

# **SIMPLIFIED STATUTES**

**Ohio Laws Made Easy**



**2025 Criminal Code**



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Publications

# Simplified Statutes

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OHIO LAWS MADE EASY  
2025 CRIMINAL CODE



**Blue to Gold Publications**

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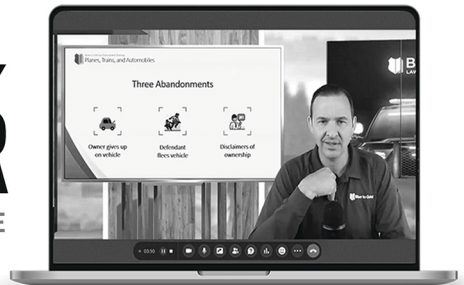
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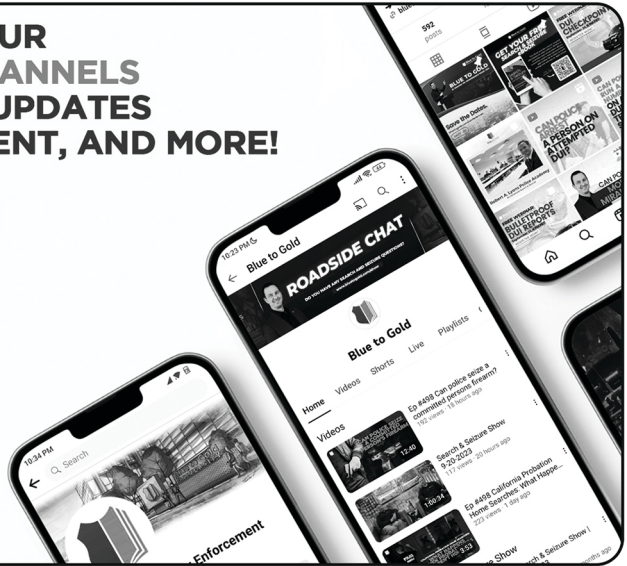
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# **Title 29 – Crimes- Procedure**

# **GENERAL PROVISIONS**

## **Section 2901.01 | General Provisions Definitions**

**(A)(1) "Force"** means any physical violence, pressure, or constraint applied against a person or object.

**(A)(2) "Deadly force"** means force that is likely to cause death.

**(A)(3) "Physical harm to persons"** means any injury, illness, or bodily issue, no matter how minor or short-term.

**(A)(4) "Physical harm to property"** means any damage that reduces property value or interferes with its use—excluding normal wear and tear.

**(A)(5) "Serious physical harm to persons"** means any of the following: a mental illness requiring hospitalization or extended treatment, physical harm with a strong risk of death, harm causing permanent or major temporary disability, permanent or serious temporary disfigurement, or long-lasting or intense pain causing major suffering.

**(A)(6) "Serious physical harm to property"** means damage that causes major value loss or takes major time, effort, or cost to fix, or temporarily blocks or

significantly limits use or enjoyment of property.

**(A)(7) "Risk"** means a real, not remote, possibility that something could happen.

**(A)(8) "Substantial risk"** means a strong and likely chance that something could occur or exist.

**(A)(9) "Offense of violence"** means serious crimes like murder, assault, kidnapping, rape, arson, robbery, and others listed in the Revised Code; equivalent offenses in other jurisdictions; any intentional crime that harms or threatens serious harm; conspiracy, attempt, or aiding in any of the above; and certain animal cruelty violations.

**(A)(10)(a) "Property"** means any kind of real or personal, tangible or intangible item, including digital and intellectual property like software, data, trademarks, or financial documents.

**(A)(10)(b) "Trade secret," "telecommunications service," and "information service"** are defined by other specific laws.

**(A)(10)(c) "Computer" and related terms** like "data" and "telecommunications device" follow definitions in section 2913.01.

**(A)(11) "Law enforcement officer"** includes a broad range of officials—like sheriffs, deputies, troopers, city/township police, prosecutors, and special officers from government, transit, and

legislative agencies—who are authorized to enforce laws or keep the peace.

**(A)(12) "Privilege"** means a legal right, immunity, or authority arising from status, role, or necessity.

**(A)(13) "Contraband"** means illegal items, such as drugs, gambling devices, or dangerous weapons and materials.

**(A)(14) "Not guilty by reason of insanity"** means that at the time of the crime, due to a serious mental illness, the person didn't understand what they were doing was wrong.

**(B)(1)(a) "Person" (criminal law)** means individuals, businesses, and viable unborn humans.

**(B)(1)(b) "Person" (non-criminal law)** includes individuals and entities like corporations or partnerships.

**(B)(1)(c)(i) "Unborn human"** means a human from fertilization to birth.

**(B)(1)(c)(ii) "Viable"** means able to survive outside the womb, with or without medical help.

**(B)(2) Person definition limits** mean that "person" doesn't make legal abortions a crime and doesn't criminalize pregnancy outcomes like stillbirths or harm to unborn children caused by the mother, unless other laws specifically apply.

**(C)(1) "School safety zone"** includes schools, buildings, grounds, school buses, and official school events.

**(C)(2) "School," "school building," and "school premises"** follow definitions in section 2925.01.

**(C)(3) "School activity"** means any event run by public or charter schools, education centers, or state-regulated schools.

**(C)(4) "School bus"** is defined in section 4511.01.

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### **Section 2901.02 | Classification of Crimes**

As used in the Revised Code:

**(A)** Crimes include: aggravated murder, murder, first-degree through fifth-degree felonies, first-degree through fourth-degree misdemeanors, minor misdemeanors, and any other crimes that aren't specifically classified.

**(B)** Aggravated murder is considered a "capital offense" if the indictment or charge includes one or more aggravating factors listed in division (A) of section 2929.04 of the Revised Code, or if any other crime can carry the death penalty.

**(C)** Aggravated murder and murder are classified as felonies.

**(D)** No matter what the penalty might be, if a crime is specifically classified as a felony, it is a felony. If it is specifically classified as a misdemeanor, it is a misdemeanor.

**(E)** If a crime isn't specifically classified, it is considered a felony if the possible penalty includes more than one year in prison.

**(F)** If a crime isn't specifically classified, it is considered a misdemeanor if the possible penalty includes up to one year in prison.

**(G)** If a crime isn't specifically classified, it is considered a minor misdemeanor if the only possible penalty is:

**(1)** For crimes committed before January 1, 2004: a fine of no more than one hundred dollars.

**(2)** For crimes committed on or after January 1, 2004: a fine of no more than one hundred fifty dollars, community service under division (D) of section 2929.27 of the Revised Code, or a financial sanction other than a fine under section 2929.28 of the Revised Code.

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### **Section 2901.03 | Abrogation of Common Law Offenses**

**(A)** Conduct is not a criminal offense against the state unless the Revised Code specifically defines it as an offense.

**(B)** A conduct is considered an offense when one or more sections of the Revised Code:

- State a positive prohibition or require a specific duty, and

- Provide a penalty for violating that prohibition or failing to fulfill that duty.

**(C)** This section does not affect:

- The power of the general assembly under Section 8 of Article II of the Ohio Constitution;
- The authority of a court to punish for contempt;
- The court's power to use any legally authorized sanction to enforce an order, civil judgment, or decree.

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### **Section 2901.04 | Rules of Construction for Statutes and Rules of Procedure**

**(A)** Unless otherwise stated in division (C) or (D) of this section, any sections of the Revised Code that define offenses or penalties must be interpreted strictly against the state and generously in favor of the accused.

**(B)** Rules of criminal procedure, along with any sections of the Revised Code dealing with criminal procedure, must be interpreted in a way that ensures the fair, impartial, speedy, and certain administration of justice.

**(C)** If a section of the Revised Code mentions a previous conviction of or plea of guilty to a violation of a section or division of the Revised Code, it

must also be understood to include any previous conviction of or plea of guilty to a substantially equivalent offense under:

- an existing or former law of this state;
- an existing or former law of another state or the United States;
- or an existing or former municipal ordinance.

**(D)** If a section of the Revised Code mentions a section or division of a section that defines or describes a criminal offense, it must also be understood to include:

- an existing or former law of this state, another state, or the United States;
- an existing or former municipal ordinance;
- or an existing or former division of any such law or ordinance that defines or described a substantially equivalent offense.

---

### **Section 2901.05 | Burden of Proof - Reasonable Doubt - Self-Defense**

#### **(A)**

Every person accused of a crime is presumed innocent unless the government proves the person's guilt beyond a reasonable doubt. The government has the burden

to prove every element of the crime. If the accused claims an "affirmative defense" (except for self-defense, defense of another, or defense of the accused's home as described in (B)(1)), the accused must present evidence supporting that defense and prove it by a preponderance of the evidence (meaning more likely than not).

#### **(B)(1)**

A person may use force in self-defense, defense of another, or defense of their home. If, during the trial, there is any evidence that suggests the accused used force in one of these ways, the government must prove beyond a reasonable doubt that the accused did not act in self-defense, defense of another, or defense of their home.

#### **(2)**

A person is presumed to have acted in self-defense or defense of another if they used force that is likely to cause death or serious injury to stop someone who is unlawfully entering (or who has already unlawfully entered) their home or vehicle.

#### **(3)**

The presumption in (B)(2) does not apply if:

- (a) The person against whom force was used had a legal right to be in the home or vehicle or was a lawful resident.
- (b) The person using the force was illegally and without

permission in the home or vehicle.

**(4)**

The presumption in (B)(2) can be challenged and overcome by a preponderance of the evidence. However, the government still has to prove guilt beyond a reasonable doubt, as required in (A) and (B)(1).

**(C)**

During the trial, the judge must instruct the jury on the definitions of "reasonable doubt" and "proof beyond a reasonable doubt" as explained in (E).

**(D)**

Definitions:

**(1)** "Affirmative defense" means either:

(a) A defense that is explicitly called an affirmative defense by law; or

(b) A defense that involves an excuse or justification known only to the accused, which the accused must provide evidence for.

**(2)** "Dwelling" means any kind of building or structure with a roof that is designed for people to sleep in, whether temporary or permanent, mobile or fixed. This includes attached porches and tents.

**(3)** "Residence" means a dwelling where a person lives, either temporarily, permanently, or as a guest.

**(4)** "Vehicle" means any kind of conveyance, motorized or not,

designed to carry people or property.

**(E)**

"Reasonable doubt" means the jury, after carefully considering all the evidence, cannot be firmly convinced of the accused's guilt. It is a doubt based on reason and common sense, not just a vague or imaginary doubt, because everything related to human actions can have some possible doubt. "Proof beyond a reasonable doubt" means the level of proof that would make an ordinary person willing to rely and act upon it in their own important personal affairs.

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### **Section 2901.06 | Battered Woman Syndrome Evidence**

**(A)** The general assembly declares that it recognizes both of the following about the "battered woman syndrome":

1. That "battered woman syndrome" is currently accepted as part of commonly recognized scientific knowledge.
2. That the details of "battered woman syndrome" are not something a typical person in the general population would understand, and it is not part of common knowledge.



**(B)** If a person is charged with a crime that involves using force against someone else and that person claims they acted in self-defense, they may introduce expert testimony about “battered woman syndrome.” This includes expert testimony that the person suffered from “battered woman syndrome,” which can be used to show that they believed they were in immediate danger of death or serious harm — a belief that is necessary to establish self-defense. Any expert testimony introduced under this section must comply with the Ohio Rules of Evidence.

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#### **Section 2901.07 | DNA Specimen Collection Procedure**

##### **(A) Definitions:**

1. "DNA analysis" and "DNA specimen" mean the same as defined in section 109.573 of the Revised Code.
2. "Jail" and "community-based correctional facility" mean the same as defined in section 2929.01 of the Revised Code.
3. "Post-release control" means the same as defined in section 2967.01 of the Revised Code.
4. "Head of the arresting law enforcement agency" refers to the relevant official in charge depending on who made the arrest:
  - (a) If a sheriff or deputy sheriff made the arrest, it's the sheriff who made the arrest or who employs the deputy.
  - (b) If a municipal law enforcement officer made the arrest, it's the chief of police, marshal, or other chief law enforcement officer of that agency.
  - (c) If a constable or township police officer made the arrest, it's the constable or chief law enforcement officer of that department.
  - (d) If a state highway patrol officer made the arrest, it's the superintendent of the highway patrol.
  - (e) For any other law enforcement officer, it's the chief law enforcement officer of the agency that employs the officer.
5. "Detention facility" means the same as defined in section

2921.01 of the  
Revised Code.

**(B)(1)**

(a) Starting July 1, 2011, anyone 18 or older who is arrested for a felony must provide a DNA specimen. The arresting agency's head must collect the DNA sample during intake at the jail, correctional facility, detention center, or police office/station where the person is taken. The collection must follow division (C).

(b) If the person is charged but not arrested and appears in court or if the arresting agency didn't collect the DNA at arrest, the court must order them to report to the sheriff or chief of police within 24 hours for DNA collection.

(c) At sentencing, the court must check if the person gave a DNA specimen. If not, the court must order them to report to the sheriff or chief of police within 24 hours for collection.

(d) If someone in custody is later charged with another offense that requires DNA collection, the head of the law enforcement agency or facility must collect it.

**(2)** Regardless of when the conviction happened, anyone convicted of a felony and sentenced to prison or a community-based correctional facility, and who hasn't given a DNA specimen, must provide it

during intake at the facility. This also applies to certain misdemeanors listed in (D).

**(3)** Before being released from prison, jail, or community-based facility, anyone who hasn't yet given a DNA specimen for a felony or applicable misdemeanor must provide it.

**(4)** (a) Anyone on probation, parole, community control, post-release control, or any supervised release for a felony or listed misdemeanor who hasn't yet provided a DNA specimen must give one. If they refuse, section 2967.15 applies.

(b) If someone returns to custody for violating release terms and hasn't given a DNA sample, the facility's head must collect it.

**(5)** If someone is convicted of a felony or listed misdemeanor but isn't sentenced to any supervised release, the court must order them to report to probation to provide a DNA sample. If the person is already in jail at sentencing, the facility's head must collect the sample.

**(C)**

- If the DNA is collected through blood or an invasive method, it must be done by a licensed medical professional.
- If it's a noninvasive method (like cheek swab), it doesn't have to be done by a medical professional.

- The appropriate official (law enforcement head, sheriff, police chief, etc.) must send the sample to the Bureau of Criminal Identification and Investigation within 15 days, using the required materials and following the Bureau's procedures.

**(D)**

- Division (B)(1) applies to anyone 18 or older arrested or charged with any felony or in any situation in that division.
- Divisions (B)(2)-(5) apply to anyone convicted of any felony or these misdemeanors:
  1. Misdemeanor violation, attempt, or complicity in section 2907.04.
  2. A misdemeanor based on the same facts as a previously dismissed or amended charge under sections 2903.01, 2903.02, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, or 2911.11, or a former section 2907.12.
  3. A misdemeanor violation of section 2919.23 that would have been 2905.04 before July 1, 1996.
  4. A sexually oriented or child-victim misdemeanor if the offender is a Tier III sex offender/child-victim offender.

**(E)**

- The director of rehabilitation and correction may make rules to collect DNA samples from offenders whose supervision was transferred from another state to Ohio under the interstate compact.

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**Section 2901.08 | Effect of Adjudication of Delinquency or Juvenile Traffic Offender**

**(A)**

If a person is accused of committing an offense, and if that person was previously declared a "delinquent child" or a "juvenile traffic offender" for breaking a law or ordinance, then—except where division (B) applies—that earlier adjudication is treated as a conviction. This means it can be used to determine:

- what offense the person should be charged with now, and
- the sentence to be given if the person is found guilty or pleads guilty to the current offense.

**(B)**

However, a previous adjudication of a person as a "delinquent child" or a "juvenile traffic offender" for violating a law or ordinance is **not**

considered a conviction for deciding any of the following:

1. Whether the person is a “repeat violent offender” as defined in section 2929.01 of the Revised Code, or whether the person should be sentenced as a repeat violent offender under division (B)(2) of section 2929.14 and section 2941.149 of the Revised Code.
2. Whether the person is a “violent career criminal” as defined in section 2923.132 of the Revised Code, whether the person has committed “unlawful use of a weapon by a violent career criminal” in violation of section 2923.132 of the Revised Code or should be sentenced for that offense under that section, or whether the person should be sentenced under division (K) of section 2929.14 of the Revised Code as a violent career criminal who had a firearm on or about their person or under their control while committing a violent felony offense—and who displayed or

brandished the firearm, indicated they possessed a firearm, or used it to facilitate the offense.

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### **Section 2901.09 | No Duty to Retreat in Residence or Vehicle**

**(A)** In this section, the word “residence” means the same thing as it does in section 2901.05 of the Revised Code.

**(B)** Under any part of the Revised Code that defines a criminal offense, a person does not have a duty to retreat before using force in self-defense, defense of another person, or defense of that person’s “residence” if the person is in a place where they have a legal right to be.

**(C)** When deciding whether a person who used force in self-defense, defense of another person, or defense of their “residence” reasonably believed that the force was necessary to prevent injury, loss, or risk to life or safety, the court (or jury) cannot consider whether the person could have retreated.

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### **Section 2901.10 | Restraining Pregnant Women**

#### **(A) Definitions**

**(1)** “Charged or convicted criminal offender” means any woman who:

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(a) Is charged with a crime or is being tried, has been convicted of or pleaded guilty to, or is serving a sentence for a crime; and

(b) Is in the custody of any law enforcement, court, or corrections official after being arrested, transported, and processed.

(2) “Health care professional” means the same as defined in section 2108.61 of the Revised Code.

(3) “Law enforcement, court, or corrections official” means any state or local officer or employee who has custody or control of a woman who is a charged or convicted criminal offender.

(4) “Restrain” means using any shackles, handcuffs, or similar devices.

(5) “Unborn child” means a human being carried in the womb of a charged or convicted criminal offender from fertilization until live birth.

(6) “Emergency circumstance” means a sudden, urgent, unexpected incident that requires immediate action and restraint of a pregnant charged or convicted criminal offender by a law enforcement, court, or corrections official.

### **(B) When Restraint Is Prohibited**

Except as provided in (C) below, starting from the date a pregnancy is confirmed by a

health care professional to law enforcement, no law enforcement, court, or corrections official who knows the woman is or was pregnant shall knowingly restrain a charged or convicted criminal offender during:

(1) Any time during her pregnancy;

(2) Transport to a hospital, labor, or delivery;

(3) Any period of postpartum recovery up to six weeks after pregnancy.

### **(C) When Restraint Is Allowed**

A law enforcement, court, or corrections official may restrain a charged or convicted criminal offender during the times listed in (B) if the official determines that the woman:

- Poses a risk of physical harm to herself, the official, other law enforcement or court personnel, or anyone else;
- Poses a risk of physical harm to property;
- Is a security risk; or
- Is a substantial flight risk.

### **(D) Restrictions on Type of Restraint**

If a law enforcement, court, or corrections official restrains a charged or convicted criminal offender during the times listed in (B) under (C), the official shall not use a waist restraint.

### **(E) Medical Exceptions**

(1) If a law enforcement, court, or corrections official restrains a charged or convicted criminal offender during the times listed in (B) under (C), the official must remove the restraint if a health care professional treating the woman notifies the official or the official's agency or court that the restraint poses a risk of physical harm to the woman or her unborn child.

(2) A law enforcement, court, or corrections official shall not restrain a charged or convicted criminal offender during the times listed in (B) if, before applying the restraint, a health care professional treating the woman notifies the official or the official's agency or court that any restraint during those times poses a risk of physical harm to the woman or her unborn child. This notice applies to all times listed in (B) after the notice is given.

### **Section 2901.11 | Jurisdiction for Criminal Acts**

(A) A person can be prosecuted and punished for a crime in this state if any of the following happen:

1. The person commits a crime here, or any part of the crime happens here.
2. While in this state, the person tries to commit a crime, helps commit a

crime, or plans to commit a crime in another place, but that crime would be illegal both here and there. If the person or anyone else involved takes a substantial step toward the crime in this state after the plan begins, the person can be prosecuted here for trying, helping, planning, or the crime that happened in the other place.

3. While outside this state, the person plans, tries to commit, or helps commit a crime in this state.
4. While outside this state, the person fails to do something the law here requires, and that failure affects the state's interest in protecting or regulating people, property, or activities in this state.
5. While outside this state, the person unlawfully takes or keeps property and then brings it into this state.
6. While outside this state, the person unlawfully takes or entices another person and then brings them into this state.
7. The person uses a computer, computer

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system, computer network, telecommunication, telecommunications device, telecommunications service, or information service to send or allow the sending of any writing, data, image, or other communication into this state that breaks the law here.

**(B)** For murder cases, “any element” includes causing death, making physical contact that causes death, the death itself, or any part of the crime. If any part of a victim’s body is found in this state, the death is presumed to have happened here.

**(C)(1)** “This state” includes its land, water, and airspace where this state has jurisdiction. If there’s a boundary dispute with another state or country, the disputed area is presumed to be part of this state.

**(2)** Courts of common pleas in certain Ohio counties (Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, Meigs, Monroe, Scioto, and Washington) have jurisdiction over parts of the Ohio River extending to the opposite shore, between county or state boundary lines. These courts share jurisdiction over the Ohio River with courts in neighboring counties or states (Kentucky or

West Virginia) that also have jurisdiction over the river.

**(D)** If it’s unclear whether an offense or part of an offense happened in this state or elsewhere, but it’s clear it happened somewhere, it’s presumed to have happened in this state.

**(E)** If a person can be prosecuted here for a crime that happened outside this state, they can also face any additional charges that would apply if the crime had happened in this state.

**(F)** Any act or element that makes a person subject to prosecution here doesn’t have to be done personally; it can be done by someone else working with them.

**(G)** This law should be interpreted broadly, as allowed by the Constitution, to give this state the most authority possible over crimes and people who commit crimes here or affect this state.

**(H)** For (A)(2), an “overt act” is substantial if it clearly shows the actor’s purpose to carry out the conspiracy.

**(I)** The terms “computer,” “computer system,” “computer network,” “information service,” “telecommunication,” “telecommunications device,” “telecommunications service,” “data,” and “writing” have the same meanings as in section 2913.01 of the Revised Code.



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**Section 2901.12 | Venue of Criminal Cases**

**(A)** A criminal trial must be held in a court that has authority over the subject of the case and, except in emergencies under sections 1901.028, 1907.04, 2301.04, or 2501.20 of the Revised Code, in the area where the offense or any part of the offense happened.

**(B)** If the offense (or any part of it) happened in a moving vehicle (like an airplane, car, train, or boat) and it's not clear where exactly the offense took place, the offender can be tried in any area the vehicle traveled through.

**(C)** If the offense involves unlawfully taking or receiving property, or unlawfully taking or luring another person, the offender can be tried in any area from which or into which the property or victim was taken, received, or lured.

**(D)** If the offense is "conspiracy," "attempt," or "complicity" under division (A)(2) of section 2901.11, the offender can be tried in any area where any part of the conspiracy, attempt, or complicity happened. If the offense that resulted from the conspiracy, attempt, or complicity occurred outside Ohio, that offense can also be tried in any area where any part

of the conspiracy, attempt, or complicity happened.

**(E)** If the offense is "conspiracy" or "attempt" under division (A)(3) of section 2901.11, the offender can be tried in any area where the offense they conspired or attempted to commit—or any part of that offense—was intended or could have happened. If the offense is "complicity" under division (A)(3) of section 2901.11, the offender can be tried anywhere the main offender could be tried.

**(F)** If an offense is considered to have been committed in Ohio while the offender was outside the state, and it's unclear where exactly in Ohio the offense or any key part of it happened, the offender can be tried in any area where the offense or part of it reasonably could have happened.

**(G)** If it's proven beyond a reasonable doubt that an offense or any part of it happened in two or more areas, but it's not clear in which one, the offender can be tried in any of those areas.

**(H)** If an offender commits offenses in different areas as part of a single course of criminal conduct, the offender can be tried for all the offenses in any area where at least one offense or any part of one offense happened. To prove a "course of criminal conduct," any

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of the following can be used as initial evidence:

1. The offenses involved the same victim, or victims of the same type or group.
2. The offenses were committed in the same job, role, or relationship to another.
3. The offenses were committed as part of the same event, transaction, or purpose.
4. The offenses were committed as part of the same conspiracy.
5. The offenses were carried out using the same or similar methods.
6. The offenses were committed along the offender's path of travel in Ohio, no matter where the trip started or ended.

**(I)(1)** If the offense involves a computer, computer system, computer network, telecommunications, or information service, the offender can be tried in any area where:

- Any location of the victim's computer or computer system is found;
- Any data, writing, or image was sent or received during the offense;

- The offender did any part of the offense.

**(I)(2)** The terms "computer," "computer system," "computer network," "information service," "telecommunication," "telecommunications device," "telecommunications service," "data," and "writing" mean the same as they do in section 2913.01 of the Revised Code.

**(J)** If the offense involves someone's death and it's unclear where the offense happened, the offender can be tried in the area where the victim's body or any part of the body was found.

**(K)** Even if the law usually requires a certain place for trial, the trial can be moved—by request of the prosecution, defense, or court—to another court with the authority to hear the case outside the original county. This can happen if a fair and impartial trial cannot be held in the original county, or if another location would be more convenient and just for everyone.

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### **Section 2901.13 | Statute of Limitations for Criminal Offenses**

**(A)(1)** Except as stated in (A)(2), (3), (4), or (5) of this section, or unless this section says otherwise, a prosecution cannot begin after the following time

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periods have passed since the offense was committed:

- (a) For a felony: six years.
- (b) For a misdemeanor (not a minor misdemeanor): two years.
- (c) For a minor misdemeanor: six months.

**(2)** There is no time limit for prosecuting:

- A violation of section 2903.01 or 2903.02 of the Revised Code.
- A conspiracy, attempt, or complicity in violating section 2903.01 or 2903.02.

**(3)** Unless stated otherwise in (B) to (J), prosecution of the following offenses must begin within twenty years of the offense:

- (a) Violations of: 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02; violations of 2903.11 or 2903.12 if the victim is a “peace officer”; violations of 2903.13

that are felonies; or former section 2907.12.

- (b) Conspiracies, attempts, or complicities involving the crimes in (A)(3)(a).

**(4)** Unless stated otherwise in (D) to (L), prosecution of violations of 2907.02 or 2907.03, or conspiracies, attempts, or complicities related to them, must begin within twenty-five years.

**(5)**

- (a) Unless stated otherwise in (A)(5)(b) and (E) to (I), prosecution for a violation of 2907.13 must begin within five years.
- (b) If discovered later, prosecution may begin within five years from when the offense was discovered by an “aggrieved person” or their legal representative (who isn’t a party to the offense).
- (c) “Aggrieved person” means:
  - (i) The patient who was the victim;
  - (ii) The patient’s spouse or surviving spouse;
  - (iii) A child born from the offense.

**(B)(1)** If the time period in (A)(1) or (A)(3) has expired, prosecution for an offense involving “fraud” or breach of fiduciary duty may begin within one year of its discovery by the

victim or their legal representative.

**(2)** If the period in (A)(1) or (A)(3) has expired, prosecution for a violation of 2913.49 may begin within five years of its discovery by the victim or their legal representative.

**(C)(1)** If the period in (A)(1) or (A)(3) has expired:

- (a) For an offense involving misconduct in office by a “public servant,” prosecution may start any time while they are a public servant or within two years after.
- (b) For offenses related to a public servant’s misconduct, by someone who is not a public servant, prosecution may start any time while the public servant is in office or within two years after.

**(2)**

- (a) An “offense directly related to the misconduct in office of a public servant” includes, but is not limited to, violations of 101.71, 101.91, 121.61, 2921.13, divisions (F) or (H) of 102.03, division (A) of 2921.02, divisions (A) or (B) of 2921.43, or divisions (F) or (G) of 3517.13.
  - (b) “Public servant” has the same meaning as in 2921.01.

**(D)**

- (1) If a DNA record related to investigating a violation

of 2907.02 or 2907.03 matches another DNA record of an identifiable person after twenty-five years, prosecution may start within five years of that determination.

- (2) If the DNA match is found within twenty-five years, prosecution may start within the longer of twenty-five years or five years from the determination.
- (3) “DNA record” has the same meaning as in 109.573.

**(E)** An offense is committed when every element occurs. If an offense involves continuous conduct, the limitation period starts when the conduct ends or accountability ceases.

**(F)** Prosecution begins on the date of indictment, information filing, lawful arrest, or issuance of warrant, summons, citation, or other process—whichever happens first. Reasonable diligence must be used to issue and execute these. Prosecution is not commenced unless diligence is exercised.

**(G)** The time limit pauses while the “corpus delicti” is undiscovered.

**(H)** The time limit pauses when the accused purposely avoids prosecution. Leaving the state or concealing identity is “prima-facie” evidence of this purpose.

**(I)** The time limit pauses while a prosecution is pending in this state—even if the indictment,

information, or process is quashed or set aside.

**(J)** For offenses under Title XXIX involving physical or mental injury suggesting abuse or neglect of a child under eighteen or a child with a developmental disability or physical impairment under twenty-one, the time limit starts when:

- (1) The victim reaches adulthood; or
- (2) A public children services agency or non-parent peace officer is notified.

**(K)** “Peace officer” has the same meaning as in 2935.01.

**(L)**

- (1) Amendments to (A) and (D) from July 16, 2015, apply to offenses of 2907.02 or 2907.03 committed on or after that date and to earlier offenses if prosecution wasn’t already barred.
- (2) The amendment to (A)(2) applies to conspiracies, attempts, or complicities in violating 2903.01 or 2903.02 committed on or after the amendment date, and to earlier offenses if prosecution wasn’t already barred.

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#### **Section 2901.20 | New Criminal Offenses; Degree of Mental Culpability Required**

**(A)** Every new criminal law that is passed after this section’s

effective date must clearly state the “degree of mental culpability” needed to commit the offense. If a new law does not specify the required “degree of mental culpability” as required by this division, then that offense is not valid.

**(B)** Division (A) does not apply to changes made to existing criminal offenses that were already in effect on this section’s effective date. However, Division (A) does apply to any new criminal offense that is added to an existing law after the effective date of this section.

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#### **Section 2901.21 | Criminal Liability, Culpability**

**(A)** Except as explained in (B) below, a person is not guilty of an offense unless both of these are true:

**(1)** The person’s responsibility for the offense is based on conduct that includes either a voluntary act or a failure to act when they had a legal duty to do so and were capable of doing it.  
**(2)** The person had the required mental state (“culpability”) for every part of the offense where a mental state is specified.

**(B)** If the language defining an offense does not specify a degree of culpability but clearly shows an intention to impose strict criminal liability, then culpability is not required for a

person to be guilty of that offense. However, if only one part of a section shows a clear intention to impose strict liability, that does not mean strict liability applies to other parts of the section that do not specify a degree of culpability.

**(C)(1)** When the language defining an element of an offense related to knowledge or intent (or where a mental state could apply) does not specify a mental state or clearly indicate strict liability, then that element is satisfied only if the person acted “recklessly.”

**(2)** Paragraph (C)(1) does not apply to offenses defined in Title XLV of the Revised Code.

**(3)** Paragraph (C)(1) does not relieve the prosecution of the responsibility to prove the mental state required by any other definition included in the offense.

**(E)** A person’s voluntary intoxication cannot be used to argue that they did not have the required mental state for an offense. Voluntary intoxication does not excuse someone from a legal duty to act if not acting is a crime. Evidence of voluntary intoxication may, however, be used to show whether the person was physically capable of committing the act.

**(F)** As used in this section:

**(1)** “Possession” is considered voluntary if the person knowingly obtained or received

the item, or knew they had control of the item long enough to have been able to give it up.

**(2)** Movements like reflexes, convulsions, actions taken while unconscious or asleep, and any body movements that are not the result of the person’s own choice are considered involuntary acts.

**(3)** “Culpability” means purpose, knowledge, recklessness, or negligence, as defined in section 2901.22 of the Revised Code.

**(4)** “Intoxication” includes, but is not limited to, intoxication from alcohol, drugs, or a combination of both.

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### **Section 2901.22 | Degrees of Culpability Attached to Mental States**

**(A)** A person acts “purposely” when they specifically intend to cause a particular result. If the offense is about stopping certain conduct (no matter what the person wants to achieve), it means the person specifically intended to engage in that conduct.

**(B)** A person acts “knowingly” (whether or not they wanted to) when they are aware that their conduct will probably cause a particular result or will probably have a particular nature. A person has “knowledge” of a situation if they are aware that it probably exists. If knowing that

a certain fact exists is an element of the offense, it is enough if the person believes there is a high chance it exists and either does not check or purposely avoids finding out.

**(C)** A person acts “recklessly” when they act with complete disregard for the consequences, ignoring a substantial and unjustifiable risk that their conduct will probably cause a certain result or have a particular nature. A person is “reckless” about a situation when they show this disregard toward a substantial and unjustifiable risk that the situation probably exists.

**(D)** A person acts “negligently” when, because they fail to exercise due care, they do not recognize or avoid a risk that their conduct might cause a particular result or have a particular nature. A person is “negligent” about a situation when, because of a failure to exercise due care, they do not recognize or avoid a risk that the situation might exist.

**(E)** When a law says that “negligence” is enough to prove an element of the offense, then “recklessness,” “knowledge,” or “purpose” also satisfies that element. When “recklessness” is enough, then “knowledge” or “purpose” also satisfies that element. When “knowledge” is enough, then “purpose” also satisfies that element.

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### **Section 2901.23 | Criminal Liability of Organizations**

**(A)** An organization can be found guilty of a crime under any of the following circumstances:

**(1)** The crime is a minor misdemeanor that was committed by one of the organization's officers, agents, or employees who was acting on behalf of the organization and within the scope of their duties. However, if the section of law defining the crime identifies specific officers, agents, or employees whose actions make the organization responsible—or if it specifies the circumstances under which the organization is accountable—those rules apply instead.

**(2)** If the section of law defining the crime clearly shows an intention to hold the organization liable, and the crime was committed by one of the organization's officers, agents, or employees acting on its behalf and within the scope of their duties. However, if the section of law defining the crime identifies specific officers, agents, or employees whose actions make the organization responsible—or if it specifies the circumstances under which the organization is accountable—those rules apply instead.

(3) The crime involves failing to perform a specific duty that the law imposes on the organization.

(4) If the crime was committed with the required mental state and was authorized, requested, ordered, tolerated, or carried out by the organization's board of directors, trustees, partners, or by a high-level manager, agent, or employee acting on behalf of the organization and within the scope of their duties.

(B) If a crime is a strict liability offense (meaning no intent or mental state is required), then it is assumed that the organization can be held liable, unless it is clear that the law intends otherwise.

(C) In a prosecution of an organization for a crime that is not a strict liability offense, it is a defense that a high-level manager, agent, or employee with responsibility over the relevant matter took reasonable steps to prevent the crime from happening. This defense cannot be used if it is clearly inconsistent with the purpose of the section of law defining the crime.

(D) In this section, "organization" means any corporation (whether for profit or not), partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust, or any other commercial or legal entity. "Organization" does not include any

government agency or entity created by a government agency to carry out a government program.

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#### **Section 2901.24 | Personal Liability for Organizational Conduct**

(A) An officer, agent, or employee of an organization, as defined in section 2901.23 of the Revised Code, can be prosecuted for a crime that the organization commits if they act with the level of "culpability" required to commit that crime, and any of the following apply:

(1) They commit the crime themselves, or cause someone else to commit it, in the name of the organization or on its behalf, or allow it to happen if it's the kind of crime they are directly responsible for preventing.

(2) They have the main responsibility to carry out a duty required by law for the organization, but they fail to carry out that duty.

(B) If a person is convicted of a crime under this section, they face the same punishment as if they had committed the crime on their own.

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#### **Section 2901.30 | Missing Child Report**

(A) Definitions:



**(1) "Information"** means details about a minor that can be entered into a computer system and that can help identify the child. This includes, but is not limited to:

- physical and mental descriptions like height, weight, hair and eye color, use of glasses or contacts, skin color, disabilities, medical conditions, abnormalities, problems, scars, marks, and distinguishing features;
- identifying information like full name and nickname, date and place of birth, age, names and addresses of parents and relatives, fingerprints, dental records, photos, social security number, driver's license number, credit card numbers, bank account numbers, and clothing.

**(2) "Minor"** means a person younger than eighteen years old.

**(3) "Missing children" or "missing child"** means:

(a) A minor who has run away from or is otherwise missing from the home or the care, custody, and control of their parents, parent who is the residential parent and legal custodian, guardian, legal

custodian, or any other person responsible for them.

(b) A minor who is missing and who might be a victim of "kidnapping" (section 2905.01), "abduction" (section 2905.02), "child stealing" (section 2905.03), or "interference with custody" (section 2919.23), or of "enticing a child for immoral purposes" (section 2905.04) as it existed before July 1, 1996.

**(B)** When a local law enforcement agency is told that a minor is or might be a missing child, and the person reporting wants to file a missing child report, the agency must accept the report. The agency must act quickly, including making strong efforts to find the child. No law enforcement agency can have a rule or policy that stops or delays the filing of a missing child report or delays taking action on it, regardless of when the child was last seen or believed to be missing.

**(C)** If a missing child report is made to a law enforcement agency, the agency must collect readily available information about the child and enter it into the national crime information center computer right after taking the report. The agency must keep trying to get more information about the child and update the computer system as new information is received. When the agency enters the information into the national

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crime information center computer, it must promptly notify the child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other responsible person.

Those responsible people must give the agency available information when asked and may also provide information voluntarily. The agency can also get information about the missing child from other people, as long as it follows the law and constitutional rules.

**(D)** After a missing child report is filed, the law enforcement agency can notify the school—public or private—where the missing child is or was last enrolled that the child is missing and that the school should mark the child's records according to section 3313.672 of the Revised Code.

**(E)** After filing a missing child report, the law enforcement agency must promptly try to notify other law enforcement agencies in the county and, if the agency is in a city or township that borders another county, the agency in the neighboring county. The agency can also notify other agencies or children services agencies and ask them for help, providing them with relevant information. If a law enforcement agency asks, a public children services agency must give the agency all

information it has that could help in the missing child investigation. That information can only be used to find the missing child.

**(F)** Law enforcement agencies in Ohio must help and work with other agencies on missing child cases when asked. They can agree on the terms of this help, which might include sharing staff or equipment. Chapter 2744 of the Revised Code applies to any cooperation, so that law enforcement employees are protected even when working outside their usual area. These employees still get the same benefits, like insurance or workers' compensation, as if they were working in their own area.

Information in a missing child report must be shared with law enforcement personnel from Ohio, other states, and the federal government if the request is to help find a missing child or to identify an unidentified deceased minor.

**(G)** If a missing child hasn't been found within 30 days of the missing child report, the law enforcement agency must ask the parents or other responsible person to give written consent to contact the child's dentist and get the child's dental records. The dentist must release a copy of the dental records and encode them as requested by the agency. The agency must enter

this information into the national crime information center computer to compare it with records of unidentified deceased persons. This does not stop an agency from asking for consent at any time, or stop the parents or responsible person from giving consent at any time.

**(H)** The parents or other responsible person must immediately tell the agency that filed the report if the child returns home, is found, or is released after being a victim of one of the offenses in (A)(3)(b). When the agency learns that the child has been found, it must promptly update the national crime information center computer to show that the child is no longer missing and tell any school that was notified under (D) that the child is no longer missing.

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### **Section 2901.31 | Cooperation With Federal Government**

Law enforcement agencies in this state must work closely with the United States Attorney General to gather information that could help:

- Identify “unidentified deceased persons”
- Find “missing persons” under the “Federal Missing Children Act of 1982,” 96 Stat. 1259, 28

U.S.C.A. 534, as amended.

When investigating cases of missing children, law enforcement agencies in this state must use the records and information collected by the United States Attorney General under that Act, if:

- The information could help the investigation; and
- The Act allows them to use it.

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### **Section 2901.32 | Guilty of Improper Solicitation of Contributions for Missing Children**

Misdemeanor

**Articulate the following:**

1. **Describe how the organization solicited contributions** for the purpose of distributing materials containing information about missing children.
2. **Document that the organization had been incorporated** under Chapter 1702 of the Revised Code or the nonprofit corporation law of another state for at least two years prior to the solicitation.
3. **Document that the organization had been exempt from federal income taxation** under one

of the following Internal Revenue Code sections— 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19)—for at least two years prior to the solicitation.

4. **Explain whether the organization used any fund-raising counsel, professional solicitors, commercial co-venturers, or other charitable organizations** (as defined in section 1716.01 of the Revised Code) to solicit contributions. Document if they did not.
5. **Describe any statements or implications made by the organization** that it was affiliated with, or soliciting contributions on behalf of, another organization established to assist in the location of missing children.
6. **Document whether the organization had express written consent** from any organization it claimed to be affiliated with or soliciting on behalf of.

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#### **Section 2901.41 | Missing Person Reports Policies**

**(A)** In this section and in section 2901.42 of the Revised Code, “missing person” means someone who:

- Is eighteen years old or older,
- Lives (temporarily or permanently) in Ohio,
- And meets one of these conditions:

**(1)** The person has a physical or mental disability.

**(2)** The person is missing under circumstances suggesting that their safety might be at risk.

**(3)** The person is missing under circumstances suggesting that they did not leave voluntarily.

**(B)** The attorney general must publish and share with all law enforcement agencies in Ohio a best practices protocol for handling reports of missing persons. Once a law enforcement agency receives this protocol, it must create and adopt a written policy that sets out reasonable procedures for what the agency should do when it learns that a person is or may be a missing person.

**(C)** After a law enforcement agency adopts the written policy required in (B), all peace officers who work for that agency must make a good faith effort to follow the policy’s procedures.

**(D)** This section does not allow anyone to sue the state, a law enforcement agency, a political subdivision, a peace officer, or any other person for damages if they fail to meet the requirements of this section.

**Section 2901.42 | Missing Person Report Indicating Foul Play**

**(A)** If a law enforcement agency receives an initial report or additional information that a missing person is at least 18 but less than 21 years old, the agency must immediately share all information from the report through the National Crime Information Center.

**(B)(1)** If a law enforcement agency receives a report that a person who is 21 years old or older is missing **and** there is evidence that the person was a victim of “foul play” when the report was made, the agency must share all information from the report through the National Crime Information Center within seven days after getting the report. If there is no evidence of “foul play,” the agency must share the information no later than 30 days after receiving the report—unless evidence to the contrary is received.

**(2)** If a report is made that a person 21 years old or older is missing and there is no evidence of “foul play” at the time of the report, but the agency discovers evidence of “foul play” within seven days after the report was made, the agency must share all information from the report through the National Crime Information Center by the end

of that seven-day period. If the agency finds evidence of “foul play” after the seven-day period, the agency must share all information within 48 hours after discovering the evidence.

**(C)** If a law enforcement agency has shared missing person information through the National Crime Information Center under divisions (A) or (B), and the missing person is later found, the agency must quickly remove that information from the law enforcement automated data system.

**(D)** For this section, indicators of “foul play” include, but are not limited to:

- evidence that the person’s home or car is in disarray,
- evidence of a struggle with another person,
- or any other evidence identified as “foul play” under the written policy that the law enforcement agency creates and adopts under division (B) of section 2901.41 of the Revised Code.

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**Section 2901.43 | Notice of Charges to Be Sent to Retirement Plan**

**(A)(1)** In this section:

(a) The terms “public retirement system,” “alternative retirement

plan,” and “prosecutor” mean the same as they do in section 2907.15 of the Revised Code.

(b) The term “position of honor, trust, or profit” means the same as it does in section 2929.192 of the Revised Code.

(2) For divisions (B) and (C) of this section, if someone is charged with violating section 2923.32 of the Revised Code, or with any other violation or offense that involves a “course of conduct” or multiple acts, then that violation or offense is considered to have been “committed on or after the effective date of this section” if:

- The course of conduct continues on or after that date;
- At least one of the multiple acts occurs on or after that date; or
- The person’s accountability for the course of conduct or one or more of the multiple acts continues on or after that date.

(B) If charges are filed against a person for an offense described in division (C) of this section, and:

- The alleged offense was committed on or after the effective date of this section;
- The person was serving in a “position of honor, trust, or profit” at the time of the offense; and

- The person is either participating in an alternative retirement plan or is a member of a public retirement system,

then the prosecutor assigned to the case must send written notice of the charges to the appropriate retirement plan or system. This notice must:

- Be sent to the alternative retirement plan or the public retirement system in which the person is enrolled, whichever applies;
- Clearly identify the person who has been charged.

(C) Division (B) applies if the person is charged with any felony offense listed or described in divisions (D)(1) to (3) of section 2929.192 of the Revised Code, committed on or after the effective date of this section, under the specific circumstances described in each division.

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### **Section 2901.431 | Notice of Felony Charges Filed Against Member**

When someone who is a member of the public employees retirement system is charged with a felony that allegedly happened on or after the date

this section became effective, the prosecutor handling the case must send written notice to the retirement system. This notice must clearly identify the person. For this section, a “violation” or “offense” that involves either a course of conduct or multiple acts is considered to have been committed on or after the effective date if:

- The course of conduct continues on or after that date;
- One or more of the acts happens on or after that date; or
- The person’s responsibility for the course of conduct or one or more of the acts continues on or after that date.

# **HOMICIDE AND ASSAULT**

## **Section 2903.01 | Aggravated Murder**

Punishable as provided in  
section 2929.02 of the Revised  
Code

**Articulate the following:**

### **(A) Purposely, and with prior calculation and design**

1. Describe how the defendant purposely (with intent and awareness) caused the death of another person or unlawfully terminated another's pregnancy.
2. Explain how the defendant had prior calculation and design (planned or prepared in advance to kill).

### **(B) During or after certain serious crimes**

1. Describe how the defendant purposely caused the death of another person or unlawfully terminated another's pregnancy.
2. Detail how the killing occurred during, while fleeing immediately after, or while attempting to commit one of the following crimes: kidnapping, rape, aggravated arson,

arson, aggravated robbery, robbery, aggravated burglary, burglary, trespass in a habitation (when a person is present or likely to be present), terrorism, or escape.

### **(C) Victim under thirteen**

1. Describe how the defendant purposely caused the death of another person.
2. Document that the victim was under the age of thirteen at the time of the offense.

### **(D) While under detention**

1. Describe how the defendant was under detention as a result of a felony conviction or had broken detention.
2. Explain how the defendant purposely caused the death of another person.

### **(E) Law enforcement officer victim**

1. Describe how the defendant purposely caused the death of a law enforcement officer whom the defendant knew or had reasonable cause to know was a law enforcement officer.
2. Explain either:
  - How the victim was engaged in their official duties at the time of the offense; or



- How the defendant's specific purpose was to kill a law enforcement officer.

**(F) First responder or military member victim**

1. Describe how the defendant purposely caused the death of a first responder or military member whom the defendant knew or had reasonable cause to know was a first responder or military member.
2. Explain how it was the defendant's specific purpose to kill a first responder or military member.

**Section 2903.02 | Murder**

**Felony**

**Articulate the following:**

**For Subsection (A) – Purposely causing the death of another or unlawful termination of another's pregnancy:**

1. Describe how the defendant acted with purpose (i.e., intentionally or deliberately) to cause the death of another person or unlawfully terminate another's pregnancy.
2. Explain the circumstances of the death or unlawful

termination of the pregnancy (e.g., time, place, manner).

**For Subsection (B) – Causing death as a proximate result of committing or attempting to commit a first or second-degree felony offense of violence (excluding violations of 2903.03 or 2903.04):**

1. Describe how the defendant committed or attempted to commit an offense of violence that is classified as a first or second-degree felony.
2. Explain how the defendant's actions during that felony offense proximately resulted in the death of another person.
3. Detail that the underlying offense of violence is not an offense under section 2903.03 (Voluntary Manslaughter) or 2903.04 (Involuntary Manslaughter).

**For Subsection (C) – Exclusion of certain offenses upgraded to first or second-degree felony status based on prior convictions:**

1. Document that the offense of violence is inherently a first or second-degree felony (i.e., not upgraded solely because of a prior conviction).

# **SIMPLIFIED STATUTES**

## **OHIO LAWS MADE EASY**

### **General:**

1. Document any relevant facts that establish the intent of the defendant to commit the murder or the proximate cause connection between the felony and the death.
2. Explain any physical or documentary evidence that supports each element.
4. Document that the defendant knowingly caused the unlawful termination of another's pregnancy (if applicable).
5. Explain if the defendant acted with a sexual motivation in connection with the above acts (if applicable).

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### **Section 2903.03 | Voluntary Manslaughter**

#### **Felony**

#### **Articulate the following:**

1. Explain how the defendant was under the influence of sudden passion or in a sudden fit of rage (emotional state at the time of the act).
2. Describe the serious provocation by the victim that was reasonably sufficient to incite the defendant into using deadly force (specific act(s) by the victim that triggered the defendant).
3. Document that the defendant knowingly caused the death of another (details of the act that led to the death).

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### **Section 2903.04 | Involuntary Manslaughter**

#### **Felony**

#### **Articulate the following:**

#### **For Section 2903.04(A) – Felony of the First Degree:**

1. Describe how the defendant caused the death of another person (or the unlawful termination of another's pregnancy).
2. Explain how the death (or unlawful termination of pregnancy) was the proximate result of the defendant committing or attempting to commit a felony (e.g., burglary, robbery).
3. Document the felony that the defendant committed or attempted to commit.

#### **For Section 2903.04(B) – Felony of the Third Degree:**

# **SIMPLIFIED STATUTES**

## **OHIO LAWS MADE EASY**

1. Describe how the defendant caused the death of another person (or the unlawful termination of another's pregnancy).
2. Explain how the death (or unlawful termination of pregnancy) was the proximate result of the defendant committing or attempting to commit a misdemeanor of any degree, a regulatory offense, or a minor misdemeanor (excluding Title XLV traffic minor misdemeanors and substantially equivalent municipal ordinances).
3. Document the misdemeanor, regulatory offense, or minor misdemeanor that the defendant committed or attempted to commit.
2. Document that the offense was a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance, or that the offense included operating the vehicle under the influence.

### **Important Note:**

- Always clearly identify the underlying offense that forms the basis of the involuntary manslaughter charge.
- Distinguish between deaths caused during the commission of a felony (2903.04(A)) and those caused during the commission of a misdemeanor or regulatory offense (2903.04(B)).
- Document any facts relevant to the court-imposed driver's license suspension or mandatory prison term if applicable under 2903.04(D).

### **Special Circumstances under Section 2903.04(D):**

1. If the underlying offense involves operating a vehicle (or snowmobile, locomotive, watercraft, or aircraft) while under the influence of alcohol or drugs (or both), explain the facts showing that the defendant operated the vehicle (or equivalent) while under the influence.

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### **Section 2903.041 | Reckless Homicide**

#### **Felony**

#### **Articulate the following:**

1. Describe how the defendant caused the

death of another or the unlawful termination of another's pregnancy (include details such as the victim's identity, the circumstances leading to the death, and any relevant context).

2. Explain how the defendant acted recklessly (i.e., aware of but consciously disregarding a substantial and unjustifiable risk that their actions would cause death or termination of pregnancy).

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### **Section 2903.05 | Negligent Homicide**

Misdemeanor

**Articulate the following:**

1. Describe how the defendant negligently (carelessly or without due caution) caused the death of another person.
2. Detail whether the death also involved the unlawful termination of another's pregnancy.
3. Document that the death was caused by means of a deadly weapon or dangerous ordnance (as defined in section 2923.11 of the

Revised Code, such as a firearm or explosive device).

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### **Section 2903.06 | Aggravated Vehicular Homicide - Vehicular Homicide - Vehicular Manslaughter**

Felony

**Articulate the following:**

#### **(A)(1) Operating Under the Influence**

1. Describe how the defendant caused the death of another (or the unlawful termination of another's pregnancy) while operating a vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft.
2. Document that the proximate cause of death was the defendant committing an OVI (Operating a Vehicle under the Influence) violation (e.g., section 4511.19, or equivalent).
3. Document any relevant evidence showing impairment or test results.

#### **(A)(2) Reckless Operation**

1. Describe how the defendant caused the death of another (or the

unlawful termination of another's pregnancy) while operating a vehicle, motorcycle, utility vehicle, or mini-truck.

2. Explain that the defendant acted recklessly (e.g., driving at high speed, weaving through traffic, ignoring signals).
3. If applicable, document that the death occurred in a construction zone during the commission of a reckless operation offense (only if the victim was in the construction zone).

### **Vehicular Homicide**

Misdemeanor or Felony (based on conditions)

#### **(A)(3) Negligent Operation**

1. Describe how the defendant caused the death of another (or the unlawful termination of another's pregnancy) while operating a vehicle, motorcycle, utility vehicle, or mini-truck.
2. Explain that the defendant acted negligently (e.g., failing to yield, distracted driving).
3. If applicable, document that the death occurred in a construction zone

during the commission of a speeding offense (only if the victim was in the construction zone).

### **Vehicular Manslaughter**

Misdemeanor

#### **(A)(4) Minor Misdemeanor**

##### **Violation**

1. Describe how the defendant caused the death of another (or the unlawful termination of another's pregnancy) while operating a vehicle, motorcycle, utility vehicle, or mini-truck.
2. Document that the proximate cause of death was the defendant's commission of a minor misdemeanor traffic violation (e.g., failure to yield, improper turn).

##### **For All Offenses**

- Detail that the defendant was operating or participating in the operation of a vehicle at the time of the incident.
- Document any relevant circumstances that apply to aggravating factors (e.g., prior convictions, driving without a valid license).
- Describe the time, location, and manner in

which the death occurred.

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**Section 2903.08 | Aggravated Vehicular Assault; Vehicular Assault**

Felony or Misdemeanor  
(depending on the subsection)

**Articulate the following:  
Aggravated Vehicular Assault  
(Felony of the Third or Second Degree)**

**When committed as the proximate result of an OVI or similar violation (Division A(1)):**

1. Describe how the suspect operated or participated in the operation of a vehicle (motor vehicle, motorcycle, utility vehicle, mini-truck, snowmobile, locomotive, watercraft, or aircraft).
2. Explain how the suspect caused serious physical harm to another person or unborn (note: serious physical harm includes substantial risk of death, permanent injury, or serious disfigurement).
3. Document that the serious physical harm was a proximate result of the suspect violating:
  - Division (A) of ORC 4511.19 (Operating

Vehicle Under the Influence - OVI), or

- Division (A) of ORC 1547.11 (boating under the influence), or
- Division (A)(3) of ORC 4561.15 (aircraft OVI).

**Vehicular Assault (Felony of the Fourth or Third Degree)**

**When committed by reckless operation in a construction zone (Division A(2)(a)):**

1. Describe how the suspect operated or participated in the operation of a vehicle (motor vehicle, utility vehicle, mini-truck, or motorcycle) in a construction zone.
2. Document that the victim or unborn was present in the construction zone at the time of the offense.
3. Explain how the suspect committed a reckless operation offense in the construction zone that resulted in serious physical harm.

**When committed recklessly (Division A(2)(b)):**

1. Describe how the suspect operated or participated in the operation of a vehicle (motor vehicle, motorcycle, utility vehicle, mini-truck,

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