



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

## Substitute Bill Comparative Synopsis

### Sub. H.B. 368

### 133<sup>rd</sup> General Assembly

#### House Criminal Justice

Yosef Schiff, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_1400-3)
<b>Conflicts between law and employer policies</b>	
No provision.	States that the bill's requirements do not prohibit actions by a person within the scope of the person's lawful employment (R.C. 2913.94).
<b>Mental states for new offenses</b>	
Includes acting with malicious purpose or in bad faith as one avenue for, or an element of, committing the new offenses of computer trespass, electronic data service interference, electronic data tampering, electronic data manipulation, or unauthorized data (R.C. 2913.87, 2913.88, 2913.89, 2913.90, and 2913.92).	Removes acting with malicious purpose or in bad faith as an avenue for, or an element of, committing these offenses (R.C. 2913.87, 2913.88, 2913.89, 2913.90, and 2913.92).
<b>Computer trespass penalties</b>	
Makes computer trespass a fourth or fifth degree felony generally, and a third degree felony if an aircraft and substantial risk of physical harm is involved (R.C. 2913.87(C)(1) to (3)).	Increases the penalty for computer trespass to a third degree felony if the value of the property or services involved or the loss to the victim is \$150,000 or more and the person commits the violation for any of the following purposes: <ul style="list-style-type: none"><li>▪ Devising or executing a scheme to defraud or to obtain property or services;</li></ul>

Previous Version (As Introduced)	Latest Version (I_133_1400-3)
	<ul style="list-style-type: none"> <li>▪ Obtaining money, property, or services by false or fraudulent pretenses;</li> <li>▪ Committing any other criminal offense (<i>R.C. 2913.87(C)(4)</i>).</li> </ul> <p>Increases the penalty for computer trespass if the victim is an elderly person or disabled adult:</p> <ul style="list-style-type: none"> <li>▪ Makes the violation a third degree felony if the value of the property or services or loss to the victim is \$7,500 or more but less than \$37,500.</li> <li>▪ Makes the violation a second degree felony if the value or loss is \$37,500 or more (<i>R.C. 2913.87(C)(5)</i>).</li> </ul>
<b>Pleas and convictions</b>	
<p>States that no person, for the same underlying action, is to plead guilty to or be convicted of violating both:</p> <ul style="list-style-type: none"> <li>▪ Computer trespass; and</li> <li>▪ Unauthorized use of property; unauthorized use of cable, or telecommunication property; or unauthorized use of the law enforcement automated database system (<i>R.C. 2913.87(E)</i>).</li> </ul>	No provision.
<b>Terminology</b>	
Uses the term “data service.”	Instead uses the term “computer service,” but retains the definition and all other requirements.