

I_133_1400-3

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 368

A BILL

To amend sections 109.42, 109.572, 109.88, 901.511, 1
2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2
2913.49, 2919.25, 2919.251, 2919.26, 2921.22, 3
2923.129, 2927.12, 2933.51, 3712.09, 3721.121, 4
3750.09, 3751.04, and 5503.101 and to enact 5
sections 2913.86, 2913.87, 2913.88, 2913.89, 6
2913.90, 2913.91, 2913.92, 2913.93, and 2913.94 7
of the Revised Code to enact the Ohio Computer 8
Crimes Act. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.42, 109.572, 109.88, 901.511, 10
2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 2919.25, 11
2919.251, 2919.26, 2921.22, 2923.129, 2927.12, 2933.51, 3712.09, 12
3721.121, 3750.09, 3751.04, and 5503.101 be amended and sections 13
2913.86, 2913.87, 2913.88, 2913.89, 2913.90, 2913.91, 2913.92, 14
2913.93, and 2913.94 of the Revised Code be enacted to read as 15
follows: 16

Sec. 109.42. (A) The attorney general shall prepare and 17
have printed a pamphlet that contains a compilation of all 18



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statutes relative to victim's rights in which the attorney 19
general lists and explains the statutes in the form of a 20
victim's bill of rights. The attorney general shall distribute 21
the pamphlet to all sheriffs, marshals, municipal corporation 22
and township police departments, constables, and other law 23
enforcement agencies, to all prosecuting attorneys, city 24
directors of law, village solicitors, and other similar chief 25
legal officers of municipal corporations, and to organizations 26
that represent or provide services for victims of crime. The 27
victim's bill of rights set forth in the pamphlet shall contain 28
a description of all of the rights of victims that are provided 29
for in Chapter 2930. or in any other section of the Revised Code 30
and shall include, but not be limited to, all of the following: 31

(1) The right of a victim or a victim's representative to 32
attend a proceeding before a grand jury, in a juvenile case, or 33
in a criminal case pursuant to a subpoena without being 34
discharged from the victim's or representative's employment, 35
having the victim's or representative's employment terminated, 36
having the victim's or representative's pay decreased or 37
withheld, or otherwise being punished, penalized, or threatened 38
as a result of time lost from regular employment because of the 39
victim's or representative's attendance at the proceeding 40
pursuant to the subpoena, as set forth in section 2151.211, 41
2930.18, 2939.121, or 2945.451 of the Revised Code; 42

(2) The potential availability pursuant to section 43
2151.359 or 2152.61 of the Revised Code of a forfeited 44
recognizance to pay damages caused by a child when the 45
delinquency of the child or child's violation of probation or 46
community control is found to be proximately caused by the 47
failure of the child's parent or guardian to subject the child 48
to reasonable parental authority or to faithfully discharge the 49

conditions of probation or community control; 50

(3) The availability of awards of reparations pursuant to 51
sections 2743.51 to 2743.72 of the Revised Code for injuries 52
caused by criminal offenses; 53

(4) The right of the victim in certain criminal or 54
juvenile cases or a victim's representative to receive, pursuant 55
to section 2930.06 of the Revised Code, notice of the date, 56
time, and place of the trial or delinquency proceeding in the 57
case or, if there will not be a trial or delinquency proceeding, 58
information from the prosecutor, as defined in section 2930.01 59
of the Revised Code, regarding the disposition of the case; 60

(5) The right of the victim in certain criminal or 61
juvenile cases or a victim's representative to receive, pursuant 62
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 63
notice of the name of the person charged with the violation, the 64
case or docket number assigned to the charge, and a telephone 65
number or numbers that can be called to obtain information about 66
the disposition of the case; 67

(6) The right of the victim in certain criminal or 68
juvenile cases or of the victim's representative pursuant to 69
section 2930.13 or 2930.14 of the Revised Code, subject to any 70
reasonable terms set by the court as authorized under section 71
2930.14 of the Revised Code, to make a statement about the 72
victimization and, if applicable, a statement relative to the 73
sentencing or disposition of the offender; 74

(7) The opportunity to obtain a court order, pursuant to 75
section 2945.04 of the Revised Code, to prevent or stop the 76
commission of the offense of intimidation of a crime victim or 77
witness or an offense against the person or property of the 78

complainant, or of the complainant's ward or child; 79

(8) The right of the victim in certain criminal or 80
juvenile cases or a victim's representative pursuant to sections 81
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 82
Code to receive notice of a pending motion for judicial release, 83
release pursuant to section 2967.19 of the Revised Code, or 84
other early release of the person who committed the offense 85
against the victim, to make an oral or written statement at the 86
court hearing on the motion, and to be notified of the court's 87
decision on the motion; 88

(9) The right of the victim in certain criminal or 89
juvenile cases or a victim's representative pursuant to section 90
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 91
Code to receive notice of any pending commutation, pardon, 92
parole, transitional control, discharge, other form of 93
authorized release, post-release control, or supervised release 94
for the person who committed the offense against the victim or 95
any application for release of that person and to send a written 96
statement relative to the victimization and the pending action 97
to the adult parole authority or the release authority of the 98
department of youth services; 99

(10) The right of the victim to bring a civil action 100
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 101
obtain money from the offender's profit fund; 102

(11) The right, pursuant to section 3109.09 of the Revised 103
Code, to maintain a civil action to recover compensatory damages 104
not exceeding ten thousand dollars and costs from the parent of 105
a minor who willfully damages property through the commission of 106
an act that would be a theft offense, as defined in section 107
2913.01 of the Revised Code, if committed by an adult; 108

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence, including domestic violence in a dating relationship as defined in section 3113.31 of the Revised Code, to seek the issuance of a civil protection order pursuant to that section, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, 2913.88, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;

(16) The right of a victim of a sexually oriented offense

or of a child-victim oriented offense that is committed by a 139
person who is convicted of, pleads guilty to, or is adjudicated 140
a delinquent child for committing the offense and who is in a 141
category specified in division (B) of section 2950.10 of the 142
Revised Code to receive, pursuant to that section, notice that 143
the person has registered with a sheriff under section 2950.04, 144
2950.041, or 2950.05 of the Revised Code and notice of the 145
person's name, the person's residence that is registered, and 146
the offender's school, institution of higher education, or place 147
of employment address or addresses that are registered, the 148
person's photograph, and a summary of the manner in which the 149
victim must make a request to receive the notice. As used in 150
this division, "sexually oriented offense" and "child-victim 151
oriented offense" have the same meanings as in section 2950.01 152
of the Revised Code. 153

(17) The right of a victim of certain sexually violent 154
offenses committed by an offender who also is convicted of or 155
pleads guilty to a sexually violent predator specification and 156
who is sentenced to a prison term pursuant to division (A) (3) of 157
section 2971.03 of the Revised Code, of a victim of a violation 158
of division (A) (1) (b) of section 2907.02 of the Revised Code 159
committed on or after January 2, 2007, by an offender who is 160
sentenced for the violation pursuant to division (B) (1) (a), (b), 161
or (c) of section 2971.03 of the Revised Code, of a victim of an 162
attempted rape committed on or after January 2, 2007, by an 163
offender who also is convicted of or pleads guilty to a 164
specification of the type described in section 2941.1418, 165
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 166
the violation pursuant to division (B) (2) (a), (b), or (c) of 167
section 2971.03 of the Revised Code, and of a victim of an 168
offense that is described in division (B) (3) (a), (b), (c), or 169

(d) of section 2971.03 of the Revised Code and is committed by 170
an offender who is sentenced pursuant to one of those divisions 171
to receive, pursuant to section 2930.16 of the Revised Code, 172
notice of a hearing to determine whether to modify the 173
requirement that the offender serve the entire prison term in a 174
state correctional facility, whether to continue, revise, or 175
revoke any existing modification of that requirement, or whether 176
to terminate the prison term. As used in this division, 177
"sexually violent offense" and "sexually violent predator 178
specification" have the same meanings as in section 2971.01 of 179
the Revised Code. 180

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 181
prosecuting attorney, assistant prosecuting attorney, city 182
director of law, assistant city director of law, village 183
solicitor, assistant village solicitor, or similar chief legal 184
officer of a municipal corporation or an assistant of any of 185
those officers who prosecutes an offense committed in this 186
state, upon first contact with the victim of the offense, the 187
victim's family, or the victim's dependents, shall give the 188
victim, the victim's family, or the victim's dependents a copy 189
of the pamphlet prepared pursuant to division (A) of this 190
section and explain, upon request, the information in the 191
pamphlet to the victim, the victim's family, or the victim's 192
dependents. 193

(b) Subject to division (B)(1)(c) of this section, a law 194
enforcement agency that investigates an offense or delinquent 195
act committed in this state shall give the victim of the offense 196
or delinquent act, the victim's family, or the victim's 197
dependents a copy of the pamphlet prepared pursuant to division 198
(A) of this section at one of the following times: 199

(i) Upon first contact with the victim, the victim's 200
family, or the victim's dependents; 201

(ii) If the offense or delinquent act is an offense of 202
violence, if the circumstances of the offense or delinquent act 203
and the condition of the victim, the victim's family, or the 204
victim's dependents indicate that the victim, the victim's 205
family, or the victim's dependents will not be able to 206
understand the significance of the pamphlet upon first contact 207
with the agency, and if the agency anticipates that it will have 208
an additional contact with the victim, the victim's family, or 209
the victim's dependents, upon the agency's second contact with 210
the victim, the victim's family, or the victim's dependents. 211

If the agency does not give the victim, the victim's 212
family, or the victim's dependents a copy of the pamphlet upon 213
first contact with them and does not have a second contact with 214
the victim, the victim's family, or the victim's dependents, the 215
agency shall mail a copy of the pamphlet to the victim, the 216
victim's family, or the victim's dependents at their last known 217
address. 218

(c) In complying on and after December 9, 1994, with the 219
duties imposed by division (B) (1) (a) or (b) of this section, an 220
official or a law enforcement agency shall use copies of the 221
pamphlet that are in the official's or agency's possession on 222
December 9, 1994, until the official or agency has distributed 223
all of those copies. After the official or agency has 224
distributed all of those copies, the official or agency shall 225
use only copies of the pamphlet that contain at least the 226
information described in divisions (A) (1) to (17) of this 227
section. 228

(2) The failure of a law enforcement agency or of a 229

prosecuting attorney, assistant prosecuting attorney, city 230
director of law, assistant city director of law, village 231
solicitor, assistant village solicitor, or similar chief legal 232
officer of a municipal corporation or an assistant to any of 233
those officers to give, as required by division (B)(1) of this 234
section, the victim of an offense or delinquent act, the 235
victim's family, or the victim's dependents a copy of the 236
pamphlet prepared pursuant to division (A) of this section does 237
not give the victim, the victim's family, the victim's 238
dependents, or a victim's representative any rights under 239
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 240
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 241
other provision of the Revised Code and does not affect any 242
right under those sections. 243

(3) A law enforcement agency, a prosecuting attorney or 244
assistant prosecuting attorney, or a city director of law, 245
assistant city director of law, village solicitor, assistant 246
village solicitor, or similar chief legal officer of a municipal 247
corporation that distributes a copy of the pamphlet prepared 248
pursuant to division (A) of this section shall not be required 249
to distribute a copy of an information card or other printed 250
material provided by the clerk of the court of claims pursuant 251
to section 2743.71 of the Revised Code. 252

(C) The cost of printing and distributing the pamphlet 253
prepared pursuant to division (A) of this section shall be paid 254
out of the reparations fund, created pursuant to section 255
2743.191 of the Revised Code, in accordance with division (D) of 256
that section. 257

(D) As used in this section: 258

(1) "Victim's representative" has the same meaning as in 259

section 2930.01 of the Revised Code; 260

(2) "Victim advocate" has the same meaning as in section 261
2919.26 of the Revised Code. 262

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 263
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 264
Code, a completed form prescribed pursuant to division (C) (1) of 265
this section, and a set of fingerprint impressions obtained in 266
the manner described in division (C) (2) of this section, the 267
superintendent of the bureau of criminal identification and 268
investigation shall conduct a criminal records check in the 269
manner described in division (B) of this section to determine 270
whether any information exists that indicates that the person 271
who is the subject of the request previously has been convicted 272
of or pleaded guilty to any of the following: 273

(a) A violation of section 2903.01, 2903.02, 2903.03, 274
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 275
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 276
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 277
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 278
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 279
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 280
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 281
sexual penetration in violation of former section 2907.12 of the 282
Revised Code, a violation of section 2905.04 of the Revised Code 283
as it existed prior to July 1, 1996, a violation of section 284
2919.23 of the Revised Code that would have been a violation of 285
section 2905.04 of the Revised Code as it existed prior to July 286
1, 1996, had the violation been committed prior to that date, or 287
a violation of section 2925.11 of the Revised Code that is not a 288
minor drug possession offense; 289

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (1) (a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the

Revised Code; 320

(b) An existing or former law of this state, any other 321
state, or the United States that is substantially equivalent to 322
any of the offenses listed in division (A)(2)(a) of this 323
section. 324

(3) On receipt of a request pursuant to section 173.27, 325
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 326
5123.081, or 5123.169 of the Revised Code, a completed form 327
prescribed pursuant to division (C)(1) of this section, and a 328
set of fingerprint impressions obtained in the manner described 329
in division (C)(2) of this section, the superintendent of the 330
bureau of criminal identification and investigation shall 331
conduct a criminal records check of the person for whom the 332
request is made. The superintendent shall conduct the criminal 333
records check in the manner described in division (B) of this 334
section to determine whether any information exists that 335
indicates that the person who is the subject of the request 336
previously has been convicted of, has pleaded guilty to, or 337
(except in the case of a request pursuant to section 5164.34, 338
5164.341, or 5164.342 of the Revised Code) has been found 339
eligible for intervention in lieu of conviction for any of the 340
following, regardless of the date of the conviction, the date of 341
entry of the guilty plea, or (except in the case of a request 342
pursuant to section 5164.34, 5164.341, or 5164.342 of the 343
Revised Code) the date the person was found eligible for 344
intervention in lieu of conviction: 345

(a) A violation of section 959.13, 959.131, 2903.01, 346
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 347
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 348
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 349

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	350
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	351
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	352
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	353
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	354
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	355
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	356
2913.49, 2913.51, <u>2913.87 to 2913.92</u> , 2917.01, 2917.02, 2917.03,	357
2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24,	358
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	359
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	360
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	361
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	362
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	363
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	364
of the Revised Code;	365
(b) Felonious sexual penetration in violation of former	366
section 2907.12 of the Revised Code;	367
(c) A violation of section 2905.04 of the Revised Code as	368
it existed prior to July 1, 1996;	369
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	370
the Revised Code when the underlying offense that is the object	371
of the conspiracy, attempt, or complicity is one of the offenses	372
listed in divisions (A) (3) (a) to (c) of this section;	373
(e) A violation of an existing or former municipal	374
ordinance or law of this state, any other state, or the United	375
States that is substantially equivalent to any of the offenses	376
listed in divisions (A) (3) (a) to (d) of this section.	377
(4) On receipt of a request pursuant to section 2151.86 of	378

the Revised Code, a completed form prescribed pursuant to 379
division (C) (1) of this section, and a set of fingerprint 380
impressions obtained in the manner described in division (C) (2) 381
of this section, the superintendent of the bureau of criminal 382
identification and investigation shall conduct a criminal 383
records check in the manner described in division (B) of this 384
section to determine whether any information exists that 385
indicates that the person who is the subject of the request 386
previously has been convicted of or pleaded guilty to any of the 387
following: 388

(a) A violation of section 959.13, 2903.01, 2903.02, 389
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 390
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 391
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 392
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 393
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 394
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 395
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 396
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 397
2927.12, or 3716.11 of the Revised Code, a violation of section 398
2905.04 of the Revised Code as it existed prior to July 1, 1996, 399
a violation of section 2919.23 of the Revised Code that would 400
have been a violation of section 2905.04 of the Revised Code as 401
it existed prior to July 1, 1996, had the violation been 402
committed prior to that date, a violation of section 2925.11 of 403
the Revised Code that is not a minor drug possession offense, 404
two or more OVI or OVUAC violations committed within the three 405
years immediately preceding the submission of the application or 406
petition that is the basis of the request, or felonious sexual 407
penetration in violation of former section 2907.12 of the 408
Revised Code; 409

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (4) (a) of this section.

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code

as it existed prior to July 1, 1996, a violation of section 441
2919.23 of the Revised Code that would have been a violation of 442
section 2905.04 of the Revised Code as it existed prior to July 443
1, 1996, had the violation been committed prior to that date, a 444
violation of section 2925.11 of the Revised Code that is not a 445
minor drug possession offense, a violation of section 2923.02 or 446
2923.03 of the Revised Code that relates to a crime specified in 447
this division, or a second violation of section 4511.19 of the 448
Revised Code within five years of the date of application for 449
licensure or certification. 450

(b) A violation of an existing or former law of this 451
state, any other state, or the United States that is 452
substantially equivalent to any of the offenses or violations 453
described in division (A) (5) (a) of this section. 454

(6) Upon receipt of a request pursuant to section 5153.111 455
of the Revised Code, a completed form prescribed pursuant to 456
division (C) (1) of this section, and a set of fingerprint 457
impressions obtained in the manner described in division (C) (2) 458
of this section, the superintendent of the bureau of criminal 459
identification and investigation shall conduct a criminal 460
records check in the manner described in division (B) of this 461
section to determine whether any information exists that 462
indicates that the person who is the subject of the request 463
previously has been convicted of or pleaded guilty to any of the 464
following: 465

(a) A violation of section 2903.01, 2903.02, 2903.03, 466
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 467
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 468
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 469
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 470

2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 471
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 472
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 473
Code, felonious sexual penetration in violation of former 474
section 2907.12 of the Revised Code, a violation of section 475
2905.04 of the Revised Code as it existed prior to July 1, 1996, 476
a violation of section 2919.23 of the Revised Code that would 477
have been a violation of section 2905.04 of the Revised Code as 478
it existed prior to July 1, 1996, had the violation been 479
committed prior to that date, or a violation of section 2925.11 480
of the Revised Code that is not a minor drug possession offense; 481

(b) A violation of an existing or former law of this 482
state, any other state, or the United States that is 483
substantially equivalent to any of the offenses listed in 484
division (A)(6)(a) of this section. 485

(7) On receipt of a request for a criminal records check 486
from an individual pursuant to section 4749.03 or 4749.06 of the 487
Revised Code, accompanied by a completed copy of the form 488
prescribed in division (C)(1) of this section and a set of 489
fingerprint impressions obtained in a manner described in 490
division (C)(2) of this section, the superintendent of the 491
bureau of criminal identification and investigation shall 492
conduct a criminal records check in the manner described in 493
division (B) of this section to determine whether any 494
information exists indicating that the person who is the subject 495
of the request has been convicted of or pleaded guilty to a 496
felony in this state or in any other state. If the individual 497
indicates that a firearm will be carried in the course of 498
business, the superintendent shall require information from the 499
federal bureau of investigation as described in division (B)(2) 500
of this section. Subject to division (F) of this section, the 501

superintendent shall report the findings of the criminal records 502
check and any information the federal bureau of investigation 503
provides to the director of public safety. 504

(8) On receipt of a request pursuant to section 1321.37, 505
1321.53, or 4763.05 of the Revised Code, a completed form 506
prescribed pursuant to division (C)(1) of this section, and a 507
set of fingerprint impressions obtained in the manner described 508
in division (C)(2) of this section, the superintendent of the 509
bureau of criminal identification and investigation shall 510
conduct a criminal records check with respect to any person who 511
has applied for a license, permit, or certification from the 512
department of commerce or a division in the department. The 513
superintendent shall conduct the criminal records check in the 514
manner described in division (B) of this section to determine 515
whether any information exists that indicates that the person 516
who is the subject of the request previously has been convicted 517
of or pleaded guilty to any of the following: a violation of 518
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 519
Revised Code; any other criminal offense involving theft, 520
receiving stolen property, embezzlement, forgery, fraud, passing 521
bad checks, money laundering, or drug trafficking, or any 522
criminal offense involving money or securities, as set forth in 523
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 524
the Revised Code; or any existing or former law of this state, 525
any other state, or the United States that is substantially 526
equivalent to those offenses. 527

(9) On receipt of a request for a criminal records check 528
from the treasurer of state under section 113.041 of the Revised 529
Code or from an individual under section 4701.08, 4715.101, 530
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 531
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 532

4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 533
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 534
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 535
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 536
4779.091, or 4783.04 of the Revised Code, accompanied by a 537
completed form prescribed under division (C)(1) of this section 538
and a set of fingerprint impressions obtained in the manner 539
described in division (C)(2) of this section, the superintendent 540
of the bureau of criminal identification and investigation shall 541
conduct a criminal records check in the manner described in 542
division (B) of this section to determine whether any 543
information exists that indicates that the person who is the 544
subject of the request has been convicted of or pleaded guilty 545
to any criminal offense in this state or any other state. 546
Subject to division (F) of this section, the superintendent 547
shall send the results of a check requested under section 548
113.041 of the Revised Code to the treasurer of state and shall 549
send the results of a check requested under any of the other 550
listed sections to the licensing board specified by the 551
individual in the request. 552

(10) On receipt of a request pursuant to section 124.74, 553
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 554
completed form prescribed pursuant to division (C)(1) of this 555
section, and a set of fingerprint impressions obtained in the 556
manner described in division (C)(2) of this section, the 557
superintendent of the bureau of criminal identification and 558
investigation shall conduct a criminal records check in the 559
manner described in division (B) of this section to determine 560
whether any information exists that indicates that the person 561
who is the subject of the request previously has been convicted 562
of or pleaded guilty to any criminal offense under any existing 563

or former law of this state, any other state, or the United States. 564
565

(11) On receipt of a request for a criminal records check 566
from an appointing or licensing authority under section 3772.07 567
of the Revised Code, a completed form prescribed under division 568
(C) (1) of this section, and a set of fingerprint impressions 569
obtained in the manner prescribed in division (C) (2) of this 570
section, the superintendent of the bureau of criminal 571
identification and investigation shall conduct a criminal 572
records check in the manner described in division (B) of this 573
section to determine whether any information exists that 574
indicates that the person who is the subject of the request 575
previously has been convicted of or pleaded guilty or no contest 576
to any offense under any existing or former law of this state, 577
any other state, or the United States that is a disqualifying 578
offense as defined in section 3772.07 of the Revised Code or 579
substantially equivalent to such an offense. 580

(12) On receipt of a request pursuant to section 2151.33 581
or 2151.412 of the Revised Code, a completed form prescribed 582
pursuant to division (C) (1) of this section, and a set of 583
fingerprint impressions obtained in the manner described in 584
division (C) (2) of this section, the superintendent of the 585
bureau of criminal identification and investigation shall 586
conduct a criminal records check with respect to any person for 587
whom a criminal records check is required under that section. 588
The superintendent shall conduct the criminal records check in 589
the manner described in division (B) of this section to 590
determine whether any information exists that indicates that the 591
person who is the subject of the request previously has been 592
convicted of or pleaded guilty to any of the following: 593

(a) A violation of section 2903.01, 2903.02, 2903.03, 594
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 595
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 596
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 597
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 598
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 599
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 600
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 601
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 602
Revised Code; 603

(b) An existing or former law of this state, any other 604
state, or the United States that is substantially equivalent to 605
any of the offenses listed in division (A)(12)(a) of this 606
section. 607

(13) On receipt of a request pursuant to section 3796.12 608
of the Revised Code, a completed form prescribed pursuant to 609
division (C)(1) of this section, and a set of fingerprint 610
impressions obtained in a manner described in division (C)(2) of 611
this section, the superintendent of the bureau of criminal 612
identification and investigation shall conduct a criminal 613
records check in the manner described in division (B) of this 614
section to determine whether any information exists that 615
indicates that the person who is the subject of the request 616
previously has been convicted of or pleaded guilty to the 617
following: 618

(a) A disqualifying offense as specified in rules adopted 619
under division (B)(2)(b) of section 3796.03 of the Revised Code 620
if the person who is the subject of the request is an 621
administrator or other person responsible for the daily 622
operation of, or an owner or prospective owner, officer or 623

prospective officer, or board member or prospective board member 624
of, an entity seeking a license from the department of commerce 625
under Chapter 3796. of the Revised Code; 626

(b) A disqualifying offense as specified in rules adopted 627
under division (B) (2) (b) of section 3796.04 of the Revised Code 628
if the person who is the subject of the request is an 629
administrator or other person responsible for the daily 630
operation of, or an owner or prospective owner, officer or 631
prospective officer, or board member or prospective board member 632
of, an entity seeking a license from the state board of pharmacy 633
under Chapter 3796. of the Revised Code. 634

(14) On receipt of a request required by section 3796.13 635
of the Revised Code, a completed form prescribed pursuant to 636
division (C) (1) of this section, and a set of fingerprint 637
impressions obtained in a manner described in division (C) (2) of 638
this section, the superintendent of the bureau of criminal 639
identification and investigation shall conduct a criminal 640
records check in the manner described in division (B) of this 641
section to determine whether any information exists that 642
indicates that the person who is the subject of the request 643
previously has been convicted of or pleaded guilty to the 644
following: 645

(a) A disqualifying offense as specified in rules adopted 646
under division (B) (8) (a) of section 3796.03 of the Revised Code 647
if the person who is the subject of the request is seeking 648
employment with an entity licensed by the department of commerce 649
under Chapter 3796. of the Revised Code; 650

(b) A disqualifying offense as specified in rules adopted 651
under division (B) (14) (a) of section 3796.04 of the Revised Code 652
if the person who is the subject of the request is seeking 653

employment with an entity licensed by the state board of 654
pharmacy under Chapter 3796. of the Revised Code. 655

(15) On receipt of a request pursuant to section 4768.06 656
of the Revised Code, a completed form prescribed under division 657
(C) (1) of this section, and a set of fingerprint impressions 658
obtained in the manner described in division (C) (2) of this 659
section, the superintendent of the bureau of criminal 660
identification and investigation shall conduct a criminal 661
records check in the manner described in division (B) of this 662
section to determine whether any information exists indicating 663
that the person who is the subject of the request has been 664
convicted of or pleaded guilty to a felony in this state or in 665
any other state. 666

(16) On receipt of a request pursuant to division (B) of 667
section 4764.07 of the Revised Code, a completed form prescribed 668
under division (C) (1) of this section, and a set of fingerprint 669
impressions obtained in the manner described in division (C) (2) 670
of this section, the superintendent of the bureau of criminal 671
identification and investigation shall conduct a criminal 672
records check in the manner described in division (B) of this 673
section to determine whether any information exists indicating 674
that the person who is the subject of the request has been 675
convicted of or pleaded guilty to any crime of moral turpitude, 676
a felony, or an equivalent offense in any other state or the 677
United States. 678

(17) On receipt of a request for a criminal records check 679
under section 147.022 of the Revised Code, a completed form 680
prescribed under division (C) (1) of this section, and a set of 681
fingerprint impressions obtained in the manner prescribed in 682
division (C) (2) of this section, the superintendent of the 683

bureau of criminal identification and investigation shall 684
conduct a criminal records check in the manner described in 685
division (B) of this section to determine whether any 686
information exists that indicates that the person who is the 687
subject of the request previously has been convicted of or 688
pleaded guilty or no contest to any disqualifying offense, as 689
defined in section 147.011 of the Revised Code, or to any 690
offense under any existing or former law of this state, any 691
other state, or the United States that is substantially 692
equivalent to such a disqualifying offense. 693

(B) Subject to division (F) of this section, the 694
superintendent shall conduct any criminal records check to be 695
conducted under this section as follows: 696

(1) The superintendent shall review or cause to be 697
reviewed any relevant information gathered and compiled by the 698
bureau under division (A) of section 109.57 of the Revised Code 699
that relates to the person who is the subject of the criminal 700
records check, including, if the criminal records check was 701
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 702
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 703
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 704
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 705
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 706
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 707
the Revised Code, any relevant information contained in records 708
that have been sealed under section 2953.32 of the Revised Code; 709

(2) If the request received by the superintendent asks for 710
information from the federal bureau of investigation, the 711
superintendent shall request from the federal bureau of 712
investigation any information it has with respect to the person 713

who is the subject of the criminal records check, including 714
fingerprint-based checks of national crime information databases 715
as described in 42 U.S.C. 671 if the request is made pursuant to 716
section 2151.86 or 5104.013 of the Revised Code or if any other 717
Revised Code section requires fingerprint-based checks of that 718
nature, and shall review or cause to be reviewed any information 719
the superintendent receives from that bureau. If a request under 720
section 3319.39 of the Revised Code asks only for information 721
from the federal bureau of investigation, the superintendent 722
shall not conduct the review prescribed by division (B) (1) of 723
this section. 724

(3) The superintendent or the superintendent's designee 725
may request criminal history records from other states or the 726
federal government pursuant to the national crime prevention and 727
privacy compact set forth in section 109.571 of the Revised 728
Code. 729

(4) The superintendent shall include in the results of the 730
criminal records check a list or description of the offenses 731
listed or described in division (A) (1), (2), (3), (4), (5), (6), 732
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 733
of this section, whichever division requires the superintendent 734
to conduct the criminal records check. The superintendent shall 735
exclude from the results any information the dissemination of 736
which is prohibited by federal law. 737

(5) The superintendent shall send the results of the 738
criminal records check to the person to whom it is to be sent 739
not later than the following number of days after the date the 740
superintendent receives the request for the criminal records 741
check, the completed form prescribed under division (C) (1) of 742
this section, and the set of fingerprint impressions obtained in 743

the manner described in division (C) (2) of this section: 744

(a) If the superintendent is required by division (A) of 745
this section (other than division (A) (3) of this section) to 746
conduct the criminal records check, thirty; 747

(b) If the superintendent is required by division (A) (3) 748
of this section to conduct the criminal records check, sixty. 749

(C) (1) The superintendent shall prescribe a form to obtain 750
the information necessary to conduct a criminal records check 751
from any person for whom a criminal records check is to be 752
conducted under this section. The form that the superintendent 753
prescribes pursuant to this division may be in a tangible 754
format, in an electronic format, or in both tangible and 755
electronic formats. 756

(2) The superintendent shall prescribe standard impression 757
sheets to obtain the fingerprint impressions of any person for 758
whom a criminal records check is to be conducted under this 759
section. Any person for whom a records check is to be conducted 760
under this section shall obtain the fingerprint impressions at a 761
county sheriff's office, municipal police department, or any 762
other entity with the ability to make fingerprint impressions on 763
the standard impression sheets prescribed by the superintendent. 764
The office, department, or entity may charge the person a 765
reasonable fee for making the impressions. The standard 766
impression sheets the superintendent prescribes pursuant to this 767
division may be in a tangible format, in an electronic format, 768
or in both tangible and electronic formats. 769

(3) Subject to division (D) of this section, the 770
superintendent shall prescribe and charge a reasonable fee for 771
providing a criminal records check under this section. The 772

person requesting the criminal records check shall pay the fee 773
prescribed pursuant to this division. In the case of a request 774
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 775
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 776
fee shall be paid in the manner specified in that section. 777

(4) The superintendent of the bureau of criminal 778
identification and investigation may prescribe methods of 779
forwarding fingerprint impressions and information necessary to 780
conduct a criminal records check, which methods shall include, 781
but not be limited to, an electronic method. 782

(D) The results of a criminal records check conducted 783
under this section, other than a criminal records check 784
specified in division (A) (7) of this section, are valid for the 785
person who is the subject of the criminal records check for a 786
period of one year from the date upon which the superintendent 787
completes the criminal records check. If during that period the 788
superintendent receives another request for a criminal records 789
check to be conducted under this section for that person, the 790
superintendent shall provide the results from the previous 791
criminal records check of the person at a lower fee than the fee 792
prescribed for the initial criminal records check. 793

(E) When the superintendent receives a request for 794
information from a registered private provider, the 795
superintendent shall proceed as if the request was received from 796
a school district board of education under section 3319.39 of 797
the Revised Code. The superintendent shall apply division (A) (1) 798
(c) of this section to any such request for an applicant who is 799
a teacher. 800

(F) (1) Subject to division (F) (2) of this section, all 801
information regarding the results of a criminal records check 802

conducted under this section that the superintendent reports or 803
sends under division (A) (7) or (9) of this section to the 804
director of public safety, the treasurer of state, or the 805
person, board, or entity that made the request for the criminal 806
records check shall relate to the conviction of the subject 807
person, or the subject person's plea of guilty to, a criminal 808
offense. 809

(2) Division (F) (1) of this section does not limit, 810
restrict, or preclude the superintendent's release of 811
information that relates to the arrest of a person who is 812
eighteen years of age or older, to an adjudication of a child as 813
a delinquent child, or to a criminal conviction of a person 814
under eighteen years of age in circumstances in which a release 815
of that nature is authorized under division (E) (2), (3), or (4) 816
of section 109.57 of the Revised Code pursuant to a rule adopted 817
under division (E) (1) of that section. 818

(G) As used in this section: 819

(1) "Criminal records check" means any criminal records 820
check conducted by the superintendent of the bureau of criminal 821
identification and investigation in accordance with division (B) 822
of this section. 823

(2) "Minor drug possession offense" has the same meaning 824
as in section 2925.01 of the Revised Code. 825

(3) "OVI or OVUAC violation" means a violation of section 826
4511.19 of the Revised Code or a violation of an existing or 827
former law of this state, any other state, or the United States 828
that is substantially equivalent to section 4511.19 of the 829
Revised Code. 830

(4) "Registered private provider" means a nonpublic school 831

or entity registered with the superintendent of public 832
instruction under section 3310.41 of the Revised Code to 833
participate in the autism scholarship program or section 3310.58 834
of the Revised Code to participate in the Jon Peterson special 835
needs scholarship program. 836

Sec. 109.88. (A) If the attorney general has reasonable 837
cause to believe that a person or enterprise has engaged in, is 838
engaging in, or is preparing to engage in a violation of any 839
provision of section 2913.04 ~~or~~, 2913.05, or 2913.87 to 2913.92 840
of the Revised Code, the attorney general may investigate the 841
alleged violation. 842

(B) For purposes of an investigation under division (A) of 843
this section, the attorney general may issue subpoenas and 844
subpoenas duces tecum. The attorney general may compel the 845
attendance of witnesses and the production of records and papers 846
of all kinds and descriptions that are relevant to the 847
investigation, including, but not limited to, any books, 848
accounts, documents, and memoranda pertaining to the subject of 849
the investigation. Upon the failure of any person to comply with 850
any subpoena or subpoena duces tecum issued by the attorney 851
general under this section, the attorney general may apply to 852
the court of common pleas in Franklin county or in any county in 853
which an element of the crime occurred for a contempt order as 854
in the case of disobedience of the requirements of a subpoena 855
issued from the court of common pleas or a refusal to testify on 856
a subpoena. A subpoena or subpoena duces tecum issued by the 857
attorney general under this section to a provider of electronic 858
communication services or remote computing services shall be 859
subject to the limitations set forth in the "Electronic 860
Communications Privacy Act of 1986," 18 U.S.C. 2703. 861

(C) Any information gathered by the attorney general 862
during the course of the investigation that is in the possession 863
of the attorney general, a prosecuting attorney, a law 864
enforcement agency, or a special prosecutor is a confidential 865
law enforcement investigatory record for purposes of section 866
149.43 of the Revised Code. No provision contained in this 867
section affects or limits any right of discovery granted to any 868
person under the Revised Code, the Rules of Criminal Procedure, 869
or the Rules of Juvenile Procedure. 870

Sec. 901.511. (A) As used in this section: 871

(1) "Agricultural product" means any of the following 872
items that is produced for testing or research in the context of 873
a product development program in conjunction or coordination 874
with a private research facility, a university, or any federal, 875
state, or local governmental agency or that is produced for 876
personal, commercial, pharmaceutical, or educational purposes: 877
field crop or field crop product; timber or timber product; 878
forestry product; livestock or livestock product; meat or meat 879
product; milk or dairy product; poultry or poultry product; 880
equine animal; wool; fruit or vegetable crop; aquacultural 881
product; algacultural product; horticultural crop, including 882
plant materials grown in a greenhouse, nursery stock grown 883
inside or outside of a container, ornamental grass, turf grass, 884
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 885
viticultural product; apicultural product; tobacco; pasture; 886
wild animal or domestic deer, as "wild animal" and "domestic 887
deer" are defined in section 1531.01 of the Revised Code; 888
monitored captive deer, captive deer with status, or captive 889
deer with certified chronic wasting disease status as defined in 890
section 943.01 of the Revised Code; or any combination of those 891
items. 892

(2) "Algacultural product" means algal paste, algal powder, or dried algae that is comprised primarily of algal biomass. 893
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(3) "Equipment" means any implement, machinery, real or personal property, building, or structure that is used in the production, growing, harvesting, or housing of any agricultural product. "Equipment" also includes any laboratory, research, product, samples, supplies, or fixed equipment that is used to test, develop, or analyze the process of producing, growing, or maintaining any agricultural product. 896
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(4) "Material support or resources" means currency, payment instruments, other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials. 903
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(5) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money regardless of whether the item in question is negotiable. 909
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(6) "Specified offense" means either of the following: 913

(a) A violation of section 2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, ~~or~~ 2913.42, or 2913.87 to 2913.92 of the Revised Code; 914
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(b) An attempt to commit, complicity in committing, or a conspiracy to commit an offense listed in division (A) (5) (a) of this section. 917
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(B) No person shall commit a specified offense involving any agricultural product or equipment with the intent to do any 920
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of the following:	922
(1) Intimidate or coerce a civilian population;	923
(2) Influence the policy of any government by intimidation or coercion;	924 925
(3) Affect the conduct of any government;	926
(4) Interrupt or interfere with agricultural production, agricultural research, or equipment for purposes of disrupting or influencing, through intimidation or other means, consumer confidence or agricultural production methods.	927 928 929 930
Division (B) of this section does not apply to the practice of veterinary medicine by a person who has been issued a valid license, temporary permit, or registration certificate to practice veterinary medicine under Chapter 4741. of the Revised Code. As used in this division, "practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	931 932 933 934 935 936 937
(C) No person shall raise, solicit, collect, donate, or provide any material support or resources with the purpose that the material support or resources will be used in whole or in part to plan, prepare, carry out, or aid in either a violation of division (B) of this section or in the concealment of, or an escape from, a violation of that division.	938 939 940 941 942 943
(D) (1) In addition to the penalties established in section 901.99 of the Revised Code for a violation of this section, the court may require any person who violates this section to pay the victim of the offense an amount up to triple the value of the agricultural product or equipment that was the subject of the violation.	944 945 946 947 948 949

(2) In ordering restitution under division (D) (1) of this section, the court shall consider as part of the value of the agricultural product or equipment the market value of the agricultural product or equipment prior to the violation and the production, research, testing, replacement, and development costs directly related to the agricultural product or equipment that was the subject of the violation.

(E) The enactment of this section is not intended to require the prosecution exclusively under this section of an act, series of acts, or course of behavior that could be prosecuted either under this section or under another section of the Revised Code. One or more acts, series of acts, or courses of behavior that may be prosecuted either under this section or under another section of the Revised Code may be prosecuted under this section, the other section, or both sections.

Sec. 2137.14. (A) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including all of the following:

- (1) The duty of care;
- (2) The duty of loyalty;
- (3) The duty of confidentiality.

(B) All of the following apply to a fiduciary's or designated recipient's authority with respect to a digital asset of a user:

(1) Except as otherwise provided in section 2137.03 of the Revised Code, it is subject to the applicable terms of service.

(2) It is subject to other applicable laws, including copyright law.

(3) In the case of a fiduciary, it is limited by the scope of the fiduciary's duties.	978 979
(4) It may not be used to impersonate the user.	980
(C) A fiduciary with authority over the property of a decedent, ward, principal, or settlor has the right to access any digital asset in which the decedent, ward, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.	981 982 983 984 985
(D) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, ward, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including section 2913.04 <u>2913.87</u> of the Revised Code.	986 987 988 989 990
(E) Both of the following apply to a fiduciary with authority over the tangible, personal property of a decedent, ward, principal, or settlor:	991 992 993
(1) The fiduciary has the right to access the property and any digital asset stored in it.	994 995
(2) The fiduciary is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including section 2913.04 <u>2913.87</u> of the Revised Code.	996 997 998
(F) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.	999 1000 1001 1002
(G) A fiduciary of a user may request a custodian to terminate the user's account. A request for termination shall be in writing, in either physical or electronic form, and	1003 1004 1005

accompanied by all of the following:	1006
(1) If the user is deceased, a copy of the death certificate of the user;	1007 1008
(2) A copy of the instrument giving the fiduciary authority over the account, as follows:	1009 1010
(a) For a personal representative, a copy of the letter of appointment of the personal representative, the entry appointing a commissioner under division (E) of section 2113.03 of the Revised Code, or the entry granting summary release from administration under division (E) of section 2113.031 of the Revised Code;	1011 1012 1013 1014 1015 1016
(b) For an agent, a copy of the power of attorney;	1017
(c) For a trustee, either a copy of the trust instrument and a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust or a certification of the trust under section 5810.13 of the Revised Code; or	1018 1019 1020 1021 1022
(d) For a guardian, a copy of the court order giving the guardian authority over the ward.	1023 1024
(3) If requested by the custodian, any of the following:	1025
(a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;	1026 1027 1028
(b) Evidence linking the account to the user;	1029
(c) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in division (G) (3) (a) of this section.	1030 1031 1032

Sec. 2909.07. (A) No person shall:	1033
(1) Without privilege to do so, knowingly move, deface,	1034
damage, destroy, or otherwise improperly tamper with either of	1035
the following:	1036
(a) The property of another;	1037
(b) One's own residential real property with the purpose	1038
to decrease the value of or enjoyment of the residential real	1039
property, if both of the following apply:	1040
(i) The residential real property is subject to a	1041
mortgage.	1042
(ii) The person has been served with a summons and	1043
complaint in a pending residential mortgage loan foreclosure	1044
action relating to that real property. As used in this division,	1045
"pending" includes the time between judgment entry and	1046
confirmation of sale.	1047
(2) With purpose to interfere with the use or enjoyment of	1048
property of another, employ a tear gas device, stink bomb, smoke	1049
generator, or other device releasing a substance that is harmful	1050
or offensive to persons exposed or that tends to cause public	1051
alarm;	1052
(3) Without privilege to do so, knowingly move, deface,	1053
damage, destroy, or otherwise improperly tamper with a bench	1054
mark, triangulation station, boundary marker, or other survey	1055
station, monument, or marker;	1056
(4) Without privilege to do so, knowingly move, deface,	1057
damage, destroy, or otherwise improperly tamper with any safety	1058
device, the property of another, or the property of the offender	1059
when required or placed for the safety of others, so as to	1060

destroy or diminish its effectiveness or availability for its 1061
intended purpose; 1062

(5) With purpose to interfere with the use or enjoyment of 1063
the property of another, set a fire on the land of another or 1064
place personal property that has been set on fire on the land of 1065
another, which fire or personal property is outside and apart 1066
from any building, other structure, or personal property that is 1067
on that land; 1068

~~(6) Without privilege to do so, and with intent to impair 1069
the functioning of any computer, computer system, computer 1070
network, computer software, or computer program, knowingly do 1071
any of the following: 1072~~

~~(a) In any manner or by any means, including, but not 1073
limited to, computer hacking, alter, damage, destroy, or modify 1074
a computer, computer system, computer network, computer 1075
software, or computer program or data contained in a computer, 1076
computer system, computer network, computer software, or 1077
computer program; 1078~~

~~(b) Introduce a computer contaminant into a computer, 1079
computer system, computer network, computer software, or 1080
computer program. 1081~~

(B) As used in this section, "safety device" means any 1082
fire extinguisher, fire hose, or fire axe, or any fire escape, 1083
emergency exit, or emergency escape equipment, or any life line, 1084
life-saving ring, life preserver, or life boat or raft, or any 1085
alarm, light, flare, signal, sign, or notice intended to warn of 1086
danger or emergency, or intended for other safety purposes, or 1087
any guard railing or safety barricade, or any traffic sign or 1088
signal, or any railroad grade crossing sign, signal, or gate, or 1089

any first aid or survival equipment, or any other device, 1090
apparatus, or equipment intended for protecting or preserving 1091
the safety of persons or property. 1092

~~(C)(1)~~ Whoever violates this section is guilty of criminal 1093
mischief, and shall be punished as provided in division ~~(C)(2)~~ 1094
~~or (3)~~ of this section. 1095

~~(2)~~ Except as otherwise provided in this division, 1096
criminal mischief ~~committed in violation of division (A)(1),~~ 1097
~~(2), (3), (4), or (5) of this section~~ is a misdemeanor of the 1098
third degree. Except as otherwise provided in this division, if 1099
the violation ~~of division (A)(1), (2), (3), (4), or (5) of this~~ 1100
~~section~~ creates a risk of physical harm to any person, criminal 1101
mischief ~~committed in violation of division (A)(1), (2), (3),~~ 1102
~~(4), or (5) of this section~~ is a misdemeanor of the first 1103
degree. If the property involved in the violation ~~of division~~ 1104
~~(A)(1), (2), (3), (4), or (5) of this section~~ is an aircraft, an 1105
aircraft engine, propeller, appliance, spare part, fuel, 1106
lubricant, hydraulic fluid, any other equipment, implement, or 1107
material used or intended to be used in the operation of an 1108
aircraft, or any cargo carried or intended to be carried in an 1109
aircraft, criminal mischief ~~committed in violation of division~~ 1110
~~(A)(1), (2), (3), (4), or (5) of this section~~ is one of the 1111
following: 1112

~~(a)(1)~~ If the violation creates a risk of physical harm 1113
to any person, except as otherwise provided in division (C)(2) 1114
~~(b)~~ of this section, criminal mischief ~~committed in violation of~~ 1115
~~division (A)(1), (2), (3), (4), or (5) of this section~~ is a 1116
felony of the fifth degree. 1117

~~(b)(2)~~ If the violation creates a substantial risk of 1118
physical harm to any person or if the property involved in a 1119

violation of this section is an occupied aircraft, criminal 1120
mischief committed in violation of division (A) (1), (2), (3), 1121
(4), or (5) of this section is a felony of the fourth degree. 1122

~~(3) Except as otherwise provided in this division, 1123
criminal mischief committed in violation of division (A) (6) of 1124
this section is a misdemeanor of the first degree. Except as 1125
otherwise provided in this division, if the value of the 1126
computer, computer system, computer network, computer software, 1127
computer program, or data involved in the violation of division 1128
(A) (6) of this section or the loss to the victim resulting from 1129
the violation is one thousand dollars or more and less than ten 1130
thousand dollars, or if the computer, computer system, computer 1131
network, computer software, computer program, or data involved 1132
in the violation of division (A) (6) of this section is used or 1133
intended to be used in the operation of an aircraft and the 1134
violation creates a risk of physical harm to any person, 1135
criminal mischief committed in violation of division (A) (6) of 1136
this section is a felony of the fifth degree. If the value of 1137
the computer, computer system, computer network, computer 1138
software, computer program, or data involved in the violation of 1139
division (A) (6) of this section or the loss to the victim 1140
resulting from the violation is ten thousand dollars or more, or 1141
if the computer, computer system, computer network, computer 1142
software, computer program, or data involved in the violation of 1143
division (A) (6) of this section is used or intended to be used 1144
in the operation of an aircraft and the violation creates a 1145
substantial risk of physical harm to any person or the aircraft 1146
in question is an occupied aircraft, criminal mischief committed 1147
in violation of division (A) (6) of this section is a felony of 1148
the fourth degree. 1149~~

Sec. 2913.01. As used in this chapter, unless the context 1150

requires that a term be given a different meaning: 1151

(A) "Deception" means knowingly deceiving another or 1152
causing another to be deceived by any false or misleading 1153
representation, by withholding information, by preventing 1154
another from acquiring information, or by any other conduct, 1155
act, or omission that creates, confirms, or perpetuates a false 1156
impression in another, including a false impression as to law, 1157
value, state of mind, or other objective or subjective fact. 1158

(B) "Defraud" means to knowingly obtain, by deception, 1159
some benefit for oneself or another, or to knowingly cause, by 1160
deception, some detriment to another. 1161

(C) "Deprive" means to do any of the following: 1162

(1) Withhold property of another permanently, or for a 1163
period that appropriates a substantial portion of its value or 1164
use, or with purpose to restore it only upon payment of a reward 1165
or other consideration; 1166

(2) Dispose of property so as to make it unlikely that the 1167
owner will recover it; 1168

(3) Accept, use, or appropriate money, property, or 1169
services, with purpose not to give proper consideration in 1170
return for the money, property, or services, and without 1171
reasonable justification or excuse for not giving proper 1172
consideration. 1173

(D) "Owner" means, unless the context requires a different 1174
meaning, any person, other than the actor, who is the owner of, 1175
who has possession or control of, or who has any license or 1176
interest in property or services, even though the ownership, 1177
possession, control, license, or interest is unlawful. 1178

(E) "Services" include labor, personal services, 1179
professional services, rental services, public utility services 1180
including wireless service as defined in division (F) (1) of 1181
section 128.01 of the Revised Code, common carrier services, and 1182
food, drink, transportation, entertainment, and cable television 1183
services and, for purposes of section 2913.04 of the Revised 1184
Code, include cable services as defined in that section. 1185

(F) "Writing" means any computer software, document, 1186
letter, memorandum, note, paper, plate, data, film, or other 1187
thing having in or upon it any written, typewritten, or printed 1188
matter, and any token, stamp, seal, credit card, badge, 1189
trademark, label, or other symbol of value, right, privilege, 1190
license, or identification. 1191

(G) "Forge" means to fabricate or create, in whole or in 1192
part and by any means, any spurious writing, or to make, 1193
execute, alter, complete, reproduce, or otherwise purport to 1194
authenticate any writing, when the writing in fact is not 1195
authenticated by that conduct. 1196

(H) "Utter" means to issue, publish, transfer, use, put or 1197
send into circulation, deliver, or display. 1198

(I) "Coin machine" means any mechanical or electronic 1199
device designed to do both of the following: 1200

(1) Receive a coin, bill, or token made for that purpose; 1201

(2) In return for the insertion or deposit of a coin, 1202
bill, or token, automatically dispense property, provide a 1203
service, or grant a license. 1204

(J) "Slug" means an object that, by virtue of its size, 1205
shape, composition, or other quality, is capable of being 1206
inserted or deposited in a coin machine as an improper 1207

substitute for a genuine coin, bill, or token made for that 1208
purpose. 1209

(K) "Theft offense" means any of the following: 1210

(1) A violation of section 2911.01, 2911.02, 2911.11, 1211
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1212
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1213
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1214
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1215
2913.51, 2913.87 to 2913.92, 2915.05, or 2921.41 of the Revised 1216
Code; 1217

(2) A violation of an existing or former municipal 1218
ordinance or law of this or any other state, or of the United 1219
States, substantially equivalent to any section listed in 1220
division (K)(1) of this section or a violation of section 1221
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed 1222
prior to July 1, 1996; 1223

(3) An offense under an existing or former municipal 1224
ordinance or law of this or any other state, or of the United 1225
States, involving robbery, burglary, breaking and entering, 1226
theft, embezzlement, wrongful conversion, forgery, 1227
counterfeiting, deceit, or fraud; 1228

(4) A conspiracy or attempt to commit, or complicity in 1229
committing, any offense under division (K)(1), (2), or (3) of 1230
this section. 1231

(L) "Computer services" includes, but is not limited to, 1232
the use of a computer system, computer network, computer 1233
program, data that is prepared for computer use, or data that is 1234
contained within a computer system or computer network. 1235

(M) "Computer" means an electronic device that performs 1236

logical, arithmetic, and memory functions by the manipulation of 1237
electronic or magnetic impulses. "Computer" includes, but is not 1238
limited to, all input, output, processing, storage, computer 1239
program, or communication facilities that are connected, or 1240
related, in a computer system or network to an electronic device 1241
of that nature. 1242

(N) "Computer system" means a computer and related 1243
devices, whether connected or unconnected, including, but not 1244
limited to, data input, output, and storage devices, data 1245
communications links, and computer programs and data that make 1246
the system capable of performing specified special purpose data 1247
processing tasks. 1248

(O) "Computer network" means a set of related and remotely 1249
connected computers and communication facilities that includes 1250
more than one computer system that has the capability to 1251
transmit among the connected computers and communication 1252
facilities through the use of computer facilities. 1253

(P) "Computer program" means an ordered set of data 1254
representing coded instructions or statements that, when 1255
executed by a computer, cause the computer to process data. 1256

(Q) "Computer software" means computer programs, 1257
procedures, and other documentation associated with the 1258
operation of a computer system. 1259

(R) "Data" means a representation of information, 1260
knowledge, facts, concepts, or instructions that are being or 1261
have been prepared in a formalized manner and that are intended 1262
for use in a computer, computer system, or computer network. For 1263
purposes of section 2913.47 of the Revised Code, "data" has the 1264
additional meaning set forth in division (A) of that section. 1265

(S) "Cable television service" means any services provided 1266
by or through the facilities of any cable television system or 1267
other similar closed circuit coaxial cable communications 1268
system, or any microwave or similar transmission service used in 1269
connection with any cable television system or other similar 1270
closed circuit coaxial cable communications system. 1271

(T) "Gain access" means to approach, instruct, communicate 1272
with, store data in, retrieve data from, or otherwise make use 1273
of any resources of a computer, computer system, or computer 1274
network, or any cable service or cable system both as defined in 1275
section 2913.04 of the Revised Code. 1276

(U) "Credit card" includes, but is not limited to, a card, 1277
code, device, or other means of access to a customer's account 1278
for the purpose of obtaining money, property, labor, or services 1279
on credit, or for initiating an electronic fund transfer at a 1280
point-of-sale terminal, an automated teller machine, or a cash 1281
dispensing machine. It also includes a county procurement card 1282
issued under section 301.29 of the Revised Code. 1283

(V) "Electronic fund transfer" has the same meaning as in 1284
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1285

(W) "Rented property" means personal property in which the 1286
right of possession and use of the property is for a short and 1287
possibly indeterminate term in return for consideration; the 1288
rentee generally controls the duration of possession of the 1289
property, within any applicable minimum or maximum term; and the 1290
amount of consideration generally is determined by the duration 1291
of possession of the property. 1292

(X) "Telecommunication" means the origination, emission, 1293
dissemination, transmission, or reception of data, images, 1294

signals, sounds, or other intelligence or equivalence of 1295
intelligence of any nature over any communications system by any 1296
method, including, but not limited to, a fiber optic, 1297
electronic, magnetic, optical, digital, or analog method. 1298

(Y) "Telecommunications device" means any instrument, 1299
equipment, machine, or other device that facilitates 1300
telecommunication, including, but not limited to, a computer, 1301
computer network, computer chip, computer circuit, scanner, 1302
telephone, cellular telephone, pager, personal communications 1303
device, transponder, receiver, radio, modem, or device that 1304
enables the use of a modem. 1305

(Z) "Telecommunications service" means the providing, 1306
allowing, facilitating, or generating of any form of 1307
telecommunication through the use of a telecommunications device 1308
over a telecommunications system. 1309

(AA) "Counterfeit telecommunications device" means a 1310
telecommunications device that, alone or with another 1311
telecommunications device, has been altered, constructed, 1312
manufactured, or programmed to acquire, intercept, receive, or 1313
otherwise facilitate the use of a telecommunications service or 1314
information service without the authority or consent of the 1315
provider of the telecommunications service or information 1316
service. "Counterfeit telecommunications device" includes, but 1317
is not limited to, a clone telephone, clone microchip, tumbler 1318
telephone, or tumbler microchip; a wireless scanning device 1319
capable of acquiring, intercepting, receiving, or otherwise 1320
facilitating the use of telecommunications service or 1321
information service without immediate detection; or a device, 1322
equipment, hardware, or software designed for, or capable of, 1323
altering or changing the electronic serial number in a wireless 1324

telephone. 1325

(BB) (1) "Information service" means, subject to division 1326
(BB) (2) of this section, the offering of a capability for 1327
generating, acquiring, storing, transforming, processing, 1328
retrieving, utilizing, or making available information via 1329
telecommunications, including, but not limited to, electronic 1330
publishing. 1331

(2) "Information service" does not include any use of a 1332
capability of a type described in division (BB) (1) of this 1333
section for the management, control, or operation of a 1334
telecommunications system or the management of a 1335
telecommunications service. 1336

(CC) "Elderly person" means a person who is sixty-five 1337
years of age or older. 1338

(DD) "Disabled adult" means a person who is eighteen years 1339
of age or older and has some impairment of body or mind that 1340
makes the person unable to work at any substantially 1341
remunerative employment that the person otherwise would be able 1342
to perform and that will, with reasonable probability, continue 1343
for a period of at least twelve months without any present 1344
indication of recovery from the impairment, or who is eighteen 1345
years of age or older and has been certified as permanently and 1346
totally disabled by an agency of this state or the United States 1347
that has the function of so classifying persons. 1348

(EE) "Firearm" and "dangerous ordnance" have the same 1349
meanings as in section 2923.11 of the Revised Code. 1350

(FF) "Motor vehicle" has the same meaning as in section 1351
4501.01 of the Revised Code. 1352

(GG) "Dangerous drug" has the same meaning as in section 1353

4729.01 of the Revised Code. 1354

(HH) "Drug abuse offense" has the same meaning as in 1355
section 2925.01 of the Revised Code. 1356

(II) (1) "Computer hacking" means any of the following: 1357

(a) Gaining access or attempting to gain access to all or 1358
part of a computer, computer system, or a computer network 1359
without express or implied authorization with the intent to 1360
defraud or with intent to commit a crime; 1361

(b) Misusing computer or network services including, but 1362
not limited to, mail transfer programs, file transfer programs, 1363
proxy servers, and web servers by performing functions not 1364
authorized by the owner of the computer, computer system, or 1365
computer network or other person authorized to give consent. As 1366
used in this division, "misuse of computer and network services" 1367
includes, but is not limited to, the unauthorized use of any of 1368
the following: 1369

(i) Mail transfer programs to send mail to persons other 1370
than the authorized users of that computer or computer network; 1371

(ii) File transfer program proxy services or proxy servers 1372
to access other computers, computer systems, or computer 1373
networks; 1374

(iii) Web servers to redirect users to other web pages or 1375
web servers. 1376

(c) (i) Subject to division (II) (1) (c) (ii) of this section, 1377
using a group of computer programs commonly known as "port 1378
scanners" or "probes" to intentionally access any computer, 1379
computer system, or computer network without the permission of 1380
the owner of the computer, computer system, or computer network 1381

or other person authorized to give consent. The group of 1382
computer programs referred to in this division includes, but is 1383
not limited to, those computer programs that use a computer 1384
network to access a computer, computer system, or another 1385
computer network to determine any of the following: the presence 1386
or types of computers or computer systems on a network; the 1387
computer network's facilities and capabilities; the availability 1388
of computer or network services; the presence or versions of 1389
computer software including, but not limited to, operating 1390
systems, computer services, or computer contaminants; the 1391
presence of a known computer software deficiency that can be 1392
used to gain unauthorized access to a computer, computer system, 1393
or computer network; or any other information about a computer, 1394
computer system, or computer network not necessary for the 1395
normal and lawful operation of the computer initiating the 1396
access. 1397

(ii) The group of computer programs referred to in 1398
division (II) (1) (c) (i) of this section does not include standard 1399
computer software used for the normal operation, administration, 1400
management, and test of a computer, computer system, or computer 1401
network including, but not limited to, domain name services, 1402
mail transfer services, and other operating system services, 1403
computer programs commonly called "ping," "tcpdump," and 1404
"traceroute" and other network monitoring and management 1405
computer software, and computer programs commonly known as 1406
"nslookup" and "whois" and other systems administration computer 1407
software. 1408

(d) The intentional use of a computer, computer system, or 1409
a computer network in a manner that exceeds any right or 1410
permission granted by the owner of the computer, computer 1411
system, or computer network or other person authorized to give 1412

consent. 1413

(2) "Computer hacking" does not include the introduction 1414
of a computer contaminant, as defined in section 2909.01 of the 1415
Revised Code, into a computer, computer system, computer 1416
program, or computer network. 1417

(JJ) "Police dog or horse" has the same meaning as in 1418
section 2921.321 of the Revised Code. 1419

(KK) "Anhydrous ammonia" is a compound formed by the 1420
combination of two gaseous elements, nitrogen and hydrogen, in 1421
the manner described in this division. Anhydrous ammonia is one 1422
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia 1423
by weight is fourteen parts nitrogen to three parts hydrogen, 1424
which is approximately eighty-two per cent nitrogen to eighteen 1425
per cent hydrogen. 1426

(LL) "Assistance dog" has the same meaning as in section 1427
955.011 of the Revised Code. 1428

(MM) "Federally licensed firearms dealer" has the same 1429
meaning as in section 5502.63 of the Revised Code. 1430

(NN) "Active duty service member" means any member of the 1431
armed forces of the United States performing active duty under 1432
title 10 of the United States Code. 1433

Sec. 2913.04. (A) No person shall knowingly use or operate 1434
the property of another without the consent of the owner or 1435
person authorized to give consent. 1436

(B) No person, in any manner and by any means, including, 1437
but not limited to, computer hacking, shall knowingly gain 1438
access to, attempt to gain access to, or cause access to be 1439
gained to any ~~computer, computer system, computer network, cable~~ 1440

service, cable system, telecommunications device, 1441
telecommunications service, or information service without the 1442
consent of, or beyond the scope of the express or implied 1443
consent of, the owner of the ~~computer, computer system, computer~~ 1444
~~network,~~ cable service, cable system, telecommunications device, 1445
telecommunications service, or information service or other 1446
person authorized to give consent. 1447

(C) Except as permitted under section 5503.101 of the 1448
Revised Code, no person shall knowingly gain access to, attempt 1449
to gain access to, cause access to be granted to, or disseminate 1450
information gained from access to the law enforcement automated 1451
database system created pursuant to section 5503.10 of the 1452
Revised Code without the consent of, or beyond the scope of the 1453
express or implied consent of, the chair of the law enforcement 1454
automated data system steering committee. 1455

(D) No person shall knowingly gain access to, attempt to 1456
gain access to, cause access to be granted to, or disseminate 1457
information gained from access to the Ohio law enforcement 1458
gateway established and operated pursuant to division (C)(1) of 1459
section 109.57 of the Revised Code without the consent of, or 1460
beyond the scope of the express or implied consent of, the 1461
superintendent of the bureau of criminal identification and 1462
investigation. 1463

(E) The affirmative defenses contained in division (C) of 1464
section 2913.03 of the Revised Code are affirmative defenses to 1465
a charge under this section. 1466

(F) (1) Whoever violates division (A) of this section is 1467
guilty of unauthorized use of property. 1468

(2) Except as otherwise provided in division (F) (3) or (4) 1469

of this section, unauthorized use of property is a misdemeanor 1470
of the fourth degree. 1471

(3) Except as otherwise provided in division (F) (4) of 1472
this section, if unauthorized use of property is committed for 1473
the purpose of devising or executing a scheme to defraud or to 1474
obtain property or services, unauthorized use of property is 1475
whichever of the following is applicable: 1476

(a) Except as otherwise provided in division (F) (3) (b), 1477
(c), or (d) of this section, a misdemeanor of the first degree. 1478

(b) If the value of the property or services or the loss 1479
to the victim is one thousand dollars or more and is less than 1480
seven thousand five hundred dollars, a felony of the fifth 1481
degree. 1482

(c) If the value of the property or services or the loss 1483
to the victim is seven thousand five hundred dollars or more and 1484
is less than one hundred fifty thousand dollars, a felony of the 1485
fourth degree. 1486

(d) If the value of the property or services or the loss 1487
to the victim is one hundred fifty thousand dollars or more, a 1488
felony of the third degree. 1489

(4) If the victim of the offense is an elderly person or 1490
disabled adult, unauthorized use of property is whichever of the 1491
following is applicable: 1492

(a) Except as otherwise provided in division (F) (4) (b), 1493
(c), or (d) of this section, a felony of the fifth degree; 1494

(b) If the value of the property or services or loss to 1495
the victim is one thousand dollars or more and is less than 1496
seven thousand five hundred dollars, a felony of the fourth 1497

degree; 1498

(c) If the value of the property or services or loss to 1499
the victim is seven thousand five hundred dollars or more and is 1500
less than thirty-seven thousand five hundred dollars, a felony 1501
of the third degree; 1502

(d) If the value of the property or services or loss to 1503
the victim is thirty-seven thousand five hundred dollars or 1504
more, a felony of the second degree. 1505

(G) (1) Whoever violates division (B) of this section is 1506
guilty of unauthorized use of ~~computer, cable,~~ or 1507
telecommunication property, and shall be punished as provided in 1508
division (G) (2), (3), or (4) of this section. 1509

(2) Except as otherwise provided in division (G) (3) or (4) 1510
of this section, unauthorized use of ~~computer, cable,~~ or 1511
telecommunication property is a felony of the fifth degree. 1512

(3) Except as otherwise provided in division (G) (4) of 1513
this section, if unauthorized use of ~~computer, cable,~~ or 1514
telecommunication property is committed for the purpose of 1515
devising or executing a scheme to defraud or to obtain property 1516
or services, for obtaining money, property, or services by false 1517
or fraudulent pretenses, or for committing any other criminal 1518
offense, unauthorized use of ~~computer, cable,~~ or 1519
telecommunication property is whichever of the following is 1520
applicable: 1521

(a) Except as otherwise provided in division (G) (3) (b) of 1522
this section, if the value of the property or services involved 1523
or the loss to the victim is seven thousand five hundred dollars 1524
or more and less than one hundred fifty thousand dollars, a 1525
felony of the fourth degree; 1526

(b) If the value of the property or services involved or 1527
the loss to the victim is one hundred fifty thousand dollars or 1528
more, a felony of the third degree. 1529

(4) If the victim of the offense is an elderly person or 1530
disabled adult, unauthorized use of ~~computer, cable,~~ or 1531
telecommunication property is whichever of the following is 1532
applicable: 1533

(a) Except as otherwise provided in division (G) (4) (b), 1534
(c), or (d) of this section, a felony of the fifth degree; 1535

(b) If the value of the property or services or loss to 1536
the victim is one thousand dollars or more and is less than 1537
seven thousand five hundred dollars, a felony of the fourth 1538
degree; 1539

(c) If the value of the property or services or loss to 1540
the victim is seven thousand five hundred dollars or more and is 1541
less than thirty-seven thousand five hundred dollars, a felony 1542
of the third degree; 1543

(d) If the value of the property or services or loss to 1544
the victim is thirty-seven thousand five hundred dollars or 1545
more, a felony of the second degree. 1546

(H) Whoever violates division (C) of this section is 1547
guilty of unauthorized use of the law enforcement automated 1548
database system, a felony of the fifth degree. 1549

(I) Whoever violates division (D) of this section is 1550
guilty of unauthorized use of the Ohio law enforcement gateway, 1551
a felony of the fifth degree. 1552

(J) As used in this section: 1553

(1) "Cable operator" means any person or group of persons 1554

that does either of the following: 1555

(a) Provides cable service over a cable system and 1556
directly or through one or more affiliates owns a significant 1557
interest in that cable system; 1558

(b) Otherwise controls or is responsible for, through any 1559
arrangement, the management and operation of a cable system. 1560

(2) "Cable service" means any of the following: 1561

(a) The one-way transmission to subscribers of video 1562
programming or of information that a cable operator makes 1563
available to all subscribers generally; 1564

(b) Subscriber interaction, if any, that is required for 1565
the selection or use of video programming or of information that 1566
a cable operator makes available to all subscribers generally, 1567
both as described in division (J) (2) (a) of this section; 1568

(c) Any cable television service. 1569

(3) "Cable system" means any facility, consisting of a set 1570
of closed transmission paths and associated signal generation, 1571
reception, and control equipment that is designed to provide 1572
cable service that includes video programming and that is 1573
provided to multiple subscribers within a community. "Cable 1574
system" does not include any of the following: 1575

(a) Any facility that serves only to retransmit the 1576
television signals of one or more television broadcast stations; 1577

(b) Any facility that serves subscribers without using any 1578
public right-of-way; 1579

(c) Any facility of a common carrier that, under 47 1580
U.S.C.A. 522(7) (c), is excluded from the term "cable system" as 1581

defined in 47 U.S.C.A. 522(7); 1582

(d) Any open video system that complies with 47 U.S.C.A. 1583
573; 1584

(e) Any facility of any electric utility used solely for 1585
operating its electric utility system. 1586

(K) No person shall plead guilty to or be convicted of 1587
violating both this section and section 2913.87 of the Revised 1588
Code for the same underlying action. 1589

Sec. 2913.05. (A) No person, having devised a scheme to 1590
defraud, shall knowingly disseminate, transmit, or cause to be 1591
disseminated or transmitted by means of a wire, radio, 1592
satellite, telecommunication, telecommunications device, or 1593
telecommunications service any writing, data, sign, signal, 1594
picture, sound, or image with purpose to execute or otherwise 1595
further the scheme to defraud. 1596

(B) If an offender commits a violation of division (A) of 1597
this section and the violation occurs as part of a course of 1598
conduct involving other violations of division (A) of this 1599
section or violations of, attempts to violate, conspiracies to 1600
violate, or complicity in violations of section 2913.02, 1601
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 1602
2913.92, or 2921.13 of the Revised Code, the court, in 1603
determining the degree of the offense pursuant to division (C) 1604
of this section, may aggregate the value of the benefit obtained 1605
by the offender or of the detriment to the victim of the fraud 1606
in the violations involved in that course of conduct. The course 1607
of conduct may involve one victim or more than one victim. 1608

(C) Whoever violates this section is guilty of 1609
telecommunications fraud. Except as otherwise provided in this 1610

division, telecommunications fraud is a felony of the fifth 1611
degree. If the value of the benefit obtained by the offender or 1612
of the detriment to the victim of the fraud is one thousand 1613
dollars or more but less than seven thousand five hundred 1614
dollars, telecommunications fraud is a felony of the fourth 1615
degree. If the value of the benefit obtained by the offender or 1616
of the detriment to the victim of the fraud is seven thousand 1617
five hundred dollars or more but less than one hundred fifty 1618
thousand dollars, telecommunications fraud is a felony of the 1619
third degree. If the value of the benefit obtained by the 1620
offender or of the detriment to the victims of the fraud is one 1621
hundred fifty thousand dollars or more but less than one million 1622
dollars, telecommunications fraud is a felony of the second 1623
degree. If the value of the benefit obtained by the offender or 1624
of the detriment to the victims of the fraud is one million 1625
dollars or more, telecommunications fraud is a felony of the 1626
first degree. 1627

Sec. 2913.49. (A) As used in this section, "personal 1628
identifying information" includes, but is not limited to, the 1629
following: the name, address, telephone number, driver's 1630
license, driver's license number, commercial driver's license, 1631
commercial driver's license number, state identification card, 1632
state identification card number, social security card, social 1633
security number, birth certificate, place of employment, 1634
employee identification number, mother's maiden name, demand 1635
deposit account number, savings account number, money market 1636
account number, mutual fund account number, other financial 1637
account number, personal identification number, password, or 1638
credit card number of a living or dead individual. 1639

(B) No person, without the express or implied consent of 1640
the other person, shall use, obtain, or possess any personal 1641

identifying information of another person with intent to do 1642
either of the following: 1643

(1) Hold the person out to be the other person; 1644

(2) Represent the other person's personal identifying 1645
information as the person's own personal identifying 1646
information. 1647

(C) No person shall create, obtain, possess, or use the 1648
personal identifying information of any person with the intent 1649
to aid or abet another person in violating division (B) of this 1650
section. 1651

(D) No person, with intent to defraud, shall permit 1652
another person to use the person's own personal identifying 1653
information. 1654

(E) No person who is permitted to use another person's 1655
personal identifying information as described in division (D) of 1656
this section shall use, obtain, or possess the other person's 1657
personal identifying information with intent to defraud any 1658
person by doing any act identified in division (B) (1) or (2) of 1659
this section. 1660

(F) (1) It is an affirmative defense to a charge under 1661
division (B) of this section that the person using the personal 1662
identifying information is acting in accordance with a legally 1663
recognized guardianship or conservatorship or as a trustee or 1664
fiduciary. 1665

(2) It is an affirmative defense to a charge under 1666
division (B), (C), (D), or (E) of this section that either of 1667
the following applies: 1668

(a) The person or entity using, obtaining, possessing, or 1669

creating the personal identifying information or permitting it 1670
to be used is a law enforcement agency, authorized fraud 1671
personnel, or a representative of or attorney for a law 1672
enforcement agency or authorized fraud personnel and is using, 1673
obtaining, possessing, or creating the personal identifying 1674
information or permitting it to be used, with prior consent 1675
given as specified in this division, in a bona fide 1676
investigation, an information security evaluation, a pretext 1677
calling evaluation, or a similar matter. The prior consent 1678
required under this division shall be given by the person whose 1679
personal identifying information is being used, obtained, 1680
possessed, or created or is being permitted to be used or, if 1681
the person whose personal identifying information is being used, 1682
obtained, possessed, or created or is being permitted to be used 1683
is deceased, by that deceased person's executor, or a member of 1684
that deceased person's family, or that deceased person's 1685
attorney. The prior consent required under this division may be 1686
given orally or in writing by the person whose personal 1687
identifying information is being used, obtained, possessed, or 1688
created or is being permitted to be used or that person's 1689
executor, or family member, or attorney. 1690

(b) The personal identifying information was obtained, 1691
possessed, used, created, or permitted to be used for a lawful 1692
purpose, provided that division (F) (2) (b) of this section does 1693
not apply if the person or entity using, obtaining, possessing, 1694
or creating the personal identifying information or permitting 1695
it to be used is a law enforcement agency, authorized fraud 1696
personnel, or a representative of or attorney for a law 1697
enforcement agency or authorized fraud personnel that is using, 1698
obtaining, possessing, or creating the personal identifying 1699
information or permitting it to be used in an investigation, an 1700

information security evaluation, a pretext calling evaluation, 1701
or similar matter. 1702

(G) It is not a defense to a charge under this section 1703
that the person whose personal identifying information was 1704
obtained, possessed, used, created, or permitted to be used was 1705
deceased at the time of the offense. 1706

(H) (1) If an offender commits a violation of division (B), 1707
(D), or (E) of this section and the violation occurs as part of 1708
a course of conduct involving other violations of division (B), 1709
(D), or (E) of this section or violations of, attempts to 1710
violate, conspiracies to violate, or complicity in violations of 1711
division (C) of this section or section 2913.02, 2913.04, 1712
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, 1713
or 2921.13 of the Revised Code, the court, in determining the 1714
degree of the offense pursuant to division (I) of this section, 1715
may aggregate all credit, property, or services obtained or 1716
sought to be obtained by the offender and all debts or other 1717
legal obligations avoided or sought to be avoided by the 1718
offender in the violations involved in that course of conduct. 1719
The course of conduct may involve one victim or more than one 1720
victim. 1721

(2) If an offender commits a violation of division (C) of 1722
this section and the violation occurs as part of a course of 1723
conduct involving other violations of division (C) of this 1724
section or violations of, attempts to violate, conspiracies to 1725
violate, or complicity in violations of division (B), (D), or 1726
(E) of this section or section 2913.02, 2913.04, 2913.11, 1727
2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, or 1728
2921.13 of the Revised Code, the court, in determining the 1729
degree of the offense pursuant to division (I) of this section, 1730

may aggregate all credit, property, or services obtained or 1731
sought to be obtained by the person aided or abetted and all 1732
debts or other legal obligations avoided or sought to be avoided 1733
by the person aided or abetted in the violations involved in 1734
that course of conduct. The course of conduct may involve one 1735
victim or more than one victim. 1736

(I) (1) Whoever violates this section is guilty of identity 1737
fraud. 1738

(2) Except as otherwise provided in this division or 1739
division (I) (3) of this section, identity fraud is a felony of 1740
the fifth degree. If the value of the credit, property, 1741
services, debt, or other legal obligation involved in the 1742
violation or course of conduct is one thousand dollars or more 1743
and is less than seven thousand five hundred dollars, except as 1744
otherwise provided in division (I) (3) of this section, identity 1745
fraud is a felony of the fourth degree. If the value of the 1746
credit, property, services, debt, or other legal obligation 1747
involved in the violation or course of conduct is seven thousand 1748
five hundred dollars or more and is less than one hundred fifty 1749
thousand dollars, except as otherwise provided in division (I) 1750
(3) of this section, identity fraud is a felony of the third 1751
degree. If the value of the credit, property, services, debt, or 1752
other legal obligation involved in the violation or course of 1753
conduct is one hundred fifty thousand dollars or more, except as 1754
otherwise provided in division (I) (3) of this section, identity 1755
fraud is a felony of the second degree. 1756

(3) If the victim of the offense is an elderly person, 1757
disabled adult, active duty service member, or spouse of an 1758
active duty service member, a violation of this section is 1759
identity fraud against a person in a protected class. Except as 1760

otherwise provided in this division, identity fraud against a 1761
person in a protected class is a felony of the fourth degree. If 1762
the value of the credit, property, services, debt, or other 1763
legal obligation involved in the violation or course of conduct 1764
is one thousand dollars or more and is less than seven thousand 1765
five hundred dollars, identity fraud against a person in a 1766
protected class is a felony of the third degree. If the value of 1767
the credit, property, services, debt, or other legal obligation 1768
involved in the violation or course of conduct is seven thousand 1769
five hundred dollars or more and is less than one hundred fifty 1770
thousand dollars, identity fraud against a person in a protected 1771
class is a felony of the second degree. If the value of the 1772
credit, property, services, debt, or other legal obligation 1773
involved in the violation or course of conduct is one hundred 1774
fifty thousand dollars or more, identity fraud against a person 1775
in a protected class is a felony of the first degree. If the 1776
victim of the offense is an elderly person, in addition to any 1777
other penalty imposed for the offense, the offender shall be 1778
required to pay full restitution to the victim and to pay a fine 1779
of up to fifty thousand dollars. The clerk of court shall 1780
forward all fines collected under division (I)(3) of this 1781
section to the county department of job and family services to 1782
be used for the reporting and investigation of elder abuse, 1783
neglect, and exploitation or for the provision or arrangement of 1784
protective services under sections 5101.61 to 5101.71 of the 1785
Revised Code. 1786

(J) In addition to the penalties described in division (I) 1787
of this section, anyone injured in person or property by a 1788
violation of division (B), (D), or (E) of this section who is 1789
the owner of the identifying information involved in that 1790
violation has a civil action against the offender pursuant to 1791

section 2307.60 of the Revised Code. That person may also bring 1792
a civil action to enjoin or restrain future acts that would 1793
constitute a violation of division (B), (D), or (E) of this 1794
section. 1795

Sec. 2913.86. As used in sections 2913.86 to 2913.93 of 1796
the Revised Code: 1797

(A) "Computer service" includes a data processing service, 1798
a storage function, an internet service, an electronic mail 1799
service, an electronic message service, web site access, an 1800
internet-based electronic gaming service, and any other similar 1801
computer system, computer network, or internet-based service. 1802

(B) "Electronic record" has the same meaning as in section 1803
1306.01 of the Revised Code. 1804

(C) "Malware" means a set of computer instructions that is 1805
designed or used to modify, damage, destroy, disable, deny, or 1806
degrade access to; gain access to; functionally impair; or 1807
record or transmit information within a computer, computer 1808
system, or computer network without the authorization of the 1809
owner or other person authorized to give consent. 1810

(D) "State" and "political subdivision" have the same 1811
meanings as in section 2744.01 of the Revised Code. 1812

Sec. 2913.87. (A) No person shall knowingly and without 1813
authorization gain access to a computer, computer system, or 1814
computer network when either of the following applies: 1815

(1) The access is gained with the intent to commit a crime 1816
in violation of state law. 1817

(2) The computer, computer system, or computer network is 1818
maintained by the state or a political subdivision. 1819

(B) No person shall knowingly and without authorization 1820
gain access to a computer, computer system, or computer network 1821
under circumstances not constituting a violation of division (A) 1822
of this section. 1823

(C) (1) Whoever violates division (A) or (B) of this 1824
section is guilty of computer trespass. 1825

(2) Except as provided in division (C) (3), (4), or (5) of 1826
this section: 1827

(a) A violation of division (A) of this section is a 1828
felony of the fourth degree. 1829

(b) A violation of division (B) of this section is a 1830
felony of the fifth degree. 1831

(3) Except as provided in division (C) (5) of this section, 1832
if the computer, computer system, or computer network involved 1833
in the violation of division (A) or (B) of this section is used 1834
or intended to be used in the operation of an aircraft and the 1835
violation creates a substantial risk of physical harm to any 1836
person or the aircraft in question is an occupied aircraft, then 1837
the violation is a felony of the third degree. 1838

(4) Except as provided in division (C) (5) of this section, 1839
if a person commits computer trespass for the purpose of doing 1840
any of the following, and the value of the property or services 1841
involved or the loss to the victim is one hundred fifty thousand 1842
dollars or more, then the violation is a felony of the third 1843
degree: 1844

(a) Devising or executing a scheme to defraud or to obtain 1845
property or services; 1846

(b) Obtaining money, property, or services by false or 1847

fraudulent pretenses; 1848

(c) Committing any other criminal offense. 1849

(5) (a) If the victim of the offense is an elderly person 1850
or disabled adult, and the value of the property or services or 1851
loss to the victim is seven thousand five hundred dollars or 1852
more and less than thirty-seven thousand five hundred dollars, 1853
then the violation is a felony of the third degree. 1854

(b) If the victim of the offense is an elderly person or 1855
disabled adult, and the value of the property or services or 1856
loss to the victim is thirty-seven thousand five hundred dollars 1857
or more, then the violation is a felony of the second degree. 1858

(D) A person commits a separate violation of this section 1859
with regard to each computer trespass in violation of division 1860
(A) or (B) of this section. 1861

Sec. 2913.88. (A) No person shall knowingly and without 1862
authorization cause the transmission of data, a computer 1863
program, or an electronic command that interrupts or suspends 1864
access to or use of a computer network or computer service with 1865
the intent to impair the functioning of a computer network or 1866
computer service. 1867

(B) Whoever violates this section is guilty of electronic 1868
computer service interference, a felony of the fourth degree. 1869

Sec. 2913.89. (A) When any of the following applies, no 1870
person shall knowingly and without authorization alter data as 1871
it travels between two computer systems over an open or unsecure 1872
network or introduce malware into any electronic data, computer, 1873
computer system, or computer network: 1874

(1) The person intended to devise or execute a scheme to 1875

defraud, deceive, or extort. 1876

(2) The person intended to commit any other crime in violation of a state law. 1877
1878

(3) The person intended to wrongfully control or obtain property or wrongfully gain access to electronic data. 1879
1880

(4) The electronic data, computer, computer system, or computer network is maintained by the state or a political subdivision. 1881
1882
1883

(B) Whoever violates this section is guilty of electronic data tampering, a felony of the third degree. 1884
1885

Sec. 2913.90. (A) No person shall knowingly and without authorization alter data as it travels between two computer systems over an open or unsecure network or introduce malware into any electronic data, computer, computer system, or computer network under circumstances not constituting a violation of section 2913.89 of the Revised Code. 1886
1887
1888
1889
1890
1891

(B) Whoever violates this section is guilty of electronic data manipulation, a felony of the fourth degree. 1892
1893

Sec. 2913.91. (A) No person shall knowingly and without authorization obtain electronic data with the intent to do either of the following: 1894
1895
1896

(1) Devise or execute any scheme to defraud, deceive, extort, or commit any crime in violation of state law; 1897
1898

(2) Wrongfully control or obtain property or wrongfully gain access to electronic data. 1899
1900

(B) Whoever violates this section is guilty of electronic data theft, a felony of the third degree. 1901
1902

Sec. 2913.92. (A) No person shall knowingly and without 1903
authorization make or cause to be made a display, use, 1904
disclosure, or copy of data residing in, communicated by, or 1905
produced by a computer, computer system, or computer network. 1906

(B) No person shall knowingly and without authorization 1907
disclose a password, identifying code, personal identification 1908
number, or other confidential information that is used as a 1909
means of access to a computer, computer system, computer 1910
network, or computer service. 1911

(C) Whoever violates this section is guilty of 1912
unauthorized data disclosure, a felony of the third degree. 1913

Sec. 2913.93. (A) In addition to any other civil remedy 1914
available, the owner or lessee of any electronic data, computer, 1915
computer system, or computer network who suffers damage or loss 1916
by reason of a violation of any provision of sections 2913.87 to 1917
2913.92 of the Revised Code may bring a civil action against a 1918
person convicted of violating any provision of sections 2913.87 1919
to 2913.92 of the Revised Code for compensatory damages and 1920
injunctive or other equitable relief. Compensatory damages shall 1921
include any cost reasonably and necessarily incurred by the 1922
owner or lessee to verify that the electronic data, computer, 1923
computer system, or computer network, was not altered, damaged, 1924
or deleted by the violation. 1925

(B) In any action brought pursuant to division (A) of this 1926
section, the court may award reasonable attorney's fees to the 1927
owner or lessee who suffered the damage or loss. 1928

(C) No action may be brought pursuant to division (A) of 1929
this section unless it is initiated within two years of the date 1930
of the act complained of or the date of the discovery of the 1931

damage, whichever is later. 1932

Sec. 2913.94. Sections 2913.85 to 2913.92 of the Revised 1933
Code shall not be construed to prohibit actions by a person 1934
within the scope of the person's lawful employment. For purposes 1935
of this section, a person acts within the scope of the person's 1936
lawful employment when the person performs acts that are 1937
reasonably necessary to the performance of the person's work 1938
assignments or duties. 1939

Sec. 2919.25. (A) No person shall knowingly cause or 1940
attempt to cause physical harm to a family or household member. 1941

(B) No person shall recklessly cause serious physical harm 1942
to a family or household member. 1943

(C) No person, by threat of force, shall knowingly cause a 1944
family or household member to believe that the offender will 1945
cause imminent physical harm to the family or household member. 1946

(D) (1) Whoever violates this section is guilty of domestic 1947
violence, and the court shall sentence the offender as provided 1948
in divisions (D) (2) to (6) of this section. 1949

(2) Except as otherwise provided in divisions (D) (3) to 1950
(5) of this section, a violation of division (C) of this section 1951
is a misdemeanor of the fourth degree, and a violation of 1952
division (A) or (B) of this section is a misdemeanor of the 1953
first degree. 1954

(3) Except as otherwise provided in division (D) (4) of 1955
this section, if the offender previously has pleaded guilty to 1956
or been convicted of domestic violence, a violation of an 1957
existing or former municipal ordinance or law of this or any 1958
other state or the United States that is substantially similar 1959
to domestic violence, a violation of section 2903.14, 2909.06, 1960

2909.07, 2911.12, 2911.211, 2913.88, or 2919.22 of the Revised 1961
Code if the victim of the violation was a family or household 1962
member at the time of the violation, a violation of an existing 1963
or former municipal ordinance or law of this or any other state 1964
or the United States that is substantially similar to any of 1965
those sections if the victim of the violation was a family or 1966
household member at the time of the commission of the violation, 1967
or any offense of violence if the victim of the offense was a 1968
family or household member at the time of the commission of the 1969
offense, a violation of division (A) or (B) of this section is a 1970
felony of the fourth degree, and, if the offender knew that the 1971
victim of the violation was pregnant at the time of the 1972
violation, the court shall impose a mandatory prison term on the 1973
offender pursuant to division (D) (6) of this section, and a 1974
violation of division (C) of this section is a misdemeanor of 1975
the second degree. 1976

(4) If the offender previously has pleaded guilty to or 1977
been convicted of two or more offenses of domestic violence or 1978
two or more violations or offenses of the type described in 1979
division (D) (3) of this section involving a person who was a 1980
family or household member at the time of the violations or 1981
offenses, a violation of division (A) or (B) of this section is 1982
a felony of the third degree, and, if the offender knew that the 1983
victim of the violation was pregnant at the time of the 1984
violation, the court shall impose a mandatory prison term on the 1985
offender pursuant to division (D) (6) of this section, and a 1986
violation of division (C) of this section is a misdemeanor of 1987
the first degree. 1988

(5) Except as otherwise provided in division (D) (3) or (4) 1989
of this section, if the offender knew that the victim of the 1990
violation was pregnant at the time of the violation, a violation 1991

of division (A) or (B) of this section is a felony of the fifth degree, and the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the third degree.

(6) If division (D)(3), (4), or (5) of this section requires the court that sentences an offender for a violation of division (A) or (B) of this section to impose a mandatory prison term on the offender pursuant to this division, the court shall impose the mandatory prison term as follows:

(a) If the violation of division (A) or (B) of this section is a felony of the fourth or fifth degree, except as otherwise provided in division (D)(6)(b) or (c) of this section, the court shall impose a mandatory prison term on the offender of at least six months.

(b) If the violation of division (A) or (B) of this section is a felony of the fifth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of twelve months.

(c) If the violation of division (A) or (B) of this section is a felony of the fourth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise

provided in division (D) (6) (e) of this section and 2021
notwithstanding the range of definite prison terms prescribed in 2022
division (A) (3) of section 2929.14 of the Revised Code for a 2023
felony of the third degree, the court shall impose a mandatory 2024
prison term on the offender of either a definite term of six 2025
months or one of the prison terms prescribed in division (A) (3) 2026
(b) of section 2929.14 of the Revised Code for felonies of the 2027
third degree. 2028

(e) If the violation of division (A) or (B) of this 2029
section is a felony of the third degree and the offender, in 2030
committing the violation, caused serious physical harm to the 2031
pregnant woman's unborn or caused the termination of the 2032
pregnant woman's pregnancy, notwithstanding the range of 2033
definite prison terms prescribed in division (A) (3) of section 2034
2929.14 of the Revised Code for a felony of the third degree, 2035
the court shall impose a mandatory prison term on the offender 2036
of either a definite term of one year or one of the prison terms 2037
prescribed in division (A) (3) (b) of section 2929.14 of the 2038
Revised Code for felonies of the third degree. 2039

(E) Notwithstanding any provision of law to the contrary, 2040
no court or unit of state or local government shall charge any 2041
fee, cost, deposit, or money in connection with the filing of 2042
charges against a person alleging that the person violated this 2043
section or a municipal ordinance substantially similar to this 2044
section or in connection with the prosecution of any charges so 2045
filed. 2046

(F) As used in this section and sections 2919.251 and 2047
2919.26 of the Revised Code: 2048

(1) "Family or household member" means any of the 2049
following: 2050

(a) Any of the following who is residing or has resided with the offender:	2051 2052
(i) A spouse, a person living as a spouse, or a former spouse of the offender;	2053 2054
(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;	2055 2056 2057
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.	2058 2059 2060 2061
(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.	2062 2063 2064
(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.	2065 2066 2067 2068 2069 2070
(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.	2071 2072 2073 2074 2075 2076 2077 2078
(4) "Termination of the pregnant woman's pregnancy" has	2079

the same meaning as "unlawful termination of another's pregnancy," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C) (1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

Sec. 2919.251. (A) Subject to division (D) of this section, a person who is charged with the commission of any offense of violence shall appear before the court for the setting of bail if the alleged victim of the offense charged was a family or household member at the time of the offense and if any of the following applies:

(1) The person charged, at the time of the alleged offense, was subject to the terms of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code or previously was convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a violation of section 2919.27 of the Revised Code involving a protection order or consent agreement of that type, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to either section, a violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2911.211, or 2913.88 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the

violation, or any offense of violence if the victim of the 2111
offense was a family or household member at the time of the 2112
offense; 2113

(2) The arresting officer indicates in a police report or 2114
other document accompanying the complaint any of the following: 2115

(a) That the arresting officer observed on the alleged 2116
victim objective manifestations of physical harm that the 2117
arresting officer reasonably believes are a result of the 2118
alleged offense; 2119

(b) That the arresting officer reasonably believes that 2120
the person had on the person's person at the time of the alleged 2121
offense a deadly weapon or dangerous ordnance; 2122

(c) That the arresting officer reasonably believes that 2123
the person presents a credible threat of serious physical harm 2124
to the alleged victim or to any other person if released on bail 2125
before trial. 2126

(B) To the extent that information about any of the 2127
following is available to the court, the court shall consider 2128
all of the following, in addition to any other circumstances 2129
considered by the court and notwithstanding any provisions to 2130
the contrary contained in Criminal Rule 46, before setting bail 2131
for a person who appears before the court pursuant to division 2132
(A) of this section: 2133

(1) Whether the person has a history of domestic violence 2134
or a history of other violent acts; 2135

(2) The mental health of the person; 2136

(3) Whether the person has a history of violating the 2137
orders of any court or governmental entity; 2138

(4) Whether the person is potentially a threat to any other person;	2139 2140
(5) Whether the person has access to deadly weapons or a history of using deadly weapons;	2141 2142
(6) Whether the person has a history of abusing alcohol or any controlled substance;	2143 2144
(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;	2145 2146 2147 2148 2149 2150 2151
(8) Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;	2152 2153 2154
(9) Whether the person has exhibited obsessive or controlling behaviors toward the alleged victim, including but not limited to, stalking, surveillance, or isolation of the alleged victim;	2155 2156 2157 2158
(10) Whether the person has expressed suicidal or homicidal ideations;	2159 2160
(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.	2161 2162 2163
(C) Any court that has jurisdiction over charges alleging the commission of an offense of violence in circumstances in which the alleged victim of the offense was a family or	2164 2165 2166

household member at the time of the offense may set a schedule 2167
for bail to be used in cases involving those offenses. The 2168
schedule shall require that a judge consider all of the factors 2169
listed in division (B) of this section and may require judges to 2170
set bail at a certain level if the history of the alleged 2171
offender or the circumstances of the alleged offense meet 2172
certain criteria in the schedule. 2173

(D) (1) Upon the court's own motion or the motion of a 2174
party and upon any terms that the court may direct, a court may 2175
permit a person who is required to appear before it by division 2176
(A) of this section to appear by video conferencing equipment. 2177

(2) If in the opinion of the court the appearance in 2178
person or by video conferencing equipment of a person who is 2179
charged with a misdemeanor and who is required to appear before 2180
the court by division (A) of this section is not practicable, 2181
the court may waive the appearance and release the person on 2182
bail in accordance with the court's schedule for bail set under 2183
division (C) of this section or, if the court has not set a 2184
schedule for bail under that division, on one or both of the 2185
following types of bail in an amount set by the court: 2186

(a) A bail bond secured by a deposit of ten per cent of 2187
the amount of the bond in cash; 2188

(b) A surety bond, a bond secured by real estate or 2189
securities as allowed by law, or the deposit of cash, at the 2190
option of the person. 2191

(3) Division (A) of this section does not create a right 2192
in a person to appear before the court for the setting of bail 2193
or prohibit a court from requiring any person charged with an 2194
offense of violence who is not described in that division from 2195

appearing before the court for the setting of bail. 2196

(E) As used in this section: 2197

(1) "Controlled substance" has the same meaning as in 2198
section 3719.01 of the Revised Code. 2199

(2) "Dangerous ordnance" and "deadly weapon" have the same 2200
meanings as in section 2923.11 of the Revised Code. 2201

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 2202
alleges a violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2203
2911.211, 2913.88, 2913.89, or 2913.90 of the Revised Code if 2204
the alleged victim of the violation was a family or household 2205
member at the time of the violation, a violation of a municipal 2206
ordinance that is substantially similar to any of those sections 2207
if the alleged victim of the violation was a family or household 2208
member at the time of the violation, any offense of violence if 2209
the alleged victim of the offense was a family or household 2210
member at the time of the commission of the offense, or any 2211
sexually oriented offense if the alleged victim of the offense 2212
was a family or household member at the time of the commission 2213
of the offense, the complainant, the alleged victim, or a family 2214
or household member of an alleged victim may file, or, if in an 2215
emergency the alleged victim is unable to file, a person who 2216
made an arrest for the alleged violation or offense under 2217
section 2935.03 of the Revised Code may file on behalf of the 2218
alleged victim, a motion that requests the issuance of a 2219
temporary protection order as a pretrial condition of release of 2220
the alleged offender, in addition to any bail set under Criminal 2221
Rule 46. The motion shall be filed with the clerk of the court 2222
that has jurisdiction of the case at any time after the filing 2223
of the complaint. 2224

(2) For purposes of section 2930.09 of the Revised Code, 2225
all stages of a proceeding arising out of a complaint alleging 2226
the commission of a violation, offense of violence, or sexually 2227
oriented offense described in division (A)(1) of this section, 2228
including all proceedings on a motion for a temporary protection 2229
order, are critical stages of the case, and a victim may be 2230
accompanied by a victim advocate or another person to provide 2231
support to the victim as provided in that section. 2232

(B) The motion shall be prepared on a form that is 2233
provided by the clerk of the court, which form shall be 2234
substantially as follows: 2235

"MOTION FOR TEMPORARY PROTECTION ORDER 2236

_____ Court 2237

Name and address of court 2238

State of Ohio 2239

v. No. _____ 2240

_____ 2241

Name of Defendant 2242

(name of person), moves the court to issue a temporary 2243
protection order containing terms designed to ensure the safety 2244
and protection of the complainant, alleged victim, and other 2245
family or household members, in relation to the named defendant, 2246
pursuant to its authority to issue such an order under section 2247
2919.26 of the Revised Code. 2248

A complaint, a copy of which has been attached to this 2249
motion, has been filed in this court charging the named 2250
defendant with _____ (name of the specified 2251

violation, the offense of violence, or sexually oriented offense 2252
charged) in circumstances in which the victim was a family or 2253
household member in violation of (section of the Revised Code 2254
designating the specified violation, offense of violence, or 2255
sexually oriented offense charged), or charging the named 2256
defendant with a violation of a municipal ordinance that is 2257
substantially similar to _____ (section of 2258
the Revised Code designating the specified violation, offense of 2259
violence, or sexually oriented offense charged) involving a 2260
family or household member. 2261

I understand that I must appear before the court, at a 2262
time set by the court within twenty-four hours after the filing 2263
of this motion, for a hearing on the motion or that, if I am 2264
unable to appear because of hospitalization or a medical 2265
condition resulting from the offense alleged in the complaint, a 2266
person who can provide information about my need for a temporary 2267
protection order must appear before the court in lieu of my 2268
appearing in court. I understand that any temporary protection 2269
order granted pursuant to this motion is a pretrial condition of 2270
release and is effective only until the disposition of the 2271
criminal proceeding arising out of the attached complaint, or 2272
the issuance of a civil protection order or the approval of a 2273
consent agreement, arising out of the same activities as those 2274
that were the basis of the complaint, under section 3113.31 of 2275
the Revised Code. 2276

_____ 2277

Signature of person 2278

(or signature of the arresting officer who filed the motion on 2279
behalf of the alleged victim) 2280

2281

Address of person (or office address of the arresting officer
2282
who filed the motion on behalf of the alleged victim)" 2283

(C) (1) As soon as possible after the filing of a motion 2284
that requests the issuance of a temporary protection order, but 2285
not later than twenty-four hours after the filing of the motion, 2286
the court shall conduct a hearing to determine whether to issue 2287
the order. The person who requested the order shall appear 2288
before the court and provide the court with the information that 2289
it requests concerning the basis of the motion. If the person 2290
who requested the order is unable to appear and if the court 2291
finds that the failure to appear is because of the person's 2292
hospitalization or medical condition resulting from the offense 2293
alleged in the complaint, another person who is able to provide 2294
the court with the information it requests may appear in lieu of 2295
the person who requested the order. If the court finds that the 2296
safety and protection of the complainant, alleged victim, or any 2297
other family or household member of the alleged victim may be 2298
impaired by the continued presence of the alleged offender, the 2299
court may issue a temporary protection order, as a pretrial 2300
condition of release, that contains terms designed to ensure the 2301
safety and protection of the complainant, alleged victim, or the 2302
family or household member, including a requirement that the 2303
alleged offender refrain from entering the residence, school, 2304
business, or place of employment of the complainant, alleged 2305
victim, or the family or household member. The court may include 2306
within a protection order issued under this section a term 2307
requiring that the alleged offender not remove, damage, hide, 2308
harm, or dispose of any companion animal owned or possessed by 2309
the complainant, alleged victim, or any other family or 2310
household member of the alleged victim, and may include within 2311

the order a term authorizing the complainant, alleged victim, or 2312
other family or household member of the alleged victim to remove 2313
a companion animal owned by the complainant, alleged victim, or 2314
other family or household member from the possession of the 2315
alleged offender. 2316

(2) (a) If the court issues a temporary protection order 2317
that includes a requirement that the alleged offender refrain 2318
from entering the residence, school, business, or place of 2319
employment of the complainant, the alleged victim, or the family 2320
or household member, the order shall state clearly that the 2321
order cannot be waived or nullified by an invitation to the 2322
alleged offender from the complainant, alleged victim, or family 2323
or household member to enter the residence, school, business, or 2324
place of employment or by the alleged offender's entry into one 2325
of those places otherwise upon the consent of the complainant, 2326
alleged victim, or family or household member. 2327

(b) Division (C) (2) (a) of this section does not limit any 2328
discretion of a court to determine that an alleged offender 2329
charged with a violation of section 2919.27 of the Revised Code, 2330
with a violation of a municipal ordinance substantially 2331
equivalent to that section, or with contempt of court, which 2332
charge is based on an alleged violation of a temporary 2333
protection order issued under this section, did not commit the 2334
violation or was not in contempt of court. 2335

(D) (1) Upon the filing of a complaint that alleges a 2336
violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2911.211, 2337
2913.88, 2913.89, or 2913.90 of the Revised Code if the alleged 2338
victim of the violation was a family or household member at the 2339
time of the violation, a violation of a municipal ordinance that 2340
is substantially similar to any of those sections if the alleged 2341

victim of the violation was a family or household member at the 2342
time of the violation, any offense of violence if the alleged 2343
victim of the offense was a family or household member at the 2344
time of the commission of the offense, or any sexually oriented 2345
offense if the alleged victim of the offense was a family or 2346
household member at the time of the commission of the offense, 2347
the court, upon its own motion, may issue a temporary protection 2348
order as a pretrial condition of release if it finds that the 2349
safety and protection of the complainant, alleged victim, or 2350
other family or household member of the alleged offender may be 2351
impaired by the continued presence of the alleged offender. 2352

(2) If the court issues a temporary protection order under 2353
this section as an ex parte order, it shall conduct, as soon as 2354
possible after the issuance of the order, a hearing in the 2355
presence of the alleged offender not later than the next day on 2356
which the court is scheduled to conduct business after the day 2357
on which the alleged offender was arrested or at the time of the 2358
appearance of the alleged offender pursuant to summons to 2359
determine whether the order should remain in effect, be 2360
modified, or be revoked. The hearing shall be conducted under 2361
the standards set forth in division (C) of this section. 2362

(3) An order issued under this section shall contain only 2363
those terms authorized in orders issued under division (C) of 2364
this section. 2365

(4) If a municipal court or a county court issues a 2366
temporary protection order under this section and if, subsequent 2367
to the issuance of the order, the alleged offender who is the 2368
subject of the order is bound over to the court of common pleas 2369
for prosecution of a felony arising out of the same activities 2370
as those that were the basis of the complaint upon which the 2371

order is based, notwithstanding the fact that the order was 2372
issued by a municipal court or county court, the order shall 2373
remain in effect, as though it were an order of the court of 2374
common pleas, while the charges against the alleged offender are 2375
pending in the court of common pleas, for the period of time 2376
described in division (E)(2) of this section, and the court of 2377
common pleas has exclusive jurisdiction to modify the order 2378
issued by the municipal court or county court. This division 2379
applies when the alleged offender is bound over to the court of 2380
common pleas as a result of the person waiving a preliminary 2381
hearing on the felony charge, as a result of the municipal court 2382
or county court having determined at a preliminary hearing that 2383
there is probable cause to believe that the felony has been 2384
committed and that the alleged offender committed it, as a 2385
result of the alleged offender having been indicted for the 2386
felony, or in any other manner. 2387

(E) A temporary protection order that is issued as a 2388
pretrial condition of release under this section: 2389

(1) Is in addition to, but shall not be construed as a 2390
part of, any bail set under Criminal Rule 46; 2391

(2) Is effective only until the occurrence of either of 2392
the following: 2393

(a) The disposition, by the court that issued the order 2394
or, in the circumstances described in division (D)(4) of this 2395
section, by the court of common pleas to which the alleged 2396
offender is bound over for prosecution, of the criminal 2397
proceeding arising out of the complaint upon which the order is 2398
based; 2399

(b) The issuance of a protection order or the approval of 2400

a consent agreement, arising out of the same activities as those 2401
that were the basis of the complaint upon which the order is 2402
based, under section 3113.31 of the Revised Code. 2403

(3) Shall not be construed as a finding that the alleged 2404
offender committed the alleged offense, and shall not be 2405
introduced as evidence of the commission of the offense at the 2406
trial of the alleged offender on the complaint upon which the 2407
order is based. 2408

(F) A person who meets the criteria for bail under 2409
Criminal Rule 46 and who, if required to do so pursuant to that 2410
rule, executes or posts bond or deposits cash or securities as 2411
bail, shall not be held in custody pending a hearing before the 2412
court on a motion requesting a temporary protection order. 2413

(G) (1) A copy of any temporary protection order that is 2414
issued under this section shall be issued by the court to the 2415
complainant, to the alleged victim, to the person who requested 2416
the order, to the defendant, and to all law enforcement agencies 2417
that have jurisdiction to enforce the order. The court shall 2418
direct that a copy of the order be delivered to the defendant on 2419
the same day that the order is entered. If a municipal court or 2420
a county court issues a temporary protection order under this 2421
section and if, subsequent to the issuance of the order, the 2422
defendant who is the subject of the order is bound over to the 2423
court of common pleas for prosecution as described in division 2424
(D) (4) of this section, the municipal court or county court 2425
shall direct that a copy of the order be delivered to the court 2426
of common pleas to which the defendant is bound over. 2427

(2) Upon the issuance of a protection order under this 2428
section, the court shall provide the parties to the order with 2429
the following notice orally or by form: 2430

"NOTICE 2431

As a result of this protection order, it may be unlawful 2432
for you to possess or purchase a firearm, including a rifle, 2433
pistol, or revolver, or ammunition pursuant to federal law under 2434
18 U.S.C. 922(g)(8) for the duration of this order. If you have 2435
any questions whether this law makes it illegal for you to 2436
possess or purchase a firearm or ammunition, you should consult 2437
an attorney." 2438

(3) All law enforcement agencies shall establish and 2439
maintain an index for the temporary protection orders delivered 2440
to the agencies pursuant to division (G)(1) of this section. 2441
With respect to each order delivered, each agency shall note on 2442
the index, the date and time of the receipt of the order by the 2443
agency. 2444

(4) A complainant, alleged victim, or other person who 2445
obtains a temporary protection order under this section may 2446
provide notice of the issuance of the temporary protection order 2447
to the judicial and law enforcement officials in any county 2448
other than the county in which the order is issued by 2449
registering that order in the other county in accordance with 2450
division (N) of section 3113.31 of the Revised Code and filing a 2451
copy of the registered protection order with a law enforcement 2452
agency in the other county in accordance with that division. 2453

(5) Any officer of a law enforcement agency shall enforce 2454
a temporary protection order issued by any court in this state 2455
in accordance with the provisions of the order, including 2456
removing the defendant from the premises, regardless of whether 2457
the order is registered in the county in which the officer's 2458
agency has jurisdiction as authorized by division (G)(4) of this 2459
section. 2460

(H) Upon a violation of a temporary protection order, the 2461
court may issue another temporary protection order, as a 2462
pretrial condition of release, that modifies the terms of the 2463
order that was violated. 2464

(I) (1) As used in divisions (I) (1) and (2) of this 2465
section, "defendant" means a person who is alleged in a 2466
complaint to have committed a violation, offense of violence, or 2467
sexually oriented offense of the type described in division (A) 2468
of this section. 2469

(2) If a complaint is filed that alleges that a person 2470
committed a violation, offense of violence, or sexually oriented 2471
offense of the type described in division (A) of this section, 2472
the court may not issue a temporary protection order under this 2473
section that requires the complainant, the alleged victim, or 2474
another family or household member of the defendant to do or 2475
refrain from doing an act that the court may require the 2476
defendant to do or refrain from doing under a temporary 2477
protection order unless both of the following apply: 2478

(a) The defendant has filed a separate complaint that 2479
alleges that the complainant, alleged victim, or other family or 2480
household member in question who would be required under the 2481
order to do or refrain from doing the act committed a violation 2482
or offense of violence of the type described in division (A) of 2483
this section. 2484

(b) The court determines that both the complainant, 2485
alleged victim, or other family or household member in question 2486
who would be required under the order to do or refrain from 2487
doing the act and the defendant acted primarily as aggressors, 2488
that neither the complainant, alleged victim, or other family or 2489
household member in question who would be required under the 2490

order to do or refrain from doing the act nor the defendant 2491
acted primarily in self-defense, and, in accordance with the 2492
standards and criteria of this section as applied in relation to 2493
the separate complaint filed by the defendant, that it should 2494
issue the order to require the complainant, alleged victim, or 2495
other family or household member in question to do or refrain 2496
from doing the act. 2497

(J) (1) Subject to division (J) (2) of this section and 2498
regardless of whether a protection order is issued or a consent 2499
agreement is approved by a court of another county or a court of 2500
another state, no court or unit of state or local government 2501
shall charge the movant any fee, cost, deposit, or money in 2502
connection with the filing of a motion pursuant to this section, 2503
in connection with the filing, issuance, registration, 2504
modification, enforcement, dismissal, withdrawal, or service of 2505
a protection order, consent agreement, or witness subpoena or 2506
for obtaining a certified copy of a protection order or consent 2507
agreement. 2508

(2) Regardless of whether a protection order is issued or 2509
a consent agreement is approved pursuant to this section, if the 2510
defendant is convicted the court may assess costs against the 2511
defendant in connection with the filing, issuance, registration, 2512
modification, enforcement, dismissal, withdrawal, or service of 2513
a protection order, consent agreement, or witness subpoena or 2514
for obtaining a certified copy of a protection order or consent 2515
agreement. 2516

(K) As used in this section: 2517

(1) "Companion animal" has the same meaning as in section 2518
959.131 of the Revised Code. 2519

(2) "Sexually oriented offense" has the same meaning as in 2520
section 2950.01 of the Revised Code. 2521

(3) "Victim advocate" means a person who provides support 2522
and assistance for a victim of an offense during court 2523
proceedings. 2524

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 2525
of this section, no person, knowing that a felony has been or is 2526
being committed, shall knowingly fail to report such information 2527
to law enforcement authorities. 2528

(2) No person, knowing that a violation of section 2913.87 2529
or division (B) of section 2913.04 of the Revised Code has been, 2530
or is being committed or that the person has received 2531
information derived from such a violation, shall knowingly fail 2532
to report the violation to law enforcement authorities. 2533

(B) Except for conditions that are within the scope of 2534
division (E) of this section, no person giving aid to a sick or 2535
injured person shall negligently fail to report to law 2536
enforcement authorities any gunshot or stab wound treated or 2537
observed by the person, or any serious physical harm to persons 2538
that the person knows or has reasonable cause to believe 2539
resulted from an offense of violence. 2540

(C) No person who discovers the body or acquires the first 2541
knowledge of the death of a person shall fail to report the 2542
death immediately to a physician or advanced practice registered 2543
nurse whom the person knows to be treating the deceased for a 2544
condition from which death at such time would not be unexpected, 2545
or to a law enforcement officer, an ambulance service, an 2546
emergency squad, or the coroner in a political subdivision in 2547
which the body is discovered, the death is believed to have 2548

occurred, or knowledge concerning the death is obtained. For 2549
purposes of this division, "advanced practice registered nurse" 2550
does not include a certified registered nurse anesthetist. 2551

(D) No person shall fail to provide upon request of the 2552
person to whom a report required by division (C) of this section 2553
was made, or to any law enforcement officer who has reasonable 2554
cause to assert the authority to investigate the circumstances 2555
surrounding the death, any facts within the person's knowledge 2556
that may have a bearing on the investigation of the death. 2557

(E) (1) As used in this division, "burn injury" means any 2558
of the following: 2559

(a) Second or third degree burns; 2560

(b) Any burns to the upper respiratory tract or laryngeal 2561
edema due to the inhalation of superheated air; 2562

(c) Any burn injury or wound that may result in death; 2563

(d) Any physical harm to persons caused by or as the 2564
result of the use of fireworks, novelties and trick noisemakers, 2565
and wire sparklers, as each is defined by section 3743.01 of the 2566
Revised Code. 2567

(2) No physician, nurse, physician assistant, or limited 2568
practitioner who, outside a hospital, sanitarium, or other 2569
medical facility, attends or treats a person who has sustained a 2570
burn injury that is inflicted by an explosion or other 2571
incendiary device or that shows evidence of having been 2572
inflicted in a violent, malicious, or criminal manner shall fail 2573
to report the burn injury immediately to the local arson, or 2574
fire and explosion investigation, bureau, if there is a bureau 2575
of this type in the jurisdiction in which the person is attended 2576
or treated, or otherwise to local law enforcement authorities. 2577

(3) No manager, superintendent, or other person in charge 2578
of a hospital, sanitarium, or other medical facility in which a 2579
person is attended or treated for any burn injury that is 2580
inflicted by an explosion or other incendiary device or that 2581
shows evidence of having been inflicted in a violent, malicious, 2582
or criminal manner shall fail to report the burn injury 2583
immediately to the local arson, or fire and explosion 2584
investigation, bureau, if there is a bureau of this type in the 2585
jurisdiction in which the person is attended or treated, or 2586
otherwise to local law enforcement authorities. 2587

(4) No person who is required to report any burn injury 2588
under division (E) (2) or (3) of this section shall fail to file, 2589
within three working days after attending or treating the 2590
victim, a written report of the burn injury with the office of 2591
the state fire marshal. The report shall comply with the uniform 2592
standard developed by the state fire marshal pursuant to 2593
division (A) (15) of section 3737.22 of the Revised Code. 2594

(5) Anyone participating in the making of reports under 2595
division (E) of this section or anyone participating in a 2596
judicial proceeding resulting from the reports is immune from 2597
any civil or criminal liability that otherwise might be incurred 2598
or imposed as a result of such actions. Notwithstanding section 2599
4731.22 of the Revised Code, the physician-patient relationship 2600
or advanced practice registered nurse-patient relationship is 2601
not a ground for excluding evidence regarding a person's burn 2602
injury or the cause of the burn injury in any judicial 2603
proceeding resulting from a report submitted under division (E) 2604
of this section. 2605

(F) (1) Any doctor of medicine or osteopathic medicine, 2606
hospital intern or resident, nurse, psychologist, social worker, 2607

independent social worker, social work assistant, licensed 2608
professional clinical counselor, licensed professional 2609
counselor, independent marriage and family therapist, or 2610
marriage and family therapist who knows or has reasonable cause 2611
to believe that a patient or client has been the victim of 2612
domestic violence, as defined in section 3113.31 of the Revised 2613
Code, shall note that knowledge or belief and the basis for it 2614
in the patient's or client's records. 2615

(2) Notwithstanding section 4731.22 of the Revised Code, 2616
the physician-patient privilege or advanced practice registered 2617
nurse-patient privilege shall not be a ground for excluding any 2618
information regarding the report containing the knowledge or 2619
belief noted under division (F)(1) of this section, and the 2620
information may be admitted as evidence in accordance with the 2621
Rules of Evidence. 2622

(G) Divisions (A) and (D) of this section do not require 2623
disclosure of information, when any of the following applies: 2624

(1) The information is privileged by reason of the 2625
relationship between attorney and client; physician and patient; 2626
advanced practice registered nurse and patient; licensed 2627
psychologist or licensed school psychologist and client; 2628
licensed professional clinical counselor, licensed professional 2629
counselor, independent social worker, social worker, independent 2630
marriage and family therapist, or marriage and family therapist 2631
and client; member of the clergy, rabbi, minister, or priest and 2632
any person communicating information confidentially to the 2633
member of the clergy, rabbi, minister, or priest for a religious 2634
counseling purpose of a professional character; husband and 2635
wife; or a communications assistant and those who are a party to 2636
a telecommunications relay service call. 2637

(2) The information would tend to incriminate a member of 2638
the actor's immediate family. 2639

(3) Disclosure of the information would amount to 2640
revealing a news source, privileged under section 2739.04 or 2641
2739.12 of the Revised Code. 2642

(4) Disclosure of the information would amount to 2643
disclosure by a member of the ordained clergy of an organized 2644
religious body of a confidential communication made to that 2645
member of the clergy in that member's capacity as a member of 2646
the clergy by a person seeking the aid or counsel of that member 2647
of the clergy. 2648

(5) Disclosure would amount to revealing information 2649
acquired by the actor in the course of the actor's duties in 2650
connection with a bona fide program of treatment or services for 2651
drug dependent persons or persons in danger of drug dependence, 2652
which program is maintained or conducted by a hospital, clinic, 2653
person, agency, or community addiction services provider whose 2654
alcohol and drug addiction services are certified pursuant to 2655
section 5119.36 of the Revised Code. 2656

(6) Disclosure would amount to revealing information 2657
acquired by the actor in the course of the actor's duties in 2658
connection with a bona fide program for providing counseling 2659
services to victims of crimes that are violations of section 2660
2907.02 or 2907.05 of the Revised Code or to victims of 2661
felonious sexual penetration in violation of former section 2662
2907.12 of the Revised Code. As used in this division, 2663
"counseling services" include services provided in an informal 2664
setting by a person who, by education or experience, is 2665
competent to provide those services. 2666

(H) No disclosure of information pursuant to this section 2667
gives rise to any liability or recrimination for a breach of 2668
privilege or confidence. 2669

(I) Whoever violates division (A) or (B) of this section 2670
is guilty of failure to report a crime. Violation of division 2671
(A) (1) of this section is a misdemeanor of the fourth degree. 2672
Violation of division (A) (2) or (B) of this section is a 2673
misdemeanor of the second degree. 2674

(J) Whoever violates division (C) or (D) of this section 2675
is guilty of failure to report knowledge of a death, a 2676
misdemeanor of the fourth degree. 2677

(K) (1) Whoever negligently violates division (E) of this 2678
section is guilty of a minor misdemeanor. 2679

(2) Whoever knowingly violates division (E) of this 2680
section is guilty of a misdemeanor of the second degree. 2681

(L) As used in this section, "nurse" includes an advanced 2682
practice registered nurse, registered nurse, and licensed 2683
practical nurse. 2684

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 2685
the bureau of criminal identification and investigation, the 2686
employees of the bureau, the Ohio peace officer training 2687
commission, or the employees of the commission make a good faith 2688
effort in performing the duties imposed upon the sheriff, the 2689
superintendent, the bureau's employees, the commission, or the 2690
commission's employees by sections 109.731, 311.41, and 2923.124 2691
to 2923.1213 of the Revised Code, in addition to the personal 2692
immunity provided by section 9.86 of the Revised Code or 2693
division (A) (6) of section 2744.03 of the Revised Code and the 2694
governmental immunity of sections 2744.02 and 2744.03 of the 2695

Revised Code and in addition to any other immunity possessed by 2696
the bureau, the commission, and their employees, the sheriff, 2697
the sheriff's office, the county in which the sheriff has 2698
jurisdiction, the bureau, the superintendent of the bureau, the 2699
bureau's employees, the commission, and the commission's 2700
employees are immune from liability in a civil action for 2701
injury, death, or loss to person or property that allegedly was 2702
caused by or related to any of the following: 2703

(a) The issuance, renewal, suspension, or revocation of a 2704
concealed handgun license; 2705

(b) The failure to issue, renew, suspend, or revoke a 2706
concealed handgun license; 2707

(c) Any action or misconduct with a handgun committed by a 2708
licensee. 2709

(2) Any action of a sheriff relating to the issuance, 2710
renewal, suspension, or revocation of a concealed handgun 2711
license shall be considered to be a governmental function for 2712
purposes of Chapter 2744. of the Revised Code. 2713

(3) An entity that or instructor who provides a competency 2714
certification of a type described in division (B) (3) of section 2715
2923.125 of the Revised Code is immune from civil liability that 2716
might otherwise be incurred or imposed for any death or any 2717
injury or loss to person or property that is caused by or 2718
related to a person to whom the entity or instructor has issued 2719
the competency certificate if all of the following apply: 2720

(a) The alleged liability of the entity or instructor 2721
relates to the training provided in the course, class, or 2722
program covered by the competency certificate. 2723

(b) The entity or instructor makes a good faith effort in 2724

determining whether the person has satisfactorily completed the 2725
course, class, or program and makes a good faith effort in 2726
assessing the person in the competency examination conducted 2727
pursuant to division (G) (2) of section 2923.125 of the Revised 2728
Code. 2729

(c) The entity or instructor did not issue the competency 2730
certificate with malicious purpose, in bad faith, or in a wanton 2731
or reckless manner. 2732

(4) An entity that or instructor who, prior to March 27, 2733
2013, provides a renewed competency certification of a type 2734
described in division (G) (4) of section 2923.125 of the Revised 2735
Code as it existed prior to March 27, 2013, is immune from civil 2736
liability that might otherwise be incurred or imposed for any 2737
death or any injury or loss to person or property that is caused 2738
by or related to a person to whom the entity or instructor has 2739
issued the renewed competency certificate if all of the 2740
following apply: 2741

(a) The entity or instructor makes a good faith effort in 2742
assessing the person in the physical demonstrations or the 2743
competency examination conducted pursuant to division (G) (4) of 2744
section 2923.125 of the Revised Code as it existed prior to 2745
March 27, 2013. 2746

(b) The entity or instructor did not issue the renewed 2747
competency certificate with malicious purpose, in bad faith, or 2748
in a wanton or reckless manner. 2749

(B) Notwithstanding section 149.43 of the Revised Code, 2750
the records that a sheriff keeps relative to the issuance, 2751
renewal, suspension, or revocation of a concealed handgun 2752
license, including, but not limited to, completed applications 2753

for the issuance or renewal of a license, completed affidavits 2754
submitted regarding an application for a license on a temporary 2755
emergency basis, reports of criminal records checks and 2756
incompetency records checks under section 311.41 of the Revised 2757
Code, and applicants' social security numbers and fingerprints 2758
that are obtained under division (A) of section 311.41 of the 2759
Revised Code, are confidential and are not public records. No 2760
person shall release or otherwise disseminate records that are 2761
confidential under this division unless required to do so 2762
pursuant to a court order. 2763

(C) Each sheriff shall report to the Ohio peace officer 2764
training commission the number of concealed handgun licenses 2765
that the sheriff issued, renewed, suspended, revoked, or denied 2766
under section 2923.125 of the Revised Code during the previous 2767
quarter of the calendar year, the number of applications for 2768
those licenses for which processing was suspended in accordance 2769
with division (D) (3) of section 2923.125 of the Revised Code 2770
during the previous quarter of the calendar year, and the number 2771
of concealed handgun licenses on a temporary emergency basis 2772
that the sheriff issued, suspended, revoked, or denied under 2773
section 2923.1213 of the Revised Code during the previous 2774
quarter of the calendar year. The sheriff shall not include in 2775
the report the name or any other identifying information of an 2776
applicant or licensee. The sheriff shall report that information 2777
in a manner that permits the commission to maintain the 2778
statistics described in division (C) of section 109.731 of the 2779
Revised Code and to timely prepare the statistical report 2780
described in that division. The information that is received by 2781
the commission under this division is a public record kept by 2782
the commission for the purposes of section 149.43 of the Revised 2783
Code. 2784

(D) Law enforcement agencies may use the information a 2785
sheriff makes available through the use of the law enforcement 2786
automated data system pursuant to division (H) of section 2787
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 2788
Revised Code for law enforcement purposes only. The information 2789
is confidential and is not a public record. Except as provided 2790
in section 5503.101 of the Revised Code, a person who releases 2791
or otherwise disseminates this information obtained through the 2792
law enforcement automated data system in a manner not described 2793
in this division is guilty of a violation of ~~section~~sections 2794
2913.04, 2913.87, 2913.91, and 2913.92 of the Revised Code. 2795

(E) Whoever violates division (B) of this section is 2796
guilty of illegal release of confidential concealed handgun 2797
license records, a felony of the fifth degree. In addition to 2798
any penalties imposed under Chapter 2929. of the Revised Code 2799
for a violation of division (B) of this section or a violation 2800
of section 2913.04, 2913.87, 2913.91, or 2913.92 of the Revised 2801
Code described in division (D) of this section, if the offender 2802
is a sheriff, an employee of a sheriff, or any other public 2803
officer or employee, and if the violation was willful and 2804
deliberate, the offender shall be subject to a civil fine of one 2805
thousand dollars. Any person who is harmed by a violation of 2806
division (B) or (C) of this section or a violation of section 2807
2913.04, 2913.87, 2913.91, or 2913.92 of the Revised Code 2808
described in division (D) of this section has a private cause of 2809
action against the offender for any injury, death, or loss to 2810
person or property that is a proximate result of the violation 2811
and may recover court costs and attorney's fees related to the 2812
action. 2813

Sec. 2927.12. (A) No person shall violate section 2903.21, 2814
2903.22, 2909.06, ~~or~~ 2909.07, or 2913.88, or division (A) (3), 2815

(4), or (5) of section 2917.21 of the Revised Code by reason of 2816
the race, color, religion, or national origin of another person 2817
or group of persons. 2818

(B) Whoever violates this section is guilty of ethnic 2819
intimidation. Ethnic intimidation is an offense of the next 2820
higher degree than the offense the commission of which is a 2821
necessary element of ethnic intimidation. 2822

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 2823
the Revised Code: 2824

(A) "Wire communication" means an aural transfer that is 2825
made in whole or in part through the use of facilities for the 2826
transmission of communications by the aid of wires or similar 2827
methods of connecting the point of origin of the communication 2828
and the point of reception of the communication, including the 2829
use of a method of connecting the point of origin and the point 2830
of reception of the communication in a switching station, if the 2831
facilities are furnished or operated by a person engaged in 2832
providing or operating the facilities for the transmission of 2833
communications. "Wire communication" includes an electronic 2834
storage of a wire communication. 2835

(B) "Oral communication" means an oral communication 2836
uttered by a person exhibiting an expectation that the 2837
communication is not subject to interception under circumstances 2838
justifying that expectation. "Oral communication" does not 2839
include an electronic communication. 2840

(C) "Intercept" means the aural or other acquisition of 2841
the contents of any wire, oral, or electronic communication 2842
through the use of an interception device. 2843

(D) "Interception device" means an electronic, mechanical, 2844

or other device or apparatus that can be used to intercept a 2845
wire, oral, or electronic communication. "Interception device" 2846
does not mean any of the following: 2847

(1) A telephone or telegraph instrument, equipment, or 2848
facility, or any of its components, if the instrument, 2849
equipment, facility, or component is any of the following: 2850

(a) Furnished to the subscriber or user by a provider of 2851
wire or electronic communication service in the ordinary course 2852
of its business and being used by the subscriber or user in the 2853
ordinary course of its business; 2854

(b) Furnished by a subscriber or user for connection to 2855
the facilities of a provider of wire or electronic communication 2856
service and used in the ordinary course of that subscriber's or 2857
user's business; 2858

(c) Being used by a provider of wire or electronic 2859
communication service in the ordinary course of its business or 2860
by an investigative or law enforcement officer in the ordinary 2861
course of the officer's duties that do not involve the 2862
interception of wire, oral, or electronic communications. 2863

(2) A hearing aid or similar device being used to correct 2864
subnormal hearing to not better than normal. 2865

(E) "Investigative officer" means any of the following: 2866

(1) An officer of this state or a political subdivision of 2867
this state, who is empowered by law to conduct investigations or 2868
to make arrests for a designated offense; 2869

(2) A person described in divisions (A) (11) (a) and (b) of 2870
section 2901.01 of the Revised Code; 2871

(3) An attorney authorized by law to prosecute or 2872

participate in the prosecution of a designated offense; 2873

(4) A secret service officer appointed pursuant to section 2874
309.07 of the Revised Code; 2875

(5) An officer of the United States, a state, or a 2876
political subdivision of a state who is authorized to conduct 2877
investigations pursuant to the "Electronic Communications 2878
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 2879
(1986), as amended. 2880

(F) "Interception warrant" means a court order that 2881
authorizes the interception of wire, oral, or electronic 2882
communications and that is issued pursuant to sections 2933.53 2883
to 2933.56 of the Revised Code. 2884

(G) "Contents," when used with respect to a wire, oral, or 2885
electronic communication, includes any information concerning 2886
the substance, purport, or meaning of the communication. 2887

(H) "Communications common carrier" means a person who is 2888
engaged as a common carrier for hire in intrastate, interstate, 2889
or foreign communications by wire, radio, or radio transmission 2890
of energy. "Communications common carrier" does not include, to 2891
the extent that the person is engaged in radio broadcasting, a 2892
person engaged in radio broadcasting. 2893

(I) "Designated offense" means any of the following: 2894

(1) A felony violation of section 1315.53, 1315.55, 2895
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2896
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2897
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2898
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2899
2913.51, 2913.87 to 2913.92, 2915.02, 2915.03, 2917.01, 2917.02, 2900
2921.02, 2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2901

2925.03, 2925.04, 2925.05, or 2925.06 or of division (B) of 2902
section 2915.05 or of division (E) or (G) of section 3772.99 of 2903
the Revised Code; 2904

(2) A violation of section 2919.23 of the Revised Code 2905
that, had it occurred prior to July 1, 1996, would have been a 2906
violation of section 2905.04 of the Revised Code as it existed 2907
prior to that date; 2908

(3) A felony violation of section 2925.11 of the Revised 2909
Code that is not a minor drug possession offense, as defined in 2910
section 2925.01 of the Revised Code; 2911

(4) Complicity in the commission of a felony violation of 2912
a section listed in division (I) (1), (2), or (3) of this 2913
section; 2914

(5) An attempt to commit, or conspiracy in the commission 2915
of, a felony violation of a section listed in division (I) (1), 2916
(2), or (3) of this section, if the attempt or conspiracy is 2917
punishable by a term of imprisonment of more than one year. 2918

(J) "Aggrieved person" means a person who was a party to 2919
an intercepted wire, oral, or electronic communication or a 2920
person against whom the interception of the communication was 2921
directed. 2922

(K) "Person" means a person, as defined in section 1.59 of 2923
the Revised Code, or a governmental officer, employee, or 2924
entity. 2925

(L) "Special need" means a showing that a licensed 2926
physician, licensed practicing psychologist, attorney, 2927
practicing cleric, journalist, or either spouse is personally 2928
engaging in continuing criminal activity, was engaged in 2929
continuing criminal activity over a period of time, or is 2930

committing, has committed, or is about to commit, a designated 2931
offense, or a showing that specified public facilities are being 2932
regularly used by someone who is personally engaging in 2933
continuing criminal activity, was engaged in continuing criminal 2934
activity over a period of time, or is committing, has committed, 2935
or is about to commit, a designated offense. 2936

(M) "Journalist" means a person engaged in, connected 2937
with, or employed by, any news media, including a newspaper, 2938
magazine, press association, news agency, or wire service, a 2939
radio or television station, or a similar media, for the purpose 2940
of gathering, processing, transmitting, compiling, editing, or 2941
disseminating news for the general public. 2942

(N) "Electronic communication" means a transfer of a sign, 2943
signal, writing, image, sound, datum, or intelligence of any 2944
nature that is transmitted in whole or in part by a wire, radio, 2945
electromagnetic, photoelectronic, or photo-optical system. 2946

"Electronic communication" does not mean any of the following: 2947

(1) A wire or oral communication; 2948

(2) A communication made through a tone-only paging 2949
device; 2950

(3) A communication from an electronic or mechanical 2951
tracking device that permits the tracking of the movement of a 2952
person or object. 2953

(O) "User" means a person or entity that uses an 2954
electronic communication service and is duly authorized by the 2955
provider of the service to engage in the use of the electronic 2956
communication service. 2957

(P) "Electronic communications system" means a wire, 2958
radio, electromagnetic, photoelectronic, or photo-optical 2959

facility for the transmission of electronic communications, and 2960
a computer facility or related electronic equipment for the 2961
electronic storage of electronic communications. 2962

(Q) "Electronic communication service" means a service 2963
that provides to users of the service the ability to send or 2964
receive wire or electronic communications. 2965

(R) "Readily accessible to the general public" means, with 2966
respect to a radio communication, that the communication is none 2967
of the following: 2968

(1) Scrambled or encrypted; 2969

(2) Transmitted using a modulation technique, the 2970
essential parameters of which have been withheld from the public 2971
with the intention of preserving the privacy of the 2972
communication; 2973

(3) Carried on a subcarrier or other signal subsidiary to 2974
a radio transmission; 2975

(4) Transmitted over a communications system provided by a 2976
communications common carrier, unless the communication is a 2977
tone-only paging system communication; 2978

(5) Transmitted on a frequency allocated under part 25, 2979
subpart D, E, or F of part 74, or part 94 of the Rules of the 2980
Federal Communications Commission, as those provisions existed 2981
on July 1, 1996, unless, in the case of a communication 2982
transmitted on a frequency allocated under part 74 that is not 2983
exclusively allocated to broadcast auxiliary services, the 2984
communication is a two-way voice communication by radio. 2985

(S) "Electronic storage" means a temporary, intermediate 2986
storage of a wire or electronic communication that is incidental 2987

to the electronic transmission of the communication, and a 2988
storage of a wire or electronic communication by an electronic 2989
communication service for the purpose of backup protection of 2990
the communication. 2991

(T) "Aural transfer" means a transfer containing the human 2992
voice at a point between and including the point of origin and 2993
the point of reception. 2994

(U) "Pen register" means a device that records or decodes 2995
electronic impulses that identify the numbers dialed, pulsed, or 2996
otherwise transmitted on telephone lines to which the device is 2997
attached. 2998

(V) "Trap and trace device" means a device that captures 2999
the incoming electronic or other impulses that identify the 3000
originating number of an instrument or device from which a wire 3001
communication or electronic communication was transmitted but 3002
that does not intercept the contents of the wire communication 3003
or electronic communication. 3004

(W) "Judge of a court of common pleas" means a judge of 3005
that court who is elected or appointed as a judge of general 3006
jurisdiction or as a judge who exercises both general 3007
jurisdiction and probate, domestic relations, or juvenile 3008
jurisdiction. "Judge of a court of common pleas" does not mean a 3009
judge of that court who is elected or appointed specifically as 3010
a probate, domestic relations, or juvenile judge. 3011

Sec. 3712.09. (A) As used in this section: 3012

(1) "Applicant" means a person who is under final 3013
consideration for employment with a hospice care program or 3014
pediatric respite care program in a full-time, part-time, or 3015
temporary position that involves providing direct care to an 3016

older adult or pediatric respite care patient. "Applicant" does 3017
not include a person who provides direct care as a volunteer 3018
without receiving or expecting to receive any form of 3019
remuneration other than reimbursement for actual expenses. 3020

(2) "Criminal records check" has the same meaning as in 3021
section 109.572 of the Revised Code. 3022

(3) "Older adult" means a person age sixty or older. 3023

(B) (1) Except as provided in division (I) of this section, 3024
the chief administrator of a hospice care program or pediatric 3025
respite care program shall request that the superintendent of 3026
the bureau of criminal identification and investigation conduct 3027
a criminal records check of each applicant. If an applicant for 3028
whom a criminal records check request is required under this 3029
division does not present proof of having been a resident of 3030
this state for the five-year period immediately prior to the 3031
date the criminal records check is requested or provide evidence 3032
that within that five-year period the superintendent has 3033
requested information about the applicant from the federal 3034
bureau of investigation in a criminal records check, the chief 3035
administrator shall request that the superintendent obtain 3036
information from the federal bureau of investigation as part of 3037
the criminal records check of the applicant. Even if an 3038
applicant for whom a criminal records check request is required 3039
under this division presents proof of having been a resident of 3040
this state for the five-year period, the chief administrator may 3041
request that the superintendent include information from the 3042
federal bureau of investigation in the criminal records check. 3043

(2) A person required by division (B) (1) of this section 3044
to request a criminal records check shall do both of the 3045
following: 3046

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C) (2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B) (2) (a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

(C) (1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C) (2) of this section, no hospice care program or pediatric respite care program shall employ a person in a position that involves providing direct care to an older adult or pediatric respite care patient if the person has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02,

2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C) (1) (a) of this section.

(2) (a) A hospice care program or pediatric respite care program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the program shall request a criminal records check regarding the individual in accordance with division (B) (1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I) (2) of this section, a hospice care program or pediatric respite care program may employ conditionally an applicant who has been referred to the hospice care program or pediatric respite care program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults or pediatric respite care patients and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

(b) A hospice care program or pediatric respite care program that employs an individual conditionally under authority of division (C) (2) (a) of this section shall terminate the individual's employment if the results of the criminal records check requested under division (B) of this section or described in division (I) (2) of this section, other than the results of

any request for information from the federal bureau of 3107
investigation, are not obtained within the period ending thirty 3108
days after the date the request is made. Regardless of when the 3109
results of the criminal records check are obtained, if the 3110
results indicate that the individual has been convicted of or 3111
pleaded guilty to any of the offenses listed or described in 3112
division (C) (1) of this section, the program shall terminate the 3113
individual's employment unless the program chooses to employ the 3114
individual pursuant to division (F) of this section. Termination 3115
of employment under this division shall be considered just cause 3116
for discharge for purposes of division (D) (2) of section 4141.29 3117
of the Revised Code if the individual makes any attempt to 3118
deceive the program about the individual's criminal record. 3119

(D) (1) Each hospice care program or pediatric respite care 3120
program shall pay to the bureau of criminal identification and 3121
investigation the fee prescribed pursuant to division (C) (3) of 3122
section 109.572 of the Revised Code for each criminal records 3123
check conducted pursuant to a request made under division (B) of 3124
this section. 3125

(2) A hospice care program or pediatric respite care 3126
program may charge an applicant a fee not exceeding the amount 3127
the program pays under division (D) (1) of this section. A 3128
program may collect a fee only if both of the following apply: 3129

(a) The program notifies the person at the time of initial 3130
application for employment of the amount of the fee and that, 3131
unless the fee is paid, the person will not be considered for 3132
employment; 3133

(b) The medicaid program does not reimburse the program 3134
the fee it pays under division (D) (1) of this section. 3135

(E) The report of a criminal records check conducted 3136
pursuant to a request made under this section is not a public 3137
record for the purposes of section 149.43 of the Revised Code 3138
and shall not be made available to any person other than the 3139
following: 3140

(1) The individual who is the subject of the criminal 3141
records check or the individual's representative; 3142

(2) The chief administrator of the program requesting the 3143
criminal records check or the administrator's representative; 3144

(3) The administrator of any other facility, agency, or 3145
program that provides direct care to older adults or pediatric 3146
respite care patients that is owned or operated by the same 3147
entity that owns or operates the hospice care program or 3148
pediatric respite care program; 3149

(4) A court, hearing officer, or other necessary 3150
individual involved in a case dealing with a denial of 3151
employment of the applicant or dealing with employment or 3152
unemployment benefits of the applicant; 3153

(5) Any person to whom the report is provided pursuant to, 3154
and in accordance with, division (I)(1) or (2) of this section. 3155

(F) The director of health shall adopt rules in accordance 3156
with Chapter 119. of the Revised Code to implement this section. 3157
The rules shall specify circumstances under which a hospice care 3158
program or pediatric respite care program may employ a person 3159
who has been convicted of or pleaded guilty to an offense listed 3160
or described in division (C)(1) of this section but meets 3161
personal character standards set by the director. 3162

(G) The chief administrator of a hospice care program or 3163
pediatric respite care program shall inform each individual, at 3164

the time of initial application for a position that involves 3165
providing direct care to an older adult or pediatric respite 3166
care patient, that the individual is required to provide a set 3167
of fingerprint impressions and that a criminal records check is 3168
required to be conducted if the individual comes under final 3169
consideration for employment. 3170

(H) In a tort or other civil action for damages that is 3171
brought as the result of an injury, death, or loss to person or 3172
property caused by an individual who a hospice care program or 3173
pediatric respite care program employs in a position that 3174
involves providing direct care to older adults or pediatric 3175
respite care patients, all of the following shall apply: 3176

(1) If the program employed the individual in good faith 3177
and reasonable reliance on the report of a criminal records 3178
check requested under this section, the program shall not be 3179
found negligent solely because of its reliance on the report, 3180
even if the information in the report is determined later to 3181
have been incomplete or inaccurate; 3182

(2) If the program employed the individual in good faith 3183
on a conditional basis pursuant to division (C) (2) of this 3184
section, the program shall not be found negligent solely because 3185
it employed the individual prior to receiving the report of a 3186
criminal records check requested under this section; 3187

(3) If the program in good faith employed the individual 3188
according to the personal character standards established in 3189
rules adopted under division (F) of this section, the program 3190
shall not be found negligent solely because the individual prior 3191
to being employed had been convicted of or pleaded guilty to an 3192
offense listed or described in division (C) (1) of this section. 3193

(I) (1) The chief administrator of a hospice care program 3194
or pediatric respite care program is not required to request 3195
that the superintendent of the bureau of criminal identification 3196
and investigation conduct a criminal records check of an 3197
applicant if the applicant has been referred to the program by 3198
an employment service that supplies full-time, part-time, or 3199
temporary staff for positions involving the direct care of older 3200
adults or pediatric respite care patients and both of the 3201
following apply: 3202

(a) The chief administrator receives from the employment 3203
service or the applicant a report of the results of a criminal 3204
records check regarding the applicant that has been conducted by 3205
the superintendent within the one-year period immediately 3206
preceding the applicant's referral; 3207

(b) The report of the criminal records check demonstrates 3208
that the person has not been convicted of or pleaded guilty to 3209
an offense listed or described in division (C) (1) of this 3210
section, or the report demonstrates that the person has been 3211
convicted of or pleaded guilty to one or more of those offenses, 3212
but the hospice care program or pediatric respite care program 3213
chooses to employ the individual pursuant to division (F) of 3214
this section. 3215

(2) The chief administrator of a hospice care program or 3216
pediatric respite care program is not required to request that 3217
the superintendent of the bureau of criminal identification and 3218
investigation conduct a criminal records check of an applicant 3219
and may employ the applicant conditionally as described in this 3220
division, if the applicant has been referred to the program by 3221
an employment service that supplies full-time, part-time, or 3222
temporary staff for positions involving the direct care of older 3223

adults or pediatric respite care patients and if the chief 3224
administrator receives from the employment service or the 3225
applicant a letter from the employment service that is on the 3226
letterhead of the employment service, dated, and signed by a 3227
supervisor or another designated official of the employment 3228
service and that states that the employment service has 3229
requested the superintendent to conduct a criminal records check 3230
regarding the applicant, that the requested criminal records 3231
check will include a determination of whether the applicant has 3232
been convicted of or pleaded guilty to any offense listed or 3233
described in division (C) (1) of this section, that, as of the 3234
date set forth on the letter, the employment service had not 3235
received the results of the criminal records check, and that, 3236
when the employment service receives the results of the criminal 3237
records check, it promptly will send a copy of the results to 3238
the hospice care program or pediatric respite care program. If a 3239
hospice care program or pediatric respite care program employs 3240
an applicant conditionally in accordance with this division, the 3241
employment service, upon its receipt of the results of the 3242
criminal records check, promptly shall send a copy of the 3243
results to the hospice care program or pediatric respite care 3244
program, and division (C) (2) (b) of this section applies 3245
regarding the conditional employment. 3246

Sec. 3721.121. (A) As used in this section: 3247

(1) "Adult day-care program" means a program operated 3248
pursuant to rules adopted by the director of health under 3249
section 3721.04 of the Revised Code and provided by and on the 3250
same site as homes licensed under this chapter. 3251

(2) "Applicant" means a person who is under final 3252
consideration for employment with a home or adult day-care 3253

program in a full-time, part-time, or temporary position that 3254
involves providing direct care to an older adult. "Applicant" 3255
does not include a person who provides direct care as a 3256
volunteer without receiving or expecting to receive any form of 3257
remuneration other than reimbursement for actual expenses. 3258

(3) "Community-based long-term care services provider" 3259
means a provider as defined in section 173.39 of the Revised 3260
Code. 3261

(4) "Criminal records check" has the same meaning as in 3262
section 109.572 of the Revised Code. 3263

(5) "Home" means a home as defined in section 3721.10 of 3264
the Revised Code. 3265

(6) "Older adult" means a person age sixty or older. 3266

(B) (1) Except as provided in division (I) of this section, 3267
the chief administrator of a home or adult day-care program 3268
shall request that the superintendent of the bureau of criminal 3269
identification and investigation conduct a criminal records 3270
check of each applicant. If an applicant for whom a criminal 3271
records check request is required under this division does not 3272
present proof of having been a resident of this state for the 3273
five-year period immediately prior to the date the criminal 3274
records check is requested or provide evidence that within that 3275
five-year period the superintendent has requested information 3276
about the applicant from the federal bureau of investigation in 3277
a criminal records check, the chief administrator shall request 3278
that the superintendent obtain information from the federal 3279
bureau of investigation as part of the criminal records check of 3280
the applicant. Even if an applicant for whom a criminal records 3281
check request is required under this division presents proof of 3282

having been a resident of this state for the five-year period, 3283
the chief administrator may request that the superintendent 3284
include information from the federal bureau of investigation in 3285
the criminal records check. 3286

(2) A person required by division (B)(1) of this section 3287
to request a criminal records check shall do both of the 3288
following: 3289

(a) Provide to each applicant for whom a criminal records 3290
check request is required under that division a copy of the form 3291
prescribed pursuant to division (C)(1) of section 109.572 of the 3292
Revised Code and a standard fingerprint impression sheet 3293
prescribed pursuant to division (C)(2) of that section, and 3294
obtain the completed form and impression sheet from the 3295
applicant; 3296

(b) Forward the completed form and impression sheet to the 3297
superintendent of the bureau of criminal identification and 3298
investigation. 3299

(3) An applicant provided the form and fingerprint 3300
impression sheet under division (B)(2)(a) of this section who 3301
fails to complete the form or provide fingerprint impressions 3302
shall not be employed in any position for which a criminal 3303
records check is required by this section. 3304

(C)(1) Except as provided in rules adopted by the director 3305
of health in accordance with division (F) of this section and 3306
subject to division (C)(2) of this section, no home or adult 3307
day-care program shall employ a person in a position that 3308
involves providing direct care to an older adult if the person 3309
has been convicted of or pleaded guilty to any of the following: 3310

(a) A violation of section 2903.01, 2903.02, 2903.03, 3311

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3312
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3313
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3314
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3315
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3316
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3317
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3318
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3319
Revised Code. 3320

(b) A violation of an existing or former law of this 3321
state, any other state, or the United States that is 3322
substantially equivalent to any of the offenses listed in 3323
division (C) (1) (a) of this section. 3324

(2) (a) A home or an adult day-care program may employ 3325
conditionally an applicant for whom a criminal records check 3326
request is required under division (B) of this section prior to 3327
obtaining the results of a criminal records check regarding the 3328
individual, provided that the home or program shall request a 3329
criminal records check regarding the individual in accordance 3330
with division (B) (1) of this section not later than five 3331
business days after the individual begins conditional 3332
employment. In the circumstances described in division (I) (2) of 3333
this section, a home or adult day-care program may employ 3334
conditionally an applicant who has been referred to the home or 3335
adult day-care program by an employment service that supplies 3336
full-time, part-time, or temporary staff for positions involving 3337
the direct care of older adults and for whom, pursuant to that 3338
division, a criminal records check is not required under 3339
division (B) of this section. 3340

(b) A home or adult day-care program that employs an 3341

individual conditionally under authority of division (C) (2) (a) 3342
of this section shall terminate the individual's employment if 3343
the results of the criminal records check requested under 3344
division (B) of this section or described in division (I) (2) of 3345
this section, other than the results of any request for 3346
information from the federal bureau of investigation, are not 3347
obtained within the period ending thirty days after the date the 3348
request is made. Regardless of when the results of the criminal 3349
records check are obtained, if the results indicate that the 3350
individual has been convicted of or pleaded guilty to any of the 3351
offenses listed or described in division (C) (1) of this section, 3352
the home or program shall terminate the individual's employment 3353
unless the home or program chooses to employ the individual 3354
pursuant to division (F) of this section. Termination of 3355
employment under this division shall be considered just cause 3356
for discharge for purposes of division (D) (2) of section 4141.29 3357
of the Revised Code if the individual makes any attempt to 3358
deceive the home or program about the individual's criminal 3359
record. 3360

(D) (1) Each home or adult day-care program shall pay to 3361
the bureau of criminal identification and investigation the fee 3362
prescribed pursuant to division (C) (3) of section 109.572 of the 3363
Revised Code for each criminal records check conducted pursuant 3364
to a request made under division (B) of this section. 3365

(2) A home or adult day-care program may charge an 3366
applicant a fee not exceeding the amount the home or program 3367
pays under division (D) (1) of this section. A home or program 3368
may collect a fee only if both of the following apply: 3369

(a) The home or program notifies the person at the time of 3370
initial application for employment of the amount of the fee and 3371

that, unless the fee is paid, the person will not be considered 3372
for employment; 3373

(b) The medicaid program does not reimburse the home or 3374
program the fee it pays under division (D)(1) of this section. 3375

(E) The report of any criminal records check conducted 3376
pursuant to a request made under this section is not a public 3377
record for the purposes of section 149.43 of the Revised Code 3378
and shall not be made available to any person other than the 3379
following: 3380

(1) The individual who is the subject of the criminal 3381
records check or the individual's representative; 3382

(2) The chief administrator of the home or program 3383
requesting the criminal records check or the administrator's 3384
representative; 3385

(3) The administrator of any other facility, agency, or 3386
program that provides direct care to older adults that is owned 3387
or operated by the same entity that owns or operates the home or 3388
program; 3389

(4) A court, hearing officer, or other necessary 3390
individual involved in a case dealing with a denial of 3391
employment of the applicant or dealing with employment or 3392
unemployment benefits of the applicant; 3393

(5) Any person to whom the report is provided pursuant to, 3394
and in accordance with, division (I)(1) or (2) of this section; 3395

(6) The board of nursing for purposes of accepting and 3396
processing an application for a medication aide certificate 3397
issued under Chapter 4723. of the Revised Code; 3398

(7) The director of aging or the director's designee if 3399

the criminal records check is requested by the chief 3400
administrator of a home that is also a community-based long-term 3401
care services provider. 3402

(F) In accordance with section 3721.11 of the Revised 3403
Code, the director of health shall adopt rules to implement this 3404
section. The rules shall specify circumstances under which a 3405
home or adult day-care program may employ a person who has been 3406
convicted of or pleaded guilty to an offense listed or described 3407
in division (C) (1) of this section but meets personal character 3408
standards set by the director. 3409

(G) The chief administrator of a home or adult day-care 3410
program shall inform each individual, at the time of initial 3411
application for a position that involves providing direct care 3412
to an older adult, that the individual is required to provide a 3413
set of fingerprint impressions and that a criminal records check 3414
is required to be conducted if the individual comes under final 3415
consideration for employment. 3416

(H) In a tort or other civil action for damages that is 3417
brought as the result of an injury, death, or loss to person or 3418
property caused by an individual who a home or adult day-care 3419
program employs in a position that involves providing direct 3420
care to older adults, all of the following shall apply: 3421

(1) If the home or program employed the individual in good 3422
faith and reasonable reliance on the report of a criminal 3423
records check requested under this section, the home or program 3424
shall not be found negligent solely because of its reliance on 3425
the report, even if the information in the report is determined 3426
later to have been incomplete or inaccurate; 3427

(2) If the home or program employed the individual in good 3428

faith on a conditional basis pursuant to division (C) (2) of this 3429
section, the home or program shall not be found negligent solely 3430
because it employed the individual prior to receiving the report 3431
of a criminal records check requested under this section; 3432

(3) If the home or program in good faith employed the 3433
individual according to the personal character standards 3434
established in rules adopted under division (F) of this section, 3435
the home or program shall not be found negligent solely because 3436
the individual prior to being employed had been convicted of or 3437
pleaded guilty to an offense listed or described in division (C) 3438
(1) of this section. 3439

(I) (1) The chief administrator of a home or adult day-care 3440
program is not required to request that the superintendent of 3441
the bureau of criminal identification and investigation conduct 3442
a criminal records check of an applicant if the applicant has 3443
been referred to the home or program by an employment service 3444
that supplies full-time, part-time, or temporary staff for 3445
positions involving the direct care of older adults and both of 3446
the following apply: 3447

(a) The chief administrator receives from the employment 3448
service or the applicant a report of the results of a criminal 3449
records check regarding the applicant that has been conducted by 3450
the superintendent within the one-year period immediately 3451
preceding the applicant's referral; 3452

(b) The report of the criminal records check demonstrates 3453
that the person has not been convicted of or pleaded guilty to 3454
an offense listed or described in division (C) (1) of this 3455
section, or the report demonstrates that the person has been 3456
convicted of or pleaded guilty to one or more of those offenses, 3457
but the home or adult day-care program chooses to employ the 3458

individual pursuant to division (F) of this section. 3459

(2) The chief administrator of a home or adult day-care 3460
program is not required to request that the superintendent of 3461
the bureau of criminal identification and investigation conduct 3462
a criminal records check of an applicant and may employ the 3463
applicant conditionally as described in this division, if the 3464
applicant has been referred to the home or program by an 3465
employment service that supplies full-time, part-time, or 3466
temporary staff for positions involving the direct care of older 3467
adults and if the chief administrator receives from the 3468
employment service or the applicant a letter from the employment 3469
service that is on the letterhead of the employment service, 3470
dated, and signed by a supervisor or another designated official 3471
of the employment service and that states that the employment 3472
service has requested the superintendent to conduct a criminal 3473
records check regarding the applicant, that the requested 3474
criminal records check will include a determination of whether 3475
the applicant has been convicted of or pleaded guilty to any 3476
offense listed or described in division (C)(1) of this section, 3477
that, as of the date set forth on the letter, the employment 3478
service had not received the results of the criminal records 3479
check, and that, when the employment service receives the 3480
results of the criminal records check, it promptly will send a 3481
copy of the results to the home or adult day-care program. If a 3482
home or adult day-care program employs an applicant 3483
conditionally in accordance with this division, the employment 3484
service, upon its receipt of the results of the criminal records 3485
check, promptly shall send a copy of the results to the home or 3486
adult day-care program, and division (C)(2)(b) of this section 3487
applies regarding the conditional employment. 3488

Sec. 3750.09. (A) Except as otherwise provided in division 3489

(E) of this section, any person who is required to provide 3490
information to the emergency response commission, the local 3491
emergency planning committee of the emergency planning district 3492
in which a facility owned or operated by the person is located, 3493
or the fire department having jurisdiction over the facility, 3494
under the reporting requirements in sections 3750.04, 3750.05, 3495
3750.07, or 3750.08 of the Revised Code or the rules adopted 3496
under division (B)(1)(d) or (e) of section 3750.02 of the 3497
Revised Code, may withhold from submission to the commission, 3498
committee, fire department, or any other person the specific 3499
chemical identity, including the chemical name and other 3500
specific identification, of an extremely hazardous substance or 3501
hazardous chemical identified or listed by rules adopted under 3502
division (B)(1)(a) or (b) of section 3750.02 of the Revised Code 3503
on the grounds that the information constitutes a trade secret 3504
if either of the following conditions is met: 3505

(1)(a) At the time of submitting the information sought to 3506
be classified as a trade secret, the owner or operator of the 3507
facility submits a claim for protection of that information as a 3508
trade secret pursuant to rules adopted under division (B)(2)(d) 3509
of section 3750.02 of the Revised Code and submits a copy of the 3510
required report that indicates that such a claim has been filed 3511
and contains the generic class or category of the chemical 3512
identity in place of the specific chemical identity and that is 3513
accompanied by a copy of the substantiation supporting the trade 3514
secret claim that was submitted to the administrator of the 3515
United States environmental protection agency. The owner or 3516
operator may withhold from the copy of the substantiation 3517
submitted to the commission, committee, or fire department the 3518
specific chemical identity claimed to be a trade secret and 3519
information identified as confidential business information in 3520

rules adopted under division (B) (1) (h) of section 3750.02 of the Revised Code. 3521
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(b) A determination of the claim remains pending pursuant to those rules. 3523
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(2) It has been determined pursuant to those rules that a trade secret exists. 3525
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(B) Except as otherwise provided in division (E) of this section, any person who is required to provide information to the commission, the local emergency planning committee of the emergency planning district in which a facility owned or operated by the person is located, or the fire department having jurisdiction over the facility, under the reporting requirements in section 3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code or the rules adopted under division (B) (1) (d) or (e) of section 3750.02 of the Revised Code may withhold from submission to the committee, fire department, or any other person the specific chemical identity, including the chemical name or other specific identification, of an extremely hazardous substance or hazardous chemical identified or listed in rules adopted under division (C) (5) of section 3750.02 of the Revised Code on the grounds that the information constitutes a trade secret if either of the following conditions is met: 3527
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(1) (a) At the time of submitting the information sought to be classified as a trade secret, the owner or operator of the facility submits a claim to the commission for protection of that information as a trade secret pursuant to rules adopted under division (B) (5) of section 3750.02 of the Revised Code along with the report that the owner or operator is required to submit to the commission and submits to the committee or fire department a copy of the required report that indicates that 3543
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such a claim has been filed with the commission and that 3551
contains the generic class or category of the chemical identity 3552
in place of the specific chemical identity and that is 3553
accompanied by a copy of the substantiation supporting the trade 3554
secret claim that was submitted to the commission. The owner may 3555
withhold from the copy of the substantiation submitted to the 3556
committee or fire department the specific chemical identity 3557
claimed to be a trade secret and information identified as 3558
confidential business information in rules adopted under 3559
division (B) (1) (h) of section 3750.02 of the Revised Code. 3560

(b) A determination of the claim remains pending pursuant 3561
to those rules and division (B) (14) of that section. 3562

(2) It has been determined pursuant to those rules and 3563
division (B) (14) of that section that a trade secret exists. 3564

(C) No person shall withhold the specific identity of a 3565
chemical on the grounds that it is a trade secret: 3566

(1) From any report enumerated in division (A) or (B) of 3567
this section, if it has been determined pursuant to rules 3568
adopted under division (B) (2) (d) of section 3750.02 of the 3569
Revised Code, or pursuant to division (B) (14) and rules adopted 3570
under division (B) (5) of that section, that no trade secret 3571
exists; 3572

(2) In any notification of a release required by section 3573
3750.06 of the Revised Code; 3574

(3) When required to provide the specific chemical 3575
identity to a health professional, physician, or nurse pursuant 3576
to division (E) of this section. 3577

(D) The governor may, pursuant to section 322 of the 3578
"Emergency Planning and Community Right-To-Know Act of 1986," 3579

100 Stat. 1747, 42 U.S.C.A. 11042, request the administrator of 3580
the United States environmental protection agency to provide 3581
specific chemical identities that are claimed or have been 3582
determined to be trade secret information or the 3583
substantiations, explanations, or supplemental information 3584
supporting trade secret protection claims submitted to or 3585
determined by the administrator pursuant to that section and 3586
rules adopted under division (B) (2) (d) of section 3750.02 of the 3587
Revised Code regarding facilities located in this state that are 3588
subject to this chapter. The governor shall not make available 3589
to any member of the commission or committee who is not also an 3590
officer or employee of the state or a political subdivision any 3591
information claimed or determined to be a trade secret or 3592
confidential business information obtained under this division 3593
or pursuant to rules adopted under division (B) (5) of section 3594
3750.02 of the Revised Code. Any trade secret and confidential 3595
business information obtained under this division or pursuant to 3596
rules adopted under division (B) (5) of that section shall be 3597
protected from unauthorized disclosure in accordance with rules 3598
adopted under division (B) (1) (i) of that section. 3599

(E) (1) The owner or operator of a facility that is subject 3600
to section 3750.07 or 3750.08 of the Revised Code shall provide 3601
the specific chemical identity of an extremely hazardous 3602
substance or hazardous chemical, if the specific chemical 3603
identity is known, to any health professional who submits to the 3604
owner or operator a written request and statement of need for 3605
the specific chemical identity. The written statement of need 3606
shall be a statement of the health professional that the health 3607
professional has a reasonable basis to believe that all of the 3608
following conditions pertain to the request: 3609

(a) The information is needed for purposes of diagnosis or 3610

treatment of an individual; 3611

(b) The individual being diagnosed or treated has been 3612
exposed to the chemical concerned; 3613

(c) Knowledge of the specific chemical identity of the 3614
chemical will assist in diagnosis and treatment. 3615

An owner or operator to whom such a written request and 3616
statement of need is submitted shall provide the requested 3617
information to the health professional promptly after receiving 3618
the request and statement of need, subject to division (E)(4) of 3619
this section. 3620

(2) The owner or operator of a facility that is subject to 3621
section 3750.07 or 3750.08 of the Revised Code shall provide a 3622
copy of a material safety data sheet or emergency and hazardous 3623
chemical inventory form that contains the specific chemical 3624
identity of an extremely hazardous substance or hazardous 3625
chemical, if the specific chemical identity is known, to any 3626
treating physician or nurse who requests that information if the 3627
physician or nurse determines that all of the following 3628
conditions pertain to the request: 3629

(a) A medical emergency exists; 3630

(b) The specific chemical identity of the chemical 3631
concerned is necessary for or will assist in emergency or first 3632
aid diagnosis or treatment; 3633

(c) The individual being diagnosed or treated has been 3634
exposed to the chemical concerned. 3635

The owner or operator shall provide the requested 3636
information to the physician or nurse immediately upon receiving 3637
such a request. The owner or operator shall not require any such 3638

treating physician or nurse to provide a written confidentiality 3639
agreement or statement of need as a precondition for disclosure 3640
of a specific chemical identity under this division; however, 3641
the owner or operator may require the treating physician or 3642
nurse to provide a written confidentiality agreement under 3643
division (E) (4) of this section and a statement setting forth 3644
the conditions listed in divisions (E) (2) (a) to (c) of this 3645
section as soon after the request is made as circumstances 3646
permit. 3647

(3) The owner or operator of a facility that is subject to 3648
section 3750.07 or 3750.08 of the Revised Code shall provide the 3649
specific chemical identity of an extremely hazardous substance 3650
or hazardous chemical, if the specific chemical identity is 3651
known, to any health professional, including, without 3652
limitation, a physician, toxicologist, or epidemiologist, who is 3653
either employed by or under contract with a political 3654
subdivision and who submits to the owner or operator a written 3655
request for the information, a written statement of need for the 3656
information that meets the requirements of division (E) (3) of 3657
this section, and a written confidentiality agreement under 3658
division (E) (4) of this section. The owner or operator shall 3659
promptly after receipt of the written request, statement of 3660
need, and confidentiality agreement provide the requested 3661
information to the local health professional who requested it. 3662

The written statement of need for a specific chemical 3663
identity required by division (E) (3) of this section shall 3664
describe with reasonable detail one or more of the following 3665
health needs for the information: 3666

(a) To assess exposure of persons living in a local 3667
community to the hazards of the chemical concerned; 3668

(b) To conduct or assess sampling to determine exposure 3669
levels of various population groups to the chemical concerned; 3670

(c) To conduct periodic medical surveillance of population 3671
groups exposed to the chemical concerned; 3672

(d) To provide medical treatment to individuals or 3673
population groups exposed to the chemical concerned; 3674

(e) To conduct studies to determine the health effects of 3675
exposure to the chemical concerned; 3676

(f) To conduct studies to aid in the identification of a 3677
chemical that may reasonably be anticipated to cause an observed 3678
health effect. 3679

(4) Any person who obtains information under division (E) 3680
(1) or (3) of this section shall, as a precondition for 3681
receiving that information, enter into a written confidentiality 3682
agreement with the owner or operator of the facility from whom 3683
the information was requested that the person will not use the 3684
information for any purpose other than the health needs asserted 3685
in the statement of need provided thereunder, except as 3686
otherwise may be authorized by the terms of the agreement or by 3687
the person providing the information. 3688

(F) (1) A member of the commission, officer or employee of 3689
the environmental protection agency, member or employee of a 3690
committee, or officer or employee of a fire department shall not 3691
request the owner or operator of a facility subject to this 3692
chapter to submit to the member, officer, or employee a trade 3693
secret claim or copy thereof; report required by section 3694
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3695
substantiation of a trade secret claim or copy thereof or 3696
explanation or supporting information pertaining to a trade 3697

secret claim or copy thereof, that contains any information 3698
claimed or determined to be a trade secret pursuant to rules 3699
adopted under division (B) (2) (d) of section 3750.02 of the 3700
Revised Code or identified as confidential business information 3701
by rules adopted under division (B) (1) (h) of section 3750.02 of 3702
the Revised Code. If any such member, officer, or employee knows 3703
or has reason to believe that any such trade secret claim, 3704
report, substantiation, or explanation or supporting information 3705
pertaining to a trade secret claim contains any such 3706
information, the member, officer, or employee immediately shall 3707
return it to the owner or operator of the facility who submitted 3708
it without reading it and shall request the owner or operator to 3709
submit the appropriate report or substantiation that does not 3710
contain the information claimed or determined to be a trade 3711
secret or so identified as confidential business information. 3712

(2) A member of the commission who is not also an employee 3713
of the state or a political subdivision, member or employee of a 3714
committee, or officer or employee of a fire department shall not 3715
request the owner or operator of a facility subject to this 3716
chapter to submit to the member, officer, or employee a trade 3717
secret claim or copy thereof; report required by section 3718
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3719
substantiation of a trade secret claim; or explanation or 3720
supporting information pertaining to a trade secret claim or 3721
copy thereof, that contains any information claimed or 3722
determined to be a trade secret pursuant to division (B) (14) of 3723
section 3750.02 of the Revised Code and rules adopted under 3724
division (B) (5) of that section or any information identified as 3725
confidential business information by rules adopted under 3726
division (B) (1) (h) of that section that pertains to such a 3727
claim. If any such member, officer, or employee knows or has 3728

reason to believe that any such trade secret claim, report, 3729
substantiation, or explanation or supporting information 3730
pertaining to any such trade secret claim contains any such 3731
information, the member, officer, or employee immediately shall 3732
return it to the owner or operator of the facility who submitted 3733
it without reading it and shall request the owner or operator to 3734
submit the appropriate report or substantiation that does not 3735
contain the information so claimed or determined to be a trade 3736
secret or so identified as confidential business information. 3737

(G) No member of the commission or designee of a member of 3738
the commission, officer or employee of the environmental 3739
protection agency, member or employee of a committee, health 3740
professional, physician, nurse, or other person who receives 3741
information claimed or determined to be a trade secret pursuant 3742
to rules adopted under division (B) (2) (d) of section 3750.02 of 3743
the Revised Code or pursuant to division (B) (14) of that section 3744
and rules adopted under division (B) (5) of that section, or who 3745
receives confidential business information identified in rules 3746
adopted under division (B) (1) (h) of section 3750.02 of the 3747
Revised Code shall release the information to any person not 3748
authorized to have that information under division (C) of this 3749
section or rules adopted under division (B) (1) (i) of that 3750
section. A violation of this division is not also a violation of 3751
section 2913.02 ~~or~~, 2913.04, 2913.87, 2913.91, or 2913.92 of the 3752
Revised Code. 3753

Sec. 3751.04. (A) Except as otherwise provided in division 3754
(D) of this section, any person required to provide information 3755
under section 3751.03 of the Revised Code may withhold from 3756
submission the specific chemical identity, including the 3757
chemical name and other specific identification, of the toxic 3758
chemical on the grounds that the information constitutes a trade 3759

secret if either of the following conditions is met: 3760

(1) (a) At the time of submitting the information sought to 3761
be classified as a trade secret, the owner or operator of the 3762
facility submits a claim for protection of that information as a 3763
trade secret pursuant to regulations promulgated by the 3764
administrator of the United States environmental protection 3765
agency under EPCRA, and submits a copy of the required toxic 3766
chemical release form that indicates that such a claim has been 3767
filed and contains the generic class or category of the identity 3768
in place of the identity. 3769

(b) A determination of the claim remains pending pursuant 3770
to those regulations. 3771

(2) It has been determined by the administrator pursuant 3772
to those regulations that a trade secret exists. 3773

(B) No person shall withhold the specific identity of a 3774
toxic chemical on the grounds that the information is a trade 3775
secret in either of the following instances: 3776

(1) From any toxic chemical release form if it has been 3777
determined by the administrator pursuant to regulations 3778
promulgated under EPCRA that no trade secret exists; 3779

(2) When required to provide the specific chemical 3780
identity to a health professional, physician, or nurse pursuant 3781
to division (D) of this section. 3782

(C) The governor may, pursuant to EPCRA, request the 3783
administrator of the United States environmental protection 3784
agency to provide specific chemical identities that are claimed 3785
or have been determined to be trade secret information or the 3786
explanations and supplemental information supporting trade 3787
secret protection claims regarding facilities located in this 3788

state that are subject to this chapter. The governor shall not 3789
make any trade secret or confidential information obtained under 3790
this division available to any member of the emergency planning 3791
commission created in section 3750.02 of the Revised Code or to 3792
any member of a local emergency planning committee of an 3793
emergency planning district established under section 3750.03 of 3794
the Revised Code who is not also an officer or employee of the 3795
state or a political subdivision. Any trade secret or 3796
confidential business information obtained under this division 3797
shall be protected from unauthorized disclosure. 3798

(D) (1) The owner or operator of a facility that is subject 3799
to section 3751.03 of the Revised Code shall provide the 3800
specific chemical identity of a toxic chemical, if the specific 3801
chemical identity is known, to any health professional who 3802
submits to the owner or operator a written request and statement 3803
of need for the specific chemical identity. The written 3804
statement of need shall be a statement of the health 3805
professional that the health professional has a reasonable basis 3806
to believe that all of the following conditions pertain to the 3807
request: 3808

(a) The information is needed for purposes of diagnosis or 3809
treatment of an individual; 3810

(b) The individual being diagnosed or treated has been 3811
exposed to the chemical concerned; 3812

(c) Knowledge of the specific chemical identity of the 3813
chemical will assist in diagnosis and treatment. 3814

An owner or operator to whom such a written request and 3815
statement of need is submitted shall provide the requested 3816
information to the health professional promptly after receiving 3817

the request and statement of need, subject to division (D) (4) of 3818
this section. 3819

(2) The owner or operator of a facility that is subject to 3820
section 3751.03 of the Revised Code shall provide a copy of a 3821
toxic chemical release form that contains the specific chemical 3822
identity of a toxic chemical, if the specific chemical identity 3823
is known, to any treating physician or nurse who requests that 3824
information if the physician or nurse determines that all of the 3825
following conditions pertain to the request: 3826

(a) A medical emergency exists; 3827

(b) The specific chemical identity of the chemical 3828
concerned is necessary for or will assist in emergency or first 3829
aid diagnosis or treatment; 3830

(c) The individual being diagnosed or treated has been 3831
exposed to the chemical concerned. 3832

The owner or operator shall provide the requested 3833
information to the physician or nurse immediately upon receiving 3834
such a request. The owner or operator shall not require any such 3835
treating physician or nurse to provide a written confidentiality 3836
agreement or statement of need as a precondition for disclosure 3837
of a specific chemical identity under this division; however, 3838
the owner or operator may require the treating physician or 3839
nurse to provide a written confidentiality agreement under 3840
division (D) (4) of this section and a statement setting forth 3841
the conditions listed in divisions (D) (2) (a) to (c) of this 3842
section as soon after the disclosure is made as circumstances 3843
permit. 3844

(3) The owner or operator of a facility that is subject to 3845
section 3751.03 of the Revised Code shall provide the specific 3846

chemical identity of a toxic chemical, if the specific chemical 3847
identity is known, to any health professional, including, 3848
without limitation, a physician, toxicologist, or 3849
epidemiologist, who is either employed by or under contract with 3850
a political subdivision and who submits to the owner or operator 3851
a written request for the information, a written statement of 3852
need for the information that meets the requirements of division 3853
(D) (3) of this section, and a written confidentiality agreement 3854
under division (D) (4) of this section. The owner or operator 3855
shall promptly after receipt of the written request, statement 3856
of need, and confidentiality agreement provide the requested 3857
information to the local health professional who requested it. 3858

The written statement of need for a specific chemical 3859
identity required by division (D) (3) of this section shall 3860
describe with reasonable detail one or more of the following 3861
health needs for the information: 3862

(a) To assess exposure of persons living in a local 3863
community to the hazards of the chemical concerned; 3864

(b) To conduct or assess sampling to determine exposure 3865
levels of various population groups to the chemical concerned; 3866

(c) To conduct periodic medical surveillance of population 3867
groups exposed to the chemical concerned; 3868

(d) To provide medical treatment to individuals or 3869
population groups exposed to the chemical concerned; 3870

(e) To conduct studies to determine the health effects of 3871
exposure to the chemical concerned; 3872

(f) To conduct studies to aid in the identification of a 3873
chemical that may reasonably be anticipated to cause an observed 3874
health effect. 3875

(4) Any person who obtains information under division (D) 3876
(1) or (3) of this section shall, as a precondition for 3877
receiving that information, enter into a written confidentiality 3878
agreement with the owner or operator of the facility from whom 3879
the information was requested that the person will not use the 3880
information for any purpose other than the health needs asserted 3881
in the statement of need provided thereunder, except as 3882
otherwise may be authorized by the terms of the agreement or by 3883
the person providing the information. 3884

(E) An officer or employee of the environmental protection 3885
agency shall not request the owner or operator of a facility 3886
subject to this chapter to submit to the officer or employee a 3887
trade secret claim, toxic chemical release form required by 3888
section 3751.03 of the Revised Code, substantiation of a trade 3889
secret claim, or explanation or supporting information or copy 3890
thereof pertaining to a trade secret claim, that contains any 3891
information claimed or determined to be a trade secret or 3892
identified as confidential business information under EPCRA. If 3893
any officer or employee of the agency knows or has reason to 3894
believe that a trade secret claim, toxic chemical release form, 3895
substantiation, or explanation or supporting information 3896
pertaining to a trade secret claim contains any such 3897
information, the officer or employee immediately shall return it 3898
to the owner or operator of the facility who submitted it 3899
without reading it and shall request the owner or operator to 3900
submit the appropriate report or substantiation that does not 3901
contain the information claimed or determined to be a trade 3902
secret or so identified as confidential business information. 3903

(F) No officer or employee of the environmental protection 3904
agency, health professional, physician, nurse, or other person 3905
who receives information claimed or determined to be a trade 3906

secret or identified as confidential business information by 3907
regulations promulgated by the administrator under EPCRA shall 3908
release any information so classified or identified to any 3909
person not authorized to have that information under division 3910
(C) of this section. A violation of this division is not also a 3911
violation of section 2913.02 ~~or, 2913.04, 2913.87, 2913.91, or~~ 3912
2913.92 of the Revised Code. 3913

Sec. 5503.101. (A) Notwithstanding any section of the 3914
Revised Code or rule of procedure to the contrary, a defendant's 3915
traffic or criminal record contained in the law enforcement 3916
automated data system, also known as LEADS, may be disclosed to 3917
the defendant and the defendant's counsel when formally 3918
requested pursuant to the rules of discovery in a traffic or 3919
criminal case. 3920

(B) Copies of information obtained from the law 3921
enforcement automated data system pursuant to division (A) of 3922
this section may be provided to the defendant and the 3923
defendant's counsel when formally requested pursuant to the 3924
rules of discovery in a traffic or criminal case. 3925

(C) Upon a motion made by a prosecutor, the court hearing 3926
a traffic or criminal case may order the redaction from 3927
information to be disclosed or provided pursuant to division (A) 3928
or (B) of this section pursuant to the rules of discovery in the 3929
case of the residential address, date of birth, social security 3930
number, and photograph of any witness, law enforcement officer, 3931
or prosecutor. 3932

(D) Notwithstanding section 2913.04, 2913.87, 2913.91, 3933
2913.92, or 2923.129 of the Revised Code, no prosecutor or 3934
person assisting a prosecutor in providing discovery shall be 3935
held civilly or criminally liable for disclosing information 3936

from the law enforcement automated data system in the manner 3937
authorized by this section. 3938

(E) The superintendent of the state highway patrol or any 3939
person employed by the superintendent to carry out the purposes 3940
of section 5503.10 of the Revised Code shall not sanction or 3941
deny access to the law enforcement automated data system to any 3942
person or entity because that person or entity provided 3943
discovery information in the manner authorized by this section. 3944

(F) The defendant's counsel may disclose, copy, and 3945
provide to the defendant any information about the defendant's 3946
own traffic or criminal record obtained by discovery from the 3947
law enforcement automated data system. 3948

(G) The fact that information sought in discovery is 3949
contained in the law enforcement automated data system shall not 3950
be cited or accepted as a reason for denying discovery to the 3951
defendant of the defendant's own traffic or criminal record. 3952

Section 2. That existing sections 109.42, 109.572, 109.88, 3953
901.511, 2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 3954
2919.25, 2919.251, 2919.26, 2921.22, 2923.129, 2927.12, 2933.51, 3955
3712.09, 3721.121, 3750.09, 3751.04, and 5503.101 of the Revised 3956
Code are hereby repealed. 3957

Section 3. The General Assembly, applying the principle 3958
stated in division (B) of section 1.52 of the Revised Code that 3959
amendments are to be harmonized if reasonably capable of 3960
simultaneous operation, finds that the following sections, 3961
presented in this act as composites of the sections as amended 3962
by the acts indicated, are the resulting versions of the 3963
sections in effect prior to the effective date of the sections 3964
as presented in this act: 3965

Section 109.42 of the Revised Code as amended by both Sub. H.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	3966 3967
Section 109.572 of the Revised Code as amended by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd General Assembly.	3968 3969 3970 3971
Section 901.511 of the Revised Code as amended by both Sub. H.B. 276 and Am. H.B. 389 of the 129th General Assembly.	3972 3973
Section 2921.22 of the Revised Code as amended by both Sub. H.B. 216 and Sub. S.B. 319 of the 131st General Assembly.	3974 3975