF DISORDERLY CONDUCT IN VIOLATION OF SECTION 10-103 OF THE GENERAL OFFENSE CODE AND THERE ARE OTHER PERSONS IN THE VICINITY WHOSE PRESENCE CREATES THE LIKELIHOOD OF PHYSICAL HARM TO PERSONS OR PROPERTY OR OF SERIOUS PUBLIC INCONVENIENCE, ANNOYANCE, OR ALARM, A LAW ENFORCEMENT OFFICER OR OTHER PUBLIC OFFICIAL MAY ORDER THE PARTICIPANTS AND SUCH OTHER PERSONS TO DISPERSE.. NO PERSON SHALL KNOWINGLY FAIL TO OBEY SUCH ORDER.

(B) NOTHING IN THIS SECTION REQUIRES PERSONS TO DISPERSE WHO ARE PEACEABLY ASSEMBLED FOR A LAWFUL PURPOSE.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF FAILURE TO DISPERSE, A MINOR MISDEMEANOR. |

Sec. 10-103. DISORDERLY CONDUCT.

(A) NO PERSON SHALL RECKLESSLY CAUSE INCONVENIENCE, ANNOYANCE, OR ALARM TO ANOTHER, BY DOING ANY OF THE FOLLOWING:

(1) ENGAGING IN FIGHTING, IN THREATENING HARM TO PERSONS OR PROPERTY, OR IN VIOLENT OR TURBULENT BEHAVIOR;

(2) MAKING UNREASONABLE NOISE OR OFFENSIVELY COARSE UTTERANCE, GESTURE, OR DISPLAY, OR COMMUNICATING UNWARRANTED AND GROSSLY ABUSIVE LANGUAGE TO ANY PERSON;

(3) INSULTING, TAUNTING, OR CHALLENGING ANOTHER, UNDER CIRCUMSTANCES IN WHICH SUCH CONDUCT IS LIKELY TO PROVOKE A VIOLENT RESPONSE;

(4) HINDERING OR PREVENTING THE MOVEMENT OF PERSONS ON A PUBLIC STREET, ROAD, HIGHWAY, OR RIGHT-OF-WAY, OR TO, FROM, WITHIN, OR UPON PUBLIC OR PRIVATE PROPERTY, SO AS TO INTERFERE WITH THE RIGHTS OF OTHERS, AND BY ANY ACT WHICH SERVES NO LAWFUL AND REASONABLE PURPOSE OF THE OFFENDER;

(5) CREATING A CONDITION WHICH IS PHYSICALLY OFFENSIVE TO PERSONS OR WHICH PRESENTS A RISK OF PHYSICAL HARM TO PERSONS OR PROPERTY, BY ANY ACT WHICH SERVES NO LAWFUL AND REASONABLE PURPOSE OF THE OFFENDER.

(B) NO PERSON, WHILE VOLUNTARILY INTOXICATED SHALL DO EITHER OF THE FOLLOWING:

(1) IN A PUBLIC PLACE OR IN THE PRESENCE OF TWO OR MORE PERSONS, ENGAGE IN CONDUCT LIKELY TO BE OFFENSIVE OR TO CAUSE INCONVENIENCE, ANNOYANCE, OR ALARM TO PERSONS OF ORDINARY SENSIBILITIES, WHICH CONDUCT THE OFFENDER, IF HE WERE NOT INTOXICATED, SHOULD KNOW IS LIKELY TO HAVE SUCH EFFECT ON OTHERS;

(2) ENGAGE IN CONDUCT OR CREATE A CONDITION WHICH PRESENTS A RISK OF PHYSICAL HARM TO HIMSELF OR ANOTHER, OR TO THE PROPERTY OF ANOTHER.

(C) VIOLATION OF ANY STATUTE OR ORDINANCE OF WHICH AN ELEMENT IS OPERATING A MOTOR VEHICLE, LOCOMOTIVE, WATERCRAFT, AIRCRAFT, OR OTHER VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANY DRUG OF ABUSE, IS NOT A VIOLATION OF DIVISION (B) OF THIS SECTION.

(D) WHEN TO AN ORDINARY OBSERVER A PERSON APPEARS TO BE INTOXICATED, IT IS PROBABLE CAUSE TO BELIEVE SUCH PERSON IS VOLUNTARILY INTOXICATED FOR PURPOSES OF DIVISION (B) OF THIS SECTION.

(E) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DISORDERLY CONDUCT, A MINOR MISDEMEANOR. IF THE OFFENDER PERSISTS IN DISORDERLY CONDUCT AFTER REASONABLE WARNING OR REQUEST TO DESIST, DISORDERLY CONDUCT IS A MISDEMEANOR OF THE FOURTH DEGREE.

Sec. 10-104. DISTURBING A LAWFUL MEETING.

(A) NO PERSON, WITH PURPOSE TO PREVENT OR DISRUPT A LAWFUL MEETING, PROCESSION, OR GATHERING, SHALL DO EITHER OF THE FOLLOWING:

(1) DO ANY ACT WHICH OBSTRUCTS OR INTERFERES WITH THE DUE CONDUCT OF SUCH MEETING, PROCESSION, OR GATHERING;

(2) MAKE ANY UTTERANCE, GESTURE, OR DISPLAY WHICH OUTRAGES THE SENSIBILITIES OF THE GROUP.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DISTURBING A LAWFUL MEETING, A MISDEMEANOR OF THE FOURTH DEGREE. |

Sec. 10-105. MISCONDUCT AT EMERGENCY.

(A) NO PERSON SHALL KNOWINGLY:

(1) HAMPER THE LAWFUL OPERATIONS OF ANY LAW ENFORCEMENT OFFICER, FIREMAN, RESCUER, MEDICAL PERSON, OR OTHER AUTHORIZED PERSON, ENGAGED IN HIS DUTIES AT THE SCENE OF A FIRE, ACCIDENT, DISASTER, RIOT, OR EMERGENCY OF ANY KIND.

(2) FAIL TO OBEY THE LAWFUL ORDER OF ANY LAW ENFORCEMENT OFFICER ENGAGED IN HIS DUTIES AT THE SCENE OF OR IN CONNECTION WITH A FIRE, ACCIDENT, DISASTER, RIOT, OR EMERGENCY OF ANY KIND.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF MISCONDUCT AT AN EMERGENCY, A MINOR MISDEMEANOR. |

Sec. 10-106. TELEPHONE HARASSMENT.

(A) NO PERSON SHALL KNOWINGLY MAKE REPEATED TELEPHONE CALLS TO ANOTHER IN ANY OF THE FOLLOWING WAYS:

(1) -ANONYMOUSLY;

(2) AT EXTREMELY INCONVENIENT HOURS;

(3) IN OFFENSIVELY COARSE LANGUAGE;

(4) AFTER REASONABLE REQUEST TO DESIST.

(B) NO PERSON, WITH PURPOSE TO HARASS ANOTHER, SHALL MAKE A TELEPHONE CALL TO SUCH OTHER PERSON WITHOUT PURPOSE OF LEGITIMATE COMMUNICATION.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF TELEPHONE HARASSMENT, A MISDEMEANOR OF THE FIRST DEGREE. |

Sec. 10-107. INDUCING PANIC.

(A) NO PERSON WITHOUT CAUSING PHYSICAL HARM TO ANY PERSON SHALL CAUSE THE EVACUATION OF ANY PUBLIC PLACE, OR OTHERWISE CAUSE SERIOUS PUBLIC INCONVENIENCE OR ALARM, BY DOING ANY OF THE FOLLOWING:

(1) INITIATING OR CIRCULATING A REPORT OR WARNING OF AN ALLEGED OR IMPENDING FIRE, EXPLOSION, CRIME, OR OTHER CATASTROPHE, KNOWING THAT SUCH REPORT OR WARNING IS FALSE;



(2) THREATENING TO COMMIT ANY OFFENSE OF VIOLENCE;

(3) COMMITTING ANY OFFENSE, WITH RECKLESS DISREGARD OF THE LIKELIHOOD THAT ITS COMMISSION WILL CAUSE SERIOUS PUBLIC INCONVENIENCE OR ALARM.

(B) DIVISION (A) (1) OF THIS SECTION DOES NOT APPLY TO ANY PERSON CONDUCTING AN AUTHORIZED FIRE OR EMERGENCY DRILL.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF INDUCING PANIC, A MISDEMEANOR OF THE FIRST DEGREE. |

Sec. 10-108. FALSE ALARMS.

(A) NO PERSON SHALL DO EITHER OF THE FOLLOWING:

(1) INITIATE OR CIRCULATE A REPORT OR WARNING OF AN ALLEGED OR IMPENDING FIRE, EXPLOSION, CRIME, OR OTHER CATASTROPHE, KNOWING THAT THE REPORT OR WARNING IS FALSE AND LIKELY TO CAUSE PUBLIC INCONVENIENCE OR ALARM;

(2) KNOWINGLY CAUSE A FALSE ALARM OF FIRE OR OTHER EMERGENCY TO BE TRANSMITTED TO OR WITHIN ANY ORGANIZATION, PUBLIC OR PRIVATE, FOR DEALING WITH EMERGENCIES INVOLVING A RISK OF PHYSICAL HARM TO PERSONS OR PROPERTY;

(3) REPORT TO ANY LAW ENFORCEMENT AGENCY AN ALLEGED OFFENSE OR OTHER INCIDENT WITHIN ITS CONCERN, KNOWING THAT SUCH OFFENSE DID NOT OCCUR.

(B) THIS SECTION DOES NOT APPLY TO ANY PERSON CONDUCTING AN AUTHORIZED FIRE OR EMERGENCY DRILL.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF MAKING FALSE ALARMS, A MISDEMEANOR OF THE FIRST DEGREE. |

## Chapter 11 SECURITIES

Section

11-101 Deceptive publication.  
11-102 False memorandum of  
purchase or sale.

Sec. 11-101. DECEPTIVE PUBLICATION.

(A) NO PERSON, WITH PURPOSE TO DECEIVE, SHALL MAKE, PUBLISH, OR CAUSE TO BE MADE OR PUBLISHED, A REPORT OF ANY TRANSACTION IN SECURITIES, WHEN NO SUCH TRANSACTION HAS TAKEN PLACE.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. |

Sec. 11-102. FALSE MEMORANDUM OF PURCHASE OR SALE.

(A) NO PERSON SHALL DELIVER ANY MEMORANDUM OF PURCHASE OR SALE OF SECURITIES, KNOWING THAT SUCH MEMORANDUM IS FALSE IN ANY MATERIAL RESPECT.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. |

## Chapter 12 WATERCRAFT

### Section

- 12-101 Tampering with aid to navigation.  
12-102 Mooring to aid to navigation.

### Sec. 12-101. TAMPERING WITH AID TO NAVIGATION.

(A) NO PERSON SHALL KNOWINGLY DAMAGE, REMOVE, OR TAMPER WITH ANY SIGNAL, BUOY, OR OTHER AID TO NAVIGATION.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. |

### Sec. 12-102. MOORING TO AID TO NAVIGATION.

(A) NO PERSON, UNLESS IN DISTRESS AND NO OTHER WATERCRAFT OR VESSEL IS ENDANGERED THEREBY, SHALL MOOR A WATERCRAFT OR VESSEL, OR HAND ON WITH A WATERCRAFT OR VESSEL TO A SIGNAL, BUOY, OR OTHER AID TO NAVIGATION.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE. /

## Chapter 13 WEAPONS AND EXPLOSIVES

### Section

- 13-101 Definitions.  
13-102 Carrying concealed weapon.  
13-103 Using weapons while intoxicated.  
13-104 Improperly handling firearms in a motor vehicle.

### Section

- 13-105 Failure to secure dangerous ordnance.  
13-106 Unlawful transactions in weapons.  
13-107 Improperly furnishing firearms to a minor.

### Sec. 13-101. DEFINITIONS.

AS USED IN SECTIONS 13-101 TO 13-111 OF THE GENERAL OFFENSE CODE:

(A) "DEADLY WEAPON" MEANS ANY INSTRUMENT, DEVICE, OR THING CAPABLE OF INFLECTING DEATH, AND DESIGNED OR SPECIALLY ADAPTED FOR USE AS A WEAPON, OR POSSESSED, CARRIED, OR USED AS A WEAPON.

(B) "FIREARM" MEANS ANY DEADLY WEAPON CAPABLE OF EXPELLING OR PROPELLING ONE OR MORE PROJECTILES BY THE ACTION OF AN EXPLOSIVE OR COMBUSTIBLE PROPELLANT. "FIREARM" INCLUDES AN UNLOADED FIREARM, AND ANY FIREARM WHICH IS INOPERABLE BUT WHICH CAN READILY BE RENDERED OPERABLE.

(C) "HANDGUN" MEANS ANY FIREARM DESIGNED TO BE FIRED WHILE BEING HELD IN ONE HAND.

(D) "SEMI-AUTOMATIC FIREARM" MEANS ANY FIREARM DESIGNED OR SPECIALLY ADAPTED TO FIRE A SINGLE CARTRIDGE AND AUTOMATICALLY CHAMBER A SUCCEEDING CARTRIDGE READY TO FIRE, WITH A SINGLE FUNCTION OF THE TRIGGER.

(E) "AUTOMATIC FIREARM" MEANS ANY FIREARM DESIGNED OR SPECIALLY ADAPTED TO FIRE A SUCCESSION OF CARTRIDGES WITH A SINGLE FUNCTION OF THE TRIGGER. "AUTOMATIC FIREARM" ALSO MEANS ANY SEMI-AUTOMATIC FIREARM DESIGNED OR SPECIALLY ADAPTED TO FIRE MORE THAN EIGHTEEN CARTRIDGES WITHOUT RELOADING, OTHER THAN A FIREARM CHAMBERING ONLY .22 CALLIBER SHORT, LONG, OR LONG-RIFLE CARTRIDGES.

(F) "SAWED-OFF FIREARM" MEANS A SHOTGUN WITH A BARREL LESS THAN EIGHTEEN INCHES LONG, OR A RIFLE WITH A BARREL LESS THAN SIXTEEN INCHES LONG, OR A SHOTGUN OR RIFLE LESS THAN TWENTY-SIX INCHES LONG OVERALL.

(G) "ZIP-GUN" MEANS ANY OF THE FOLLOWING:

(1) ANY FIREARM OF CRUDE AND EXTEMPORIZED MANUFACTURE;

(2) ANY DEVICE, INCLUDING WITHOUT LIMITATION A STARTER'S PISTOL, NOT DESIGNED AS A FIREARM, BUT WHICH IS SPECIALLY ADAPTED FOR USE AS SUCH;

(3) ANY INDUSTRIAL TOOL, SIGNALLING DEVICE, OR SAFETY DEVICE, NOT DESIGNED AS A FIREARM, BUT WHICH AS DESIGNED IS CAPABLE OF USE AS SUCH, WHEN POSSESSED, CARRIED, OR USED AS A FIREARM.

(H) "EXPLOSIVE DEVICE" MEANS ANY DEVICE DESIGNED OR SPECIALLY ADAPTED TO CAUSE PHYSICAL HARM TO PERSONS OR PROPERTY BY MEANS OF AN EXPLOSION, AND CONSISTING OF AN EXPLOSIVE SUBSTANCE OR AGENCY AND A MEANS TO DETONATE IT. "EXPLOSIVE DEVICE" INCLUDES WITHOUT LIMITATION ANY BOMB, ANY EXPLOSIVE DEMOLITION DEVICE, ANY BLASTING CAP OR DETONATOR CONTAINING AN EXPLOSIVE CHARGE, AND ANY PRESSURE VESSEL WHICH HAS BEEN KNOWINGLY TAMPERED WITH OR ARRANGED SO AS TO EXPLODE.

(I) "INCENDIARY DEVICE" MEANS ANY FIREBOMB, AND ANY DEVICE DESIGNED OR SPECIALLY ADAPTED TO CAUSE PHYSICAL HARM TO PERSONS OR PROPERTY BY MEANS OF FIRE, AND CONSISTING OF AN INCENDIARY SUBSTANCE OR AGENCY AND A MEANS TO IGNITE IT.

(J) "DANGEROUS ORDNANCE" MEANS ANY OF THE FOLLOWING, EXCEPT AS PROVIDED IN DIVISION (K) OF THIS SECTION:

(1) ANY AUTOMATIC OR SAWED-OFF FIREARM, OR ZIP-GUN;

(2) ANY EXPLOSIVE DEVICE OR INCENDIARY DEVICE;

(3) NITROGLYCERIN, NITROCELLULOSE, NITROSTARCH, PETN, CYCLONITE, TNT, PICRIC ACID, AND OTHER HIGH EXPLOSIVES; AMATOL, TRITONAL, TETRYTOL, PENTOLITE, PECRETOL, CYCLOTOL, AND OTHER HIGH EXPLOSIVE COMPOSITIONS; PLASTIC EXPLOSIVES; DYNAMITE, BLASTING GELATIN, GELATIN DYNAMITE, SENSITIZED AMMONIUM NITRATE, LIQUID-OXYGEN BLASTING EXPLOSIVES, BLASTING POWDER, AND OTHER BLASTING AGENTS; AND ANY OTHER EXPLOSIVE SUBSTANCE HAVING SUFFICIENT BRISANCE OR POWER TO BE PARTICULARLY SUITABLE FOR USE AS A MILITARY EXPLOSIVE, OR FOR USE IN MINING, QUARRYING, EXCAVATING, OR DEMOLITIONS;

(4) ANY FIREARM, ROCKET LAUNCHER, MORTAR, ARTILLERY PIECE, GRENADE, MINE, BOMB, TORPEDO, OR SIMILAR WEAPON, DESIGNED AND MANUFACTURED FOR MILITARY PURPOSES, AND THE AMMUNITION THEREFOR.

(K) "DANGEROUS ORDNANCE" DOES NOT INCLUDE ANY OF THE FOLLOWING:

(1) ANY FIREARM, INCLUDING A MILITARY WEAPON AND THE AMMUNITION THEREFOR, AND REGARDLESS OF ITS ACTUAL AGE, WHICH EMPLOYS A PERCUSSION CAP OR OTHER OBSOLETE IGNITION SYSTEM, OR WHICH IS DESIGNED AND SAFE FOR USE ONLY WITH BLACK POWDER;

(2) ANY PISTOL, RIFLE, OR SHOTGUN, DESIGNED OR SUITABLE FOR SPORTING PURPOSES, INCLUDING A MILITARY WEAPON AS ISSUED OR AS MODIFIED, AND THE AMMUNITION THEREFOR UNLESS SUCH FIREARM IS AN AUTOMATIC OR SAWED-OFF FIREARM;

(3) ANY CANNON OR OTHER ARTILLERY PIECE WHICH, REGARDLESS OF ITS ACTUAL AGE, IS OF A TYPE IN ACCEPTED USE PRIOR TO 1887, HAS NO MECHANICAL, HYDRAULIC, PNEUMATIC, OR OTHER SYSTEM FOR ABSORBING RECOIL AND RETURNING THE TUBE INTO BATTERY WITHOUT DISPLACING THE CARRIAGE, AND IS DESIGNED AND SAFE FOR USE ONLY WITH BLACK POWDER;

(4) BLACK POWDER, PRIMING QUILLS AND PERCUSSION CAPS POSSESSED AND LAWFULLY USED TO FIRE A CANNON OF A TYPE DEFINED IN DIVISION (K)

(3) OF THIS SECTION DURING DISPLAYS, CELEBRATIONS, ORGANIZED MATCHES OR SHOTS, AND TARGET PRACTICE, AND SMOKELESS AND BLACK POWDER, PRIMERS, AND PERCUSSION CAPS POSSESSED AND LAWFULLY USED AS A PROPPELLANT OR IGNITION DEVICE IN SMALL-ARMS OR SMALL-ARMS AMMUNITION;

(5) DANGEROUS ORDNANCE WHICH IS INOPERABLE OR INERT AND CANNOT READILY BE RENDERED OPERABLE OR ACTIVATED, AND WHICH IS KEPT AS A TROPHY, SOUVENIR, CURIO, OR MUSEUM PIECE.

(6) ANY DEVICE WHICH IS EXPRESSLY EXCEPTED FROM THE DEFINITION OF A DESTRUCTIVE DEVICE PURSUANT TO THE "GUN CONTROL ACT OF 1968," 82 STAT. 1213, 18 U.S.C. 921 (A) (4), AND ANY AMENDMENTS OR ADDITIONS THERETO OR REENACTMENTS THEREOF, AND REGULATIONS ISSUED THEREUNDER.

Sec. 13-102. CARRYING CONCEALED WEAPONS.

(A) NO PERSON SHALL KNOWINGLY CARRY OR HAVE, CONCEALED ON HIS PERSON OR CONCEALED READY AT HAND, ANY DEADLY WEAPON.

(B) THIS SECTION DOES NOT APPLY TO OFFICERS, AGENTS, OR EMPLOYEES OF THIS OR ANY OTHER STATE OR THE UNITED STATES, OR TO LAW ENFORCEMENT OFFICERS, AUTHORIZED TO CARRY CONCEALED WEAPONS OR DANGEROUS ORDNANCE, AND ACTING WITHIN THE SCOPE OF THEIR DUTIES.

(C) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION OF CARRYING OR HAVING CONTROL OF A WEAPON OTHER THAN DANGEROUS ORDNANCE, THAT THE ACTOR WAS NOT OTHERWISE PROHIBITED BY LAW FROM HAVING THE WEAPON, AND THAT ANY OF THE FOLLOWING APPLY:

(1) THE WEAPON WAS CARRIED OR KEPT READY AT HAND BY THE ACTOR FOR DEFENSIVE PURPOSES, WHILE HE WAS ENGAGED IN OR WAS GOING TO OR FROM HIS LAWFUL BUSINESS OR OCCUPATION, WHICH BUSINESS OR OCCUPATION WAS OF SUCH CHARACTER OR WAS NECESSARILY CARRIED ON IN SUCH MANNER OR AT SUCH A TIME OR PLACE AS TO RENDER THE ACTOR PARTICULARLY SUSPECTIBLE TO CRIMINAL ATTACK, SUCH AS WOULD JUSTIFY A PRUDENT MAN IN GOING ARMED.

(2) THE WEAPON WAS CARRIED OR KEPT READY AT HAND BY THE ACTOR FOR DEFENSIVE PURPOSES, WHILE HE WAS ENGAGED IN A LAWFUL ACTIVITY, AND HAD REASONABLE CAUSE TO FEAR A CRIMINAL ATTACK UPON HIMSELF OR A MEMBER OF HIS FAMILY OR UPON HIS HOME, SUCH AS WOULD JUSTIFY A PRUDENT MAN IN GOING ARMED.

(3) THE WEAPON WAS CARRIED OR KEPT READY AT HAND BY THE ACTOR FOR ANY LAWFUL PURPOSE AND WHILE IN HIS OWN HOME.

(4) THE WEAPON WAS BEING TRANSPORTED IN A MOTOR VEHICLE FOR ANY LAWFUL PURPOSE, AND WAS NOT ON THE ACTOR'S PERSON, AND, IF THE WEAPON WAS A FIREARM WAS CARRIED IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF DIVISION (C) OF SECTION 13-104 OF THE GENERAL OFFENSE CODE.

(C) THIS SECTION SHALL NOT APPLY IF:

(1) THE OFFENSE IS COMMITTED ABOARD AN AIRCRAFT, OR WITH PURPOSE TO CARRY A CONCEALED WEAPON ABOARD AN AIRCRAFT; OR

(2) THE WEAPON INVOLVED IS A FIREARM WHICH IS EITHER LOADED OR FOR WHICH THE OFFENDER HAS AMMUNITION READY AT HAND; OR

(3) THE OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION OR OF ANY OFFENSE OF VIOLENCE AS DEFINED IN SECTION 1-101 OF THE GENERAL OFFENSE CODE, OR 2909.01 OF THE OHIO REVISED CODE.

(D) WHOEVER VIOLATES THIS SECTION IS GUILTY OF CARRYING CONCEALED WEAPONS, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 13-103 USING WEAPONS WHILE INTOXICATED.

(A) NO PERSON, WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANY DRUG OF ABUSE, SHALL CARRY OR USE ANY FIREARM OR DANGEROUS ORDNANCE.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF USING WEAPONS WHILE INTOXICATED, A MISDEMEANOR OF THE FIRST DEGREE.

Sec. 13-104. IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(A) NO PERSON SHALL KNOWINGLY DISCHARGE A FIREARM WHILE IN OR ON A MOTOR VEHICLE.

(B) NO PERSON SHALL KNOWINGLY TRANSPORT OR HAVE A LOADED FIREARM IN A MOTOR VEHICLE, IN SUCH MANNER THAT THE FIREARM IS ACCESSIBLE TO THE OPERATOR OR ANY PASSENGER WITHOUT LEAVING THE VEHICLE.

(C) NO PERSON SHALL KNOWINGLY TRANSPORT OR HAVE A FIREARM IN A MOTOR VEHICLE, UNLESS IT IS UNLOADED, AND IS CARRIED IN ONE OF THE FOLLOWING WAYS:

(1) IN A CLOSED PACKAGE, BOX, OR CASE;

(2) IN A COMPARTMENT WHICH CAN BE REACHED ONLY BY LEAVING THE VEHICLE;

(3) IN PLAIN SIGHT AND SECURED IN A RACK OR HOLDER MADE FOR THE PURPOSE;

(4) IN PLAIN SIGHT WITH THE ACTION OPEN OR THE WEAPON STRIPPED, OR, IF THE FIREARM IS OF A TYPE ON WHICH THE ACTION WILL NOT STAY OPEN OR WHICH CANNOT EASILY BE STRIPPED, IN PLAIN SIGHT.

(D) THIS SECTION DOES NOT APPLY TO OFFICERS, AGENTS, OR EMPLOYEES OF THIS OR ANY OTHER STATE OR THE UNITED STATES, OR TO LAW ENFORCEMENT OFFICERS, AUTHORIZED TO CARRY OR HAVE LOADED OR ACCESSIBLE FIREARMS IN MOTOR VEHICLES, AND ACTING WITHIN THE SCOPE OF THEIR DUTIES.

(E) THE AFFIRMATIVE DEFENSES CONTAINED IN DIVISION (C) (1) AND (2) OF SECTION 13-104 OF THE GENERAL OFFENSE CODE ARE AFFIRMATIVE DEFENSES TO A CHARGE UNDER DIVISION (A) OR (B) OF THIS SECTION.

(F) WHOEVER VIOLATES THIS SECTION IS GUILTY OF IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE. VIOLATION OF DIVISIONS (A) OR (B) OF THIS SECTION IS A MISDEMEANOR OF THE FIRST DEGREE. VIOLATION OF DIVISION (C) OF THIS SECTION IS A MISDEMEANOR OF THE FOURTH DEGREE.

(G) AS USED IN THIS SECTION, "UNLOADED" MEANS, WITH RESPECT TO A FIREARM EMPLOYING A PERCUSSION CAP, FLINTLOCK, OR OTHER OBSOLETE IGNITION SYSTEM, WHEN THE WEAPON IS UNCAPPED, OR WHEN THE PRIMING CHARGE IS REMOVED FROM THE PAN.

Sec. 13-105. FAILURE TO SECURE DANGEROUS ORDNANCE.

(A) NO PERSON, IN ACQUIRING, POSSESSING, CARRYING, OR USING ANY DANGEROUS ORDNANCE SHALL NEGLIGENTLY FAIL TO TAKE PROPER PRECAUTIONS:

(1) TO SECURE THE DANGEROUS ORDNANCE AGAINST THEFT, OR AGAINST ITS ACQUISITION OR USE BY ANY UNAUTHORIZED OR INCOMPETENT PERSON;

(2) TO INSURE THE SAFETY OF PERSONS AND PROPERTY.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF FAILURE TO SECURE DANGEROUS ORDNANCE, A MISDEMEANOR OF THE SECOND DEGREE.

Sec. 13-106. UNLAWFUL TRANSACTIONS IN WEAPONS.

(A) NO PERSON SHALL:

(1) MANUFACTURE, POSSESS FOR SALE, SELL, OR FURNISH TO ANY PERSON OTHER THAN A LAW ENFORCEMENT AGENCY FOR AUTHORIZED USE IN POLICE WORK, ANY BRASS KNUCKLES, CESTUS, BILLY, BLACKJACK, SAND-BAG, SWITCHBLADE KNIFE, SPRINGBLADE KNIFE, GRAVITY KNIFE, OR SIMILAR WEAPON;

(2) WHEN TRANSFERRING ANY DANGEROUS ORDNANCE TO ANOTHER, NEGLIGENTLY FAIL TO REQUIRE THE TRANSFEREE TO EXHIBIT SUCH IDENTIFICATION, LICENSE, OR PERMIT AS MAY BE AUTHORIZED TO ACQUIRE DANGEROUS ORDNANCE PURSUANT TO SECTION 13-105 OF THE GENERAL OFFENSE CODE OR 2923.17 OF THE UNIFORM CRIMINAL CODE, OR NEGLIGENTLY

FAIL TO TAKE A COMPLETE RECORD OF THE TRANSACTION AND FORTHWITH FORWARD A COPY OF SUCH RECORD TO THE SHERIFF OF THE COUNTY OR SAFETY DIRECTOR OR POLICE CHIEF OF THE MUNICIPALITY WHERE THE TRANSACTION TAKES PLACE;

(3) KNOWINGLY FAIL TO REPORT TO LAW ENFORCEMENT AUTHORITIES FORTHWITH THE LOSS OR THEFT OF ANY FIREARM OR DANGEROUS ORDNANCE IN SUCH PERSON'S POSSESSION OR UNDER HIS CONTROL.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF UNLAWFUL TRANSACTIONS IN WEAPONS. VIOLATION OF DIVISION (A) (1) OR (2) OF THIS SECTION IS A MISDEMEANOR OF THE SECOND DEGREE. VIOLATION OF DIVISION (A) (3) OF THIS SECTION IS A MISDEMEANOR OF THE FOURTH DEGREE.

Sec. 13-107. IMPROPERLY FURNISHING FIREARMS TO A MINOR.

(A) NO PERSON SHALL:

(1) SELL ANY FIREARM TO A PERSON UNDER AGE EIGHTEEN;

(2) SELL ANY HANDGUN TO A PERSON UNDER AGE TWENTY-ONE;

(3) FURNISH ANY FIREARM TO A PERSON UNDER AGE EIGHTEEN, EXCEPT FOR PURPOSES OF LAWFUL HUNTING, OR FOR PURPOSES OF INSTRUCTION IN FIREARMS SAFETY, CARE, HANDLING, OR MARKSMANSHIP UNDER THE SUPERVISION OR CONTROL OF A RESPONSIBLE ADULT.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF IMPROPERLY FURNISHING FIREARMS TO A MINOR, A MISDEMEANOR OF THE SECOND DEGREE.

## Chapter 14 MISCELLANEOUS

Section

14-101 Abuse of corpse.  
14-102 Desecration.

Section

14-103 Revelation of confidential matters.

Sec. 14.101. ABUSE OF CORPSE.

(A) NO PERSON, EXCEPT AS AUTHORIZED BY LAW, SHALL TREAT A HUMAN CORPSE IN A WAY THAT HE KNOWS WOULD OUTRAGE REASONABLE FAMILY SENSIBILITIES.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF ABUSE OF A CORPSE, A MISDEMEANOR OF THE SECOND DEGREE.

Sec. 14-102. DESECRATION.

(A) NO PERSON, WITHOUT PRIVILEGE TO DO SO, SHALL PURPOSELY DEFACE, DAMAGE, POLLUTE, OR OTHERWISE PHYSICALLY MISTREAT ANY OF THE FOLLOWING:

(1) THE FLAG OF THE UNITED STATES OR OF THIS STATE;

(2) ANY PUBLIC MONUMENT;

(3) ANY HISTORICAL OR COMMEMORATIVE MARKER, OR ANY STRUCTURE, THING, OR SITE OF GREAT HISTORICAL INTEREST;

- (4) A PLACE OF WORSHIP OR ITS FURNISHINGS;
- (5) A PLACE OF BURIAL OR A BURIAL MARKER;
- (6) A WORK OF ART OR MUSEUM PIECE;
- (7) ANY OTHER OBJECT OF REVERENCE OR SACRED DEVOTION.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF DESECRATION, A MISDEMEANOR OF THE SECOND DEGREE.

Sec. 14-103. REVELATION OF CONFIDENTIAL MATTERS.

(A) NO EMPLOYEE OF ANOTHER, WHO IN THE COURSE AND WITHIN THE SCOPE OF HIS EMPLOYMENT RECEIVES ANY CONFIDENTIAL MATTER OR INFORMATION, SHALL KNOWINGLY, WITHOUT THE CONSENT OF HIS EMPLOYER, FURNISH OR DISCLOSE SUCH MATTER OR INFORMATION TO ANY PERSON NOT PRIVILEGED TO ACQUIRE IT.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.

Section 2. THAT ALL EXISTING ORDINANCES INCONSISTENT HERewith ARE HEREBY REPEALED.

Section 3. THAT THIS ORDINANCE IS AN EMERGENCY MEASURE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH AND SAFETY, SAID EMERGENCY BEING THAT THE OHIO REVISED CODE HAS BEEN AMENDED EFFECTIVE JANUARY 1, 1974, AND OUR EXISTING ORDINANCES COVERING THE SUBJECTS CONTAINED IN THIS ORDINANCE WILL BECOME INEFFECTIVE ON SAID DATE AND THIS ORDINANCE SHALL GO INTO FORCE AND EFFECT UPON ITS PASSAGE AND APPROVAL BY THE MAYOR, OR ON JANUARY 1, 1974, WHICHEVER IS LATER.

Passed December 17th, 1973

Ruth H. Mann  
President of Council

Attest:

[Signature]  
Clerk of Council

Approved: December 17th, 1973

R. L. McClure  
Mayor

Effective January 1, 1974