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132nd General Assembly

Regular Session

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Sub. S. B. No. 158

Senator Wilson

**Cosponsors: Senators Terhar, Coley, Gardner, Eklund, Hottinger, Manning,
O'Brien**

A BILL

To amend sections 2913.02, 2913.21, 2913.31, 1
2913.43, 2913.49, and 5101.621; to enact 2
sections 109.67 and 173.95 of the Revised Code; 3
and to amend the version of section 5101.63 of 4
the Revised Code that is scheduled to take 5
effect on September 29, 2018, to develop best 6
practices and educational opportunities to 7
combat elder fraud and exploitation and to fine 8
and require full restitution from offenders who 9
are found guilty of certain fraud-related crimes 10
against the elderly. 11

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

Section 1. That sections 2913.02, 2913.21, 2913.31, 12
2913.43, 2913.49, and 5101.621 be amended and sections 109.67 13
and 173.95 of the Revised Code be enacted to read as follows: 14

Sec. 109.67. The attorney general shall distribute at 15
least six public awareness publications each year that provide 16
general information on elder fraud and financial exploitation of 17
the elderly. The awareness publications must include information 18

<u>on all of the following:</u>	19
<u>(A) Warning signs that may signal that fraud or financial exploitation are occurring;</u>	20
<u>(B) Methods for reporting elder fraud or financial exploitation including a list of agencies that handle those reports;</u>	22
<u>(C) Services and resources that may be available to prevent or remedy elder fraud or financial exploitation.</u>	25
<u>Sec. 173.95. (A) The director of aging, the director of commerce, the director of job and family services, and the attorney general or the attorney general's designee, in consultation with county departments of job and family services, adult protective services agencies, the Ohio bankers league, the community bankers association of Ohio, and the Ohio credit union league, shall work together to do all of the following:</u>	27
<u>(1) Develop best practices and standards for preventing elder fraud and financial exploitation;</u>	34
<u>(2) Provide education on elder fraud and financial exploitation;</u>	36
<u>(3) Ensure that victims of elder fraud and exploitation have access to available services and resources.</u>	38
<u>(B) The director of aging, the director of commerce, and the director of job and family services shall create a report of the best practices and standards developed under division (A) (1) of this section and shall provide a copy of that report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives not later than December 1, 2018.</u>	40

Sec. 2913.02. (A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

(1) Without the consent of the owner or person authorized to give consent;

(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;

(3) By deception;

(4) By threat;

(5) By intimidation.

(B)(1) Whoever violates this section is guilty of theft.

(2) Except as otherwise provided in this division or division (B)(3), (4), (5), (6), (7), (8), or (9) of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more and is less than seven hundred fifty thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is seven hundred fifty thousand dollars or more and is

less than one million five hundred thousand dollars, a violation 76
of this section is aggravated theft, a felony of the second 77
degree. If the value of the property or services stolen is one 78
million five hundred thousand dollars or more, a violation of 79
this section is aggravated theft of one million five hundred 80
thousand dollars or more, a felony of the first degree. 81

(3) Except as otherwise provided in division (B)(4), (5), 82
(6), (7), (8), or (9) of this section, if the victim of the 83
offense is an elderly person, disabled adult, active duty 84
service member, or spouse of an active duty service member, a 85
violation of this section is theft from a person in a protected 86
class, and division (B)(3) of this section applies. Except as 87
otherwise provided in this division, theft from a person in a 88
protected class is a felony of the fifth degree. If the value of 89
the property or services stolen is one thousand dollars or more 90
and is less than seven thousand five hundred dollars, theft from 91
a person in a protected class is a felony of the fourth degree. 92
If the value of the property or services stolen is seven 93
thousand five hundred dollars or more and is less than thirty- 94
seven thousand five hundred dollars, theft from a person in a 95
protected class is a felony of the third degree. If the value of 96
the property or services stolen is thirty-seven thousand five 97
hundred dollars or more and is less than one hundred fifty 98
thousand dollars, theft from a person in a protected class is a 99
felony of the second degree. If the value of the property or 100
services stolen is one hundred fifty thousand dollars or more, 101
theft from a person in a protected class is a felony of the 102
first degree. If the victim of the offense is an elderly person, 103
in addition to any other penalty imposed for the offense, the 104
offender shall be required to pay full restitution to the victim 105
and to pay a fine of up to fifty thousand dollars. The clerk of 106

court shall forward all fines collected under division (B) (3) of 107
this section to the county department of job and family services 108
to be used for the reporting and investigation of elder abuse, 109
neglect, and exploitation or for the provision or arrangement of 110
protective services under sections 5101.61 to 5101.71 of the 111
Revised Code. 112

(4) If the property stolen is a firearm or dangerous 113
ordnance, a violation of this section is grand theft. Except as 114
otherwise provided in this division, grand theft when the 115
property stolen is a firearm or dangerous ordnance is a felony 116
of the third degree, and there is a presumption in favor of the 117
court imposing a prison term for the offense. If the firearm or 118
dangerous ordnance was stolen from a federally licensed firearms 119
dealer, grand theft when the property stolen is a firearm or 120
dangerous ordnance is a felony of the first degree. The offender 121
shall serve a prison term imposed for grand theft when the 122
property stolen is a firearm or dangerous ordnance consecutively 123
to any other prison term or mandatory prison term previously or 124
subsequently imposed upon the offender. 125

(5) If the property stolen is a motor vehicle, a violation 126
of this section is grand theft of a motor vehicle, a felony of 127
the fourth degree. 128

(6) If the property stolen is any dangerous drug, a 129
violation of this section is theft of drugs, a felony of the 130
fourth degree, or, if the offender previously has been convicted 131
of a felony drug abuse offense, a felony of the third degree. 132

(7) If the property stolen is a police dog or horse or an 133
assistance dog and the offender knows or should know that the 134
property stolen is a police dog or horse or an assistance dog, a 135
violation of this section is theft of a police dog or horse or 136

an assistance dog, a felony of the third degree.	137
(8) If the property stolen is anhydrous ammonia, a	138
violation of this section is theft of anhydrous ammonia, a	139
felony of the third degree.	140
(9) Except as provided in division (B) (2) of this section	141
with respect to property with a value of seven thousand five	142
hundred dollars or more and division (B) (3) of this section with	143
respect to property with a value of one thousand dollars or	144
more, if the property stolen is a special purpose article as	145
defined in section 4737.04 of the Revised Code or is a bulk	146
merchandise container as defined in section 4737.012 of the	147
Revised Code, a violation of this section is theft of a special	148
purpose article or articles or theft of a bulk merchandise	149
container or containers, a felony of the fifth degree.	150
(10) In addition to the penalties described in division	151
(B) (2) of this section, if the offender committed the violation	152
by causing a motor vehicle to leave the premises of an	153
establishment at which gasoline is offered for retail sale	154
without the offender making full payment for gasoline that was	155
dispensed into the fuel tank of the motor vehicle or into	156
another container, the court may do one of the following:	157
(a) Unless division (B) (10) (b) of this section applies,	158
suspend for not more than six months the offender's driver's	159
license, probationary driver's license, commercial driver's	160
license, temporary instruction permit, or nonresident operating	161
privilege;	162
(b) If the offender's driver's license, probationary	163
driver's license, commercial driver's license, temporary	164
instruction permit, or nonresident operating privilege has	165

previously been suspended pursuant to division (B) (10) (a) of 166
this section, impose a class seven suspension of the offender's 167
license, permit, or privilege from the range specified in 168
division (A) (7) of section 4510.02 of the Revised Code, provided 169
that the suspension shall be for at least six months. 170

(c) The court, in lieu of suspending the offender's 171
driver's or commercial driver's license, probationary driver's 172
license, temporary instruction permit, or nonresident operating 173
privilege pursuant to division (B) (10) (a) or (b) of this 174
section, instead may require the offender to perform community 175
service for a number of hours determined by the court. 176

(11) In addition to the penalties described in division 177
(B) (2) of this section, if the offender committed the violation 178
by stealing rented property or rental services, the court may 179
order that the offender make restitution pursuant to section 180
2929.18 or 2929.28 of the Revised Code. Restitution may include, 181
but is not limited to, the cost of repairing or replacing the 182
stolen property, or the cost of repairing the stolen property 183
and any loss of revenue resulting from deprivation of the 184
property due to theft of rental services that is less than or 185
equal to the actual value of the property at the time it was 186
rented. Evidence of intent to commit theft of rented property or 187
rental services shall be determined pursuant to the provisions 188
of section 2913.72 of the Revised Code. 189

(C) The sentencing court that suspends an offender's 190
license, permit, or nonresident operating privilege under 191
division (B) (10) of this section may grant the offender limited 192
driving privileges during the period of the suspension in 193
accordance with Chapter 4510. of the Revised Code. 194

Sec. 2913.21. (A) No person shall do any of the following: 195

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;	196 197 198
(2) Knowingly buy or sell a credit card from or to a person other than the issuer.	199 200
(B) No person, with purpose to defraud, shall do any of the following:	201 202
(1) Obtain control over a credit card as security for a debt;	203 204
(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;	205 206 207 208
(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;	209 210 211
(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.	212 213 214
(C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.	215 216
(D) (1) Whoever violates this section is guilty of misuse of credit cards.	217 218
(2) Except as otherwise provided in division (D) (4) of this section, a violation of division (A), (B) (1), or (C) of this section is a misdemeanor of the first degree.	219 220 221
(3) Except as otherwise provided in this division or	222

division (D) (4) of this section, a violation of division (B) (2), 223
(3), or (4) of this section is a misdemeanor of the first 224
degree. If the cumulative retail value of the property and 225
services involved in one or more violations of division (B) (2), 226
(3), or (4) of this section, which violations involve one or 227
more credit card accounts and occur within a period of ninety 228
consecutive days commencing on the date of the first violation, 229
is one thousand dollars or more and is less than seven thousand 230
five hundred dollars, misuse of credit cards in violation of any 231
of those divisions is a felony of the fifth degree. If the 232
cumulative retail value of the property and services involved in 233
one or more violations of division (B) (2), (3), or (4) of this 234
section, which violations involve one or more credit card 235
accounts and occur within a period of ninety consecutive days 236
commencing on the date of the first violation, is seven thousand 237
five hundred dollars or more and is less than one hundred fifty 238
thousand dollars, misuse of credit cards in violation of any of 239
those divisions is a felony of the fourth degree. If the 240
cumulative retail value of the property and services involved in 241
one or more violations of division (B) (2), (3), or (4) of this 242
section, which violations involve one or more credit card 243
accounts and occur within a period of ninety consecutive days 244
commencing on the date of the first violation, is one hundred 245
fifty thousand dollars or more, misuse of credit cards in 246
violation of any of those divisions is a felony of the third 247
degree. 248

(4) If the victim of the offense is an elderly person or 249
disabled adult, and if the offense involves a violation of 250
division (B) (1) or (2) of this section, division (D) (4) of this 251
section applies. Except as otherwise provided in division (D) (4) 252
of this section, a violation of division (B) (1) or (2) of this 253

section is a felony of the fifth degree. If the debt for which 254
the card is held as security or the cumulative retail value of 255
the property or services involved in the violation is one 256
thousand dollars or more and is less than seven thousand five 257
hundred dollars, a violation of either of those divisions is a 258
felony of the fourth degree. If the debt for which the card is 259
held as security or the cumulative retail value of the property 260
or services involved in the violation is seven thousand five 261
hundred dollars or more and is less than thirty-seven thousand 262
five hundred dollars, a violation of either of those divisions 263
is a felony of the third degree. If the debt for which the card 264
is held as security or the cumulative retail value of the 265
property or services involved in the violation is thirty-seven 266
thousand five hundred dollars or more, a violation of either of 267
those divisions is a felony of the second degree. In addition to 268
any other penalty imposed under division (D) (4) of this section, 269
the offender shall be required to pay full restitution to the 270
victim and to pay a fine of up to fifty thousand dollars. The 271
clerk of court shall forward all fines collected under division 272
(D) (4) of this section to the county department of job and 273
family services to be used for the reporting and investigation 274
of elder abuse, neglect, and exploitation or for the provision 275
or arrangement of protective services under sections 5101.61 to 276
5101.71 of the Revised Code. 277

Sec. 2913.31. (A) No person, with purpose to defraud, or 278
knowing that the person is facilitating a fraud, shall do any of 279
the following: 280

(1) Forge any writing of another without the other 281
person's authority; 282

(2) Forge any writing so that it purports to be genuine 283

when it actually is spurious, or to be the act of another who 284
did not authorize that act, or to have been executed at a time 285
or place or with terms different from what in fact was the case, 286
or to be a copy of an original when no such original existed; 287

(3) Utter, or possess with purpose to utter, any writing 288
that the person knows to have been forged. 289

(B) No person shall knowingly do either of the following: 290

(1) Forge an identification card; 291

(2) Sell or otherwise distribute a card that purports to 292
be an identification card, knowing it to have been forged. 293

As used in this division, "identification card" means a 294
card that includes personal information or characteristics of an 295
individual, a purpose of which is to establish the identity of 296
the bearer described on the card, whether the words "identity," 297
"identification," "identification card," or other similar words 298
appear on the card. 299

(C) (1) (a) Whoever violates division (A) of this section is 300
guilty of forgery. 301

(b) Except as otherwise provided in this division or 302
division (C) (1) (c) of this section and subject to division (C) 303
(1) (d) of this section, forgery is a felony of the fifth degree. 304
If property or services are involved in the offense or the 305
victim suffers a loss, forgery is one of the following: 306

(i) If the value of the property or services or the loss 307
to the victim is seven thousand five hundred dollars or more and 308
is less than one hundred fifty thousand dollars, a felony of the 309
fourth degree; 310

(ii) If the value of the property or services or the loss 311

to the victim is one hundred fifty thousand dollars or more, a 312
felony of the third degree. 313

(c) If the victim of the offense is an elderly person or 314
disabled adult, division (C) (1) (c) of this section applies to 315
the forgery. Except as otherwise provided in division (C) (1) (c) 316
of this section, forgery is a felony of the fifth degree. If 317
property or services are involved in the offense or if the 318
victim suffers a loss, forgery is one of the following: 319

(i) If the value of the property or services or the loss 320
to the victim is one thousand dollars or more and is less than 321
seven thousand five hundred dollars, a felony of the fourth 322
degree; 323

(ii) If the value of the property or services or the loss 324
to the victim is seven thousand five hundred dollars or more and 325
is less than thirty-seven thousand five hundred dollars, a 326
felony of the third degree; 327

(iii) If the value of the property or services or the loss 328
to the victim is thirty-seven thousand five hundred dollars or 329
more, a felony of the second degree. 330

(d) If the victim of the offense is an elderly person, 331
division (C) (1) (d) of this section applies to the forgery. In 332
addition to any other penalty imposed for the offense under 333
division (C) (1) (c) of this section, the offender shall be 334
required to pay full restitution to the victim and to pay a fine 335
of up to fifty thousand dollars. The clerk of court shall 336
forward all fines collected under division (C) (1) (d) of this 337
section to the county department of job and family services to 338
be used for the reporting and investigation of elder abuse, 339
neglect, and exploitation or for the provision or arrangement of 340

protective services under sections 5101.61 to 5101.71 of the 341
Revised Code. 342

(2) (a) Whoever violates division (B) of this section is 343
guilty of forging identification cards or selling or 344
distributing forged identification cards. Except as otherwise 345
provided in this division, forging identification cards or 346
selling or distributing forged identification cards is a 347
misdemeanor of the first degree. If the offender previously has 348
been convicted of a violation of division (B) of this section, 349
forging identification cards or selling or distributing forged 350
identification cards is a misdemeanor of the first degree and, 351
in addition, the court shall impose upon the offender a fine of 352
not less than two hundred fifty dollars. 353

(b) If the victim of a violation of division (B) of this 354
section is an elderly person, division (C) (2) (b) of this section 355
applies to the offense. In addition to any other penalty imposed 356
for the offense under division (C) (2) (a) of this section, 357
whoever violates division (B) of this section shall be required 358
to pay full restitution to the victim and to pay a fine of up to 359
fifty thousand dollars. The clerk of court shall forward all 360
finances collected under division (C) (2) (b) of this section to the 361
county department of job and family services to be used for the 362
reporting and investigation of elder abuse, neglect, and 363
exploitation or for the provision or arrangement of protective 364
services under sections 5101.61 to 5101.71 of the Revised Code. 365

Sec. 2913.43. (A) No person, by deception, shall cause 366
another to execute any writing that disposes of or encumbers 367
property, or by which a pecuniary obligation is incurred. 368

(B) (1) Whoever violates this section is guilty of securing 369
writings by deception. 370

(2) Except as otherwise provided in this division or 371
division (B) (3) of this section, securing writings by deception 372
is a misdemeanor of the first degree. If the value of the 373
property or the obligation involved is one thousand dollars or 374
more and less than seven thousand five hundred dollars, securing 375
writings by deception is a felony of the fifth degree. If the 376
value of the property or the obligation involved is seven 377
thousand five hundred dollars or more and is less than one 378
hundred fifty thousand dollars, securing writings by deception 379
is a felony of the fourth degree. If the value of the property 380
or the obligation involved is one hundred fifty thousand dollars 381
or more, securing writings by deception is a felony of the third 382
degree. 383

(3) If the victim of the offense is an elderly person, 384
disabled adult, active duty service member, or spouse of an 385
active duty service member, division (B) (3) of this section 386
applies. Except as otherwise provided in division (B) (3) of this 387
section, securing writings by deception is a felony of the fifth 388
degree. If the value of the property or obligation involved is 389
one thousand dollars or more and is less than seven thousand 390
five hundred dollars, securing writings by deception is a felony 391
of the fourth degree. If the value of the property or obligation 392
involved is seven thousand five hundred dollars or more and is 393
less than thirty-seven thousand five hundred dollars, securing 394
writings by deception is a felony of the third degree. If the 395
value of the property or obligation involved is thirty-seven 396
thousand five hundred dollars or more, securing writings by 397
deception is a felony of the second degree. If the victim of the 398
offense is an elderly person, in addition to any other penalty 399
imposed for the offense, the offender shall be required to pay 400
full restitution to the victim and to pay a fine of up to fifty 401

thousand dollars. The clerk of court shall forward all fines 402
collected under division (B) (3) of this section to the county 403
department of job and family services to be used for the 404
reporting and investigation of elder abuse, neglect, and 405
exploitation or for the provision or arrangement of protective 406
services under sections 5101.61 to 5101.71 of the Revised Code. 407

Sec. 2913.49. (A) As used in this section, "personal 408
identifying information" includes, but is not limited to, the 409
following: the name, address, telephone number, driver's 410
license, driver's license number, commercial driver's license, 411
commercial driver's license number, state identification card, 412
state identification card number, social security card, social 413
security number, birth certificate, place of employment, 414
employee identification number, mother's maiden name, demand 415
deposit account number, savings account number, money market 416
account number, mutual fund account number, other financial 417
account number, personal identification number, password, or 418
credit card number of a living or dead individual. 419

(B) No person, without the express or implied consent of 420
the other person, shall use, obtain, or possess any personal 421
identifying information of another person with intent to do 422
either of the following: 423

(1) Hold the person out to be the other person; 424

(2) Represent the other person's personal identifying 425
information as the person's own personal identifying 426
information. 427

(C) No person shall create, obtain, possess, or use the 428
personal identifying information of any person with the intent 429
to aid or abet another person in violating division (B) of this 430

section. 431

(D) No person, with intent to defraud, shall permit 432
another person to use the person's own personal identifying 433
information. 434

(E) No person who is permitted to use another person's 435
personal identifying information as described in division (D) of 436
this section shall use, obtain, or possess the other person's 437
personal identifying information with intent to defraud any 438
person by doing any act identified in division (B) (1) or (2) of 439
this section. 440

(F) (1) It is an affirmative defense to a charge under 441
division (B) of this section that the person using the personal 442
identifying information is acting in accordance with a legally 443
recognized guardianship or conservatorship or as a trustee or 444
fiduciary. 445

(2) It is an affirmative defense to a charge under 446
division (B), (C), (D), or (E) of this section that either of 447
the following applies: 448

(a) The person or entity using, obtaining, possessing, or 449
creating the personal identifying information or permitting it 450
to be used is a law enforcement agency, authorized fraud 451
personnel, or a representative of or attorney for a law 452
enforcement agency or authorized fraud personnel and is using, 453
obtaining, possessing, or creating the personal identifying 454
information or permitting it to be used, with prior consent 455
given as specified in this division, in a bona fide 456
investigation, an information security evaluation, a pretext 457
calling evaluation, or a similar matter. The prior consent 458
required under this division shall be given by the person whose 459

personal identifying information is being used, obtained, 460
possessed, or created or is being permitted to be used or, if 461
the person whose personal identifying information is being used, 462
obtained, possessed, or created or is being permitted to be used 463
is deceased, by that deceased person's executor, or a member of 464
that deceased person's family, or that deceased person's 465
attorney. The prior consent required under this division may be 466
given orally or in writing by the person whose personal 467
identifying information is being used, obtained, possessed, or 468
created or is being permitted to be used or that person's 469
executor, or family member, or attorney. 470

(b) The personal identifying information was obtained, 471
possessed, used, created, or permitted to be used for a lawful 472
purpose, provided that division (F) (2) (b) of this section does 473
not apply if the person or entity using, obtaining, possessing, 474
or creating the personal identifying information or permitting 475
it to be used is a law enforcement agency, authorized fraud 476
personnel, or a representative of or attorney for a law 477
enforcement agency or authorized fraud personnel that is using, 478
obtaining, possessing, or creating the personal identifying 479
information or permitting it to be used in an investigation, an 480
information security evaluation, a pretext calling evaluation, 481
or similar matter. 482

(G) It is not a defense to a charge under this section 483
that the person whose personal identifying information was 484
obtained, possessed, used, created, or permitted to be used was 485
deceased at the time of the offense. 486

(H) (1) If an offender commits a violation of division (B), 487
(D), or (E) of this section and the violation occurs as part of 488
a course of conduct involving other violations of division (B), 489

(D), or (E) of this section or violations of, attempts to 490
violate, conspiracies to violate, or complicity in violations of 491
division (C) of this section or section 2913.02, 2913.04, 492
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the 493
Revised Code, the court, in determining the degree of the 494
offense pursuant to division (I) of this section, may aggregate 495
all credit, property, or services obtained or sought to be 496
obtained by the offender and all debts or other legal 497
obligations avoided or sought to be avoided by the offender in 498
the violations involved in that course of conduct. The course of 499
conduct may involve one victim or more than one victim. 500

(2) If an offender commits a violation of division (C) of 501
this section and the violation occurs as part of a course of 502
conduct involving other violations of division (C) of this 503
section or violations of, attempts to violate, conspiracies to 504
violate, or complicity in violations of division (B), (D), or 505
(E) of this section or section 2913.02, 2913.04, 2913.11, 506
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 507
Code, the court, in determining the degree of the offense 508
pursuant to division (I) of this section, may aggregate all 509
credit, property, or services obtained or sought to be obtained 510
by the person aided or abetted and all debts or other legal 511
obligations avoided or sought to be avoided by the person aided 512
or abetted in the violations involved in that course of conduct. 513
The course of conduct may involve one victim or more than one 514
victim. 515

(I) (1) Whoever violates this section is guilty of identity 516
fraud. 517

(2) Except as otherwise provided in this division or 518
division (I) (3) of this section, identity fraud is a felony of 519

the fifth degree. If the value of the credit, property, 520
services, debt, or other legal obligation involved in the 521
violation or course of conduct is one thousand dollars or more 522
and is less than seven thousand five hundred dollars, except as 523
otherwise provided in division (I) (3) of this section, identity 524
fraud is a felony of the fourth degree. If the value of the 525
credit, property, services, debt, or other legal obligation 526
involved in the violation or course of conduct is seven thousand 527
five hundred dollars or more and is less than one hundred fifty 528
thousand dollars, except as otherwise provided in division (I) 529
(3) of this section, identity fraud is a felony of the third 530
degree. If the value of the credit, property, services, debt, or 531
other legal obligation involved in the violation or course of 532
conduct is one hundred fifty thousand dollars or more, except as 533
otherwise provided in division (I) (3) of this section, identity 534
fraud is a felony of the second degree. 535

(3) If the victim of the offense is an elderly person, 536
disabled adult, active duty service member, or spouse of an 537
active duty service member, a violation of this section is 538
identity fraud against a person in a protected class. Except as 539
otherwise provided in this division, identity fraud against a 540
person in a protected class is a felony of the fourth degree. If 541
the value of the credit, property, services, debt, or other 542
legal obligation involved in the violation or course of conduct 543
is one thousand dollars or more and is less than seven thousand 544
five hundred dollars, identity fraud against a person in a 545
protected class is a felony of the third degree. If the value of 546
the credit, property, services, debt, or other legal obligation 547
involved in the violation or course of conduct is seven thousand 548
five hundred dollars or more and is less than one hundred fifty 549
thousand dollars, identity fraud against a person in a protected 550

class is a felony of the second degree. If the value of the 551
credit, property, services, debt, or other legal obligation 552
involved in the violation or course of conduct is one hundred 553
fifty thousand dollars or more, identity fraud against a person 554
in a protected class is a felony of the first degree. If the 555
victim of the offense is an elderly person, in addition to any 556
other penalty imposed for the offense, the offender shall be 557
required to pay full restitution to the victim and to pay a fine 558
of up to fifty thousand dollars. The clerk of court shall 559
forward all fines collected under division (I) (3) of this 560
section to the county department of job and family services to 561
be used for the reporting and investigation of elder abuse, 562
neglect, and exploitation or for the provision or arrangement of 563
protective services under sections 5101.61 to 5101.71 of the 564
Revised Code. 565

(J) In addition to the penalties described in division (I) 566
of this section, anyone injured in person or property by a 567
violation of division (B), (D), or (E) of this section who is 568
the owner of the identifying information involved in that 569
violation has a civil action against the offender pursuant to 570
section 2307.60 of the Revised Code. That person may also bring 571
a civil action to enjoin or restrain future acts that would 572
constitute a violation of division (B), (D), or (E) of this 573
section. 574

Sec. 5101.621. (A) Each county department of job and 575
family services shall prepare a memorandum of understanding that 576
is signed by all of the following: 577

(1) The director of the county department of job and 578
family services; 579

(2) If the county department has entered into an 580

interagency agreement with a local agency pursuant to section 581
5101.622 of the Revised Code, the director of the local agency; 582

(3) The county peace officer; 583

(4) ~~All The chief municipal peace officers officer of the~~ 584
largest municipality within the county; 585

(5) Other law enforcement officers handling adult abuse, 586
neglect, and exploitation cases in the county; 587

(6) The prosecuting attorney of the county; 588

(7) The coroner of the county. 589

(B) The memorandum of understanding shall set forth the 590
procedures to be followed by the persons listed in division (A) 591
of this section in the execution of their respective 592
responsibilities related to cases of adult abuse, neglect, and 593
exploitation. The memorandum of understanding shall establish 594
all of the following: 595

(1) An interdisciplinary team to coordinate efforts 596
related to the prevention, reporting, and treatment of abuse, 597
neglect, and exploitation of adults; 598

(2) The roles and responsibilities for handling cases that 599
have been referred by the county department to another agency 600
pursuant to section 5101.611 of the Revised Code; 601

(3) The roles and responsibilities for filing criminal 602
charges against persons alleged to have abused, neglected, or 603
exploited adults. 604

Failure to follow the procedure set forth in the 605
memorandum of understanding is not grounds for, and shall not 606
result in, the dismissal of any charge or complaint arising from 607

a report of abuse, neglect, or exploitation or the suppression 608
of any evidence obtained as a result of a report of abuse, 609
neglect, or exploitation and does not give any rights or grounds 610
for appeal or post-conviction relief to any person. 611

(C) The memorandum of understanding may, in addition, be 612
signed by any of the following persons who are also members of 613
the interdisciplinary team described in division (B)(1) of this 614
section: 615

(1) A representative of the area agency on aging, as 616
defined in section 173.14 of the Revised Code; 617

(2) The regional long-term care ombudsman; 618

(3) A representative of the board of alcohol, drug 619
addiction, and mental health services; 620

(4) A representative of the board of health of a city or 621
general health district; 622

(5) A representative of the county board of developmental 623
disabilities; 624

(6) A representative of a victim assistance program; 625

(7) A representative of a local housing authority; 626

(8) Any other person whose participation furthers the 627
goals of the memorandum of understanding. 628

Section 2. That existing sections 2913.02, 2913.21, 629
2913.31, 2913.43, 2913.49, and 5101.621 of the Revised Code are 630
hereby repealed. 631

Section 3. That the version of section 5101.63 of the 632
Revised Code that is scheduled to take effect on September 29, 633
2018, be amended to read as follows: 634

Sec. 5101.63. (A) (1) Any individual listed in division (A) 635
(2) of this section having reasonable cause to believe that an 636
adult is being abused, neglected, or exploited, or is in a 637
condition which is the result of abuse, neglect, or exploitation 638
shall immediately report such belief to the county department of 639
job and family services. 640

(2) All of the following are subject to division (A) (1) of 641
this section: 642

(a) An attorney admitted to the practice of law in this 643
state; 644

(b) An individual authorized under Chapter 4731. of the 645
Revised Code to practice medicine and surgery, osteopathic 646
medicine and surgery, or podiatric medicine and surgery; 647

(c) An individual licensed under Chapter 4734. of the 648
Revised Code as a chiropractor; 649

(d) An individual licensed under Chapter 4715. of the 650
Revised Code as a dentist; 651

(e) An individual licensed under Chapter 4723. of the 652
Revised Code as a registered nurse or licensed practical nurse; 653

(f) An individual licensed under Chapter 4732. of the 654
Revised Code as a psychologist; 655

(g) An individual licensed under Chapter 4757. of the 656
Revised Code as a social worker, independent social worker, 657
professional counselor, professional clinical counselor, 658
marriage and family therapist, or independent marriage and 659
family therapist; 660

(h) An individual licensed under Chapter 4729. of the 661
Revised Code as a pharmacist; 662

(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	663 664 665
(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;	666 667
(k) An employee of an outpatient health facility;	668
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	669 670
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	671 672
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	673 674
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	675 676 677 678
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	679 680 681 682
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	683 684
(r) An agent of a county humane society organized under section 1717.05 of the Revised Code;	685 686
(s) An individual who is a firefighter for a lawfully constituted fire department;	687 688
(t) An individual who is an ambulance driver for an	689

emergency medical service organization, as defined in section	690
4765.01 of the Revised Code;	691
(u) A first responder, emergency medical technician-basic,	692
emergency medical technician-intermediate, or paramedic, as	693
those terms are defined in section 4765.01 of the Revised Code;	694
(v) An official employed by a local building department to	695
conduct inspections of houses and other residential buildings;	696
(w) A peace officer;	697
(x) A coroner;	698
(y) A member of the clergy;	699
(z) An individual who holds a certificate issued under	700
Chapter 4701. of the Revised Code as a certified public	701
accountant or is registered under that chapter as a public	702
accountant;	703
(aa) An individual licensed under Chapter 4735. of the	704
Revised Code as a real estate broker or real estate salesperson;	705
(bb) An individual appointed and commissioned under	706
section 147.01 of the Revised Code as a notary public;	707
(cc) An employee of a bank, savings bank, savings and loan	708
association, or credit union organized under the laws of this	709
state, another state, or the United States;	710
(dd) An A dealer, investment adviser, as defined in	711
section 1707.01 sales person, or investment advisor	712
<u>representative licensed under Chapter 1707. of the Revised Code;</u>	713
(ee) A financial planner accredited by a national	714
accreditation agency;	715
(ff) Any other individual who is a senior service	716

provider, other than a representative of the office of the state 717
long-term care ombudsman program as defined in section 173.14 of 718
the Revised Code. 719

(B) Any person having reasonable cause to believe that an 720
adult has suffered abuse, neglect, or exploitation may report, 721
or cause a report to be made of such belief to the county 722
department of job and family services. 723

This division applies to a representative of the office of 724
the state long-term care ombudsman program only to the extent 725
permitted by federal law. 726

(C) The reports made under this section shall be made 727
orally or in writing except that oral reports shall be followed 728
by a written report if a written report is requested by the 729
department. Written reports shall include: 730

(1) The name, address, and approximate age of the adult 731
who is the subject of the report; 732

(2) The name and address of the individual responsible for 733
the adult's care, if any individual is, and if the individual is 734
known; 735

(3) The nature and extent of the alleged abuse, neglect, 736
or exploitation of the adult; 737

(4) The basis of the reporter's belief that the adult has 738
been abused, neglected, or exploited. 739

(D) Any person with reasonable cause to believe that an 740
adult is suffering abuse, neglect, or exploitation who makes a 741
report pursuant to this section or who testifies in any 742
administrative or judicial proceeding arising from such a 743
report, or any employee of the state or any of its subdivisions 744

who is discharging responsibilities under section 5101.65 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section:

(1) Discharge, demote, transfer, or prepare a negative work performance evaluation;

(2) Reduce benefits, pay, or work privileges;

(3) Take any other action detrimental to an employee or in any way retaliate against the employee.

(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services may redact the name and identifying information related to the person who made the report.

(G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week.

Section 4. That the existing version of section 5101.63 of 774
the Revised Code that is scheduled to take effect on September 775
29, 2018, is hereby repealed. 776

Section 5. Sections 3 and 4 of this act take effect on 777
September 29, 2018. 778