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Senator Hoagland

**Cosponsors: Senators Beagle, Huffman, Wilson, Bacon, Coley, Eklund, Hackett,
McColley, Peterson, Terhar**

A BILL

To amend sections 2909.07, 2909.10, 2911.21, 1
2911.211, 2917.21, and 2917.32 and to enact 2
section 2307.66 of the Revised Code to modify 3
the offenses of criminal mischief, criminal 4
trespass, aggravated trespass, 5
telecommunications harassment, and making false 6
alarms with respect to critical infrastructure 7
facilities, to impose fines for organizations 8
that are complicit in such conduct, and to 9
impose civil liability for intentional damage to 10
a critical infrastructure facility. 11

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

Section 1. That sections 2909.07, 2909.10, 2911.21, 12
2911.211, 2917.21, and 2917.32 be amended and section 2307.66 of 13
the Revised Code be enacted to read as follows: 14

Sec. 2307.66. (A) As used in this section: 15

(1) "Critical infrastructure facility" has the same 16
meaning as in section 2911.21 of the Revised Code. 17

(2) "Organization" has the same meaning as in section 18
2901.23 of the Revised Code. 19

(B) An owner or operator of a critical infrastructure 20
facility may elect to commence a civil action under division (A) 21
of section 2307.60 or section 2307.61 of the Revised Code or 22
under this section against any person who willfully causes 23
damage to the critical infrastructure facility. The plaintiff 24
may recover compensatory damages equal to the replacement value 25
of the property that was damaged. The plaintiff may also recover 26
reasonable attorney's fees, court costs, and other reasonable 27
expenses incurred in maintaining the civil action under this 28
section. 29

(C) A person or organization that compensates a person for 30
causing damage to a critical infrastructure facility or pays the 31
person's fines or damages in a civil action may be held 32
vicariously liable for any judgment the plaintiff obtains 33
against the person who damaged the critical infrastructure 34
facility. 35

(D) In a civil action to recover damages under this 36
section, the trier of fact may determine that the defendant 37
willfully caused damage to the critical infrastructure facility, 38
regardless of whether the defendant has been charged with any 39
related criminal offense, has pleaded guilty to or been 40
convicted of a criminal offense, or has been adjudicated a 41
delinquent child in connection with the property damage. 42

(E) This section does not affect any criminal prosecution 43
or any action to obtain a delinquent child adjudication in 44
connection with the property damage. 45

Sec. 2909.07. (A) No person shall: 46

(1) Without privilege to do so, knowingly move, deface, 47
damage, destroy, or otherwise improperly tamper with either of 48
the following: 49

(a) The property of another; 50

(b) One's own residential real property with the purpose 51
to decrease the value of or enjoyment of the residential real 52
property, if both of the following apply: 53

(i) The residential real property is subject to a 54
mortgage. 55

(ii) The person has been served with a summons and 56
complaint in a pending residential mortgage loan foreclosure 57
action relating to that real property. As used in this division, 58
"pending" includes the time between judgment entry and 59
confirmation of sale. 60

(2) With purpose to interfere with the use or enjoyment of 61
property of another, employ a tear gas device, stink bomb, smoke 62
generator, or other device releasing a substance that is harmful 63
or offensive to persons exposed or that tends to cause public 64
alarm; 65

(3) Without privilege to do so, knowingly move, deface, 66
damage, destroy, or otherwise improperly tamper with a bench 67
mark, triangulation station, boundary marker, or other survey 68
station, monument, or marker; 69

(4) Without privilege to do so, knowingly move, deface, 70
damage, destroy, or otherwise improperly tamper with any safety 71
device, the property of another, or the property of the offender 72
when required or placed for the safety of others, so as to 73
destroy or diminish its effectiveness or availability for its 74
intended purpose; 75

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

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

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

(b) Introduce a computer contaminant into a computer, computer system, computer network, computer software, or computer program.

(7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

(B) As used in this section:

(1) "~~safety~~ Safety device" means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or

any railroad grade crossing sign, signal, or gate, or any first 105
aid or survival equipment, or any other device, apparatus, or 106
equipment intended for protecting or preserving the safety of 107
persons or property. 108

(2) "Critical infrastructure facility" has the same 109
meaning as in section 2911.21 of the Revised Code. 110

(3) "Organization" has the same meaning as in section 111
2901.23 of the Revised Code. 112

(C) (1) Whoever violates this section is guilty of criminal 113
mischief, and shall be punished as provided in division (C) (2), 114
~~or (3), or (4)~~ of this section. 115

(2) Except as otherwise provided in this division, 116
criminal mischief committed in violation of division (A) (1), 117
(2), (3), (4), or (5) of this section is a misdemeanor of the 118
third degree. Except as otherwise provided in this division, if 119
the violation of division (A) (1), (2), (3), (4), or (5) of this 120
section creates a risk of physical harm to any person, criminal 121
mischief committed in violation of division (A) (1), (2), (3), 122
(4), or (5) of this section is a misdemeanor of the first 123
degree. If the property involved in the violation of division 124
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 125
aircraft engine, propeller, appliance, spare part, fuel, 126
lubricant, hydraulic fluid, any other equipment, implement, or 127
material used or intended to be used in the operation of an 128
aircraft, or any cargo carried or intended to be carried in an 129
aircraft, criminal mischief committed in violation of division 130
(A) (1), (2), (3), (4), or (5) of this section is one of the 131
following: 132

(a) If the violation creates a risk of physical harm to 133

any person, except as otherwise provided in division (C) (2) (b) 134
of this section, criminal mischief committed in violation of 135
division (A) (1), (2), (3), (4), or (5) of this section is a 136
felony of the fifth degree. 137

(b) If the violation creates a substantial risk of 138
physical harm to any person or if the property involved in a 139
violation of this section is an occupied aircraft, criminal 140
mischief committed in violation of division (A) (1), (2), (3), 141
(4), or (5) of this section is a felony of the fourth degree. 142

(3) Except as otherwise provided in this division, 143
criminal mischief committed in violation of division (A) (6) of 144
this section is a misdemeanor of the first degree. Except as 145
otherwise provided in this division, if the value of the 146
computer, computer system, computer network, computer software, 147
computer program, or data involved in the violation of division 148
(A) (6) of this section or the loss to the victim resulting from 149
the violation is one thousand dollars or more and less than ten 150
thousand dollars, or if the computer, computer system, computer 151
network, computer software, computer program, or data involved 152
in the violation of division (A) (6) of this section is used or 153
intended to be used in the operation of an aircraft and the 154
violation creates a risk of physical harm to any person, 155
criminal mischief committed in violation of division (A) (6) of 156
this section is a felony of the fifth degree. If the value of 157
the computer, computer system, computer network, computer 158
software, computer program, or data involved in the violation of 159
division (A) (6) of this section or the loss to the victim 160
resulting from the violation is ten thousand dollars or more, or 161
if the computer, computer system, computer network, computer 162
software, computer program, or data involved in the violation of 163
division (A) (6) of this section is used or intended to be used 164

in the operation of an aircraft and the violation creates a 165
substantial risk of physical harm to any person or the aircraft 166
in question is an occupied aircraft, criminal mischief committed 167
in violation of division (A) (6) of this section is a felony of 168
the fourth degree. 169

(4) Criminal mischief committed in violation of division 170
(A) (7) of this section is a felony of the third degree. 171
Notwithstanding section 2929.31 of the Revised Code, any 172
organization found guilty of complicity in a violation of that 173
division under section 2923.03 of the Revised Code shall be 174
punished with a fine that is ten times the maximum fine that can 175
be imposed on an individual for a felony of the third degree. 176

Sec. 2909.10. (A) No person shall knowingly, and by any 177
means, drop or throw any object at, onto, or in the path of, any 178
railroad rail, railroad track, locomotive, engine, railroad car, 179
or other vehicle of a railroad company while such vehicle is on 180
a railroad track. 181

(B) No person, without privilege to do so, shall climb 182
upon or into any locomotive, engine, railroad car, or other 183
vehicle of a railroad company when it is on a railroad track. 184

(C) No person, without privilege to do so, shall disrupt, 185
delay, or prevent the operation of any train or other vehicle of 186
a railroad company while such vehicle is on a railroad track. 187

~~(D) No person, without privilege to do so, shall knowingly 188~~
~~enter or remain on the land or premises of a railroad company. 189~~

~~(E) Whoever violates division (A) of this section is 190~~
guilty of railroad vandalism. Whoever violates division (B) of 191
this section is guilty of criminal trespass on a locomotive, 192
engine, railroad car, or other railroad vehicle. Whoever 193

violates division (C) of this section is guilty of interference 194
with the operation of a train. 195

Except as otherwise provided in this division, railroad 196
vandalism; criminal trespass on a locomotive, engine, railroad 197
car, or other railroad vehicle; and interference with the 198
operation of a train each is a misdemeanor of the first degree. 199
Except as otherwise provided in this division, if the violation 200
of division (A), (B), or (C) of this section causes serious 201
physical harm to property or creates a substantial risk of 202
physical harm to any person, the violation is a felony of the 203
fourth degree. Except as otherwise provided in this division, if 204
the violation of division (A), (B), or (C) of this section 205
causes physical harm to any person, the violation is a felony of 206
the third degree. If the violation of division (A), (B), or (C) 207
of this section causes serious physical harm to any person, the 208
violation is a felony of the second degree. 209

~~(F) Whoever violates division (D) of this section is 210
guilty of criminal trespass on the land or premises of a 211
railroad company, a misdemeanor of the fourth degree. 212~~

Sec. 2911.21. (A) No person, without privilege to do so, 213
shall do any of the following: 214

(1) Knowingly enter or remain on the land or premises of 215
another; 216

(2) Knowingly enter or remain on the land or premises of 217
another, the use of which is lawfully restricted to certain 218
persons, purposes, modes, or hours, when the offender knows the 219
offender is in violation of any such restriction or is reckless 220
in that regard; 221

(3) Recklessly enter or remain on the land or premises of 222

another, as to which notice against unauthorized access or 223
presence is given by actual communication to the offender, or in 224
a manner prescribed by law, or by posting in a manner reasonably 225
calculated to come to the attention of potential intruders, or 226
by fencing or other enclosure manifestly designed to restrict 227
access; 228

(4) Being on the land or premises of another, negligently 229
fail or refuse to leave upon being notified by signage posted in 230
a conspicuous place or otherwise being notified to do so by the 231
owner or occupant, or the agent or servant of either; 232

(5) Knowingly enter or remain on a critical infrastructure 233
facility. 234

(B) It is no defense to a charge under this section that 235
the land or premises involved was owned, controlled, or in 236
custody of a public agency. 237

(C) It is no defense to a charge under this section that 238
the offender was authorized to enter or remain on the land or 239
premises involved, when such authorization was secured by 240
deception. 241

(D) (1) Whoever violates this section is guilty of criminal 242
trespass. Criminal trespass in violation of division (A) (1), 243
(2), (3), or (4) of this section is a misdemeanor of the fourth 244
degree. Criminal trespass in violation of division (A) (5) of 245
this section is a misdemeanor of the first degree. 246
Notwithstanding section 2929.31 of the Revised Code, any 247
organization found guilty of complicity in a violation of 248
division (A) (5) of this section under section 2923.03 of the 249
Revised Code shall be punished with a fine that is ten times the 250
maximum fine that can be imposed on an individual for a 251

<u>misdemeanor of the first degree.</u>	252
(2) Notwithstanding section 2929.28 of the Revised Code, if the person, in committing the violation of this section, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.	253 254 255 256 257
(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used a snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, section 4519.47 of the Revised Code applies.	258 259 260 261 262 263 264 265 266 267 268
(E) Notwithstanding any provision of the Revised Code, if the offender, in committing the violation of this section, used an all-purpose vehicle, the clerk of the court shall pay the fine imposed pursuant to this section to the state recreational vehicle fund created by section 4519.11 of the Revised Code.	269 270 271 272 273
(F) As used in this section:	274
(1) "All-purpose vehicle," "off-highway motorcycle," and "snowmobile" have the same meanings as in section 4519.01 of the Revised Code.	275 276 277
(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion	278 279 280

thereof.	281
<u>(3) "Organization" has the same meaning as in section</u>	282
<u>2901.23 of the Revised Code.</u>	283
<u>(4) "Production operation," "well," and "well pad" have</u>	284
<u>the same meanings as in section 1509.01 of the Revised Code.</u>	285
<u>(5) "Critical infrastructure facility" means:</u>	286
<u>(a) One of the following, if completely enclosed by a</u>	287
<u>fence or other physical barrier that is obviously designed to</u>	288
<u>exclude intruders, or if clearly marked with signs that are</u>	289
<u>reasonably likely to come to the attention of potential</u>	290
<u>intruders and that indicate entry is forbidden without site</u>	291
<u>authorization:</u>	292
<u>(i) A petroleum or alumina refinery;</u>	293
<u>(ii) An electric generating facility, substation,</u>	294
<u>switching station, electrical control center, or electric</u>	295
<u>transmission and distribution lines and associated equipment;</u>	296
<u>(iii) A chemical, polymer, or rubber manufacturing</u>	297
<u>facility;</u>	298
<u>(iv) A water intake structure, water treatment facility,</u>	299
<u>waste water facility, drainage facility, water management</u>	300
<u>facility, or any similar water or sewage treatment system and</u>	301
<u>its water and sewage piping;</u>	302
<u>(v) A natural gas company facility or interstate natural</u>	303
<u>gas pipeline, including a pipeline interconnection, a natural</u>	304
<u>gas compressor station and associated facilities, city gate or</u>	305
<u>town border station, metering station, above-ground piping,</u>	306
<u>regulator station, valve site, delivery station, fabricated</u>	307
<u>assembly, or any other part of a natural gas storage facility</u>	308

<u>involved in the gathering, storage, transmission, or</u>	309
<u>distribution of gas;</u>	310
<u>(vi) A telecommunications central switching office or</u>	311
<u>remote switching facility or an equivalent network facility that</u>	312
<u>serves a similar purpose;</u>	313
<u>(vii) Wireline or wireless telecommunications</u>	314
<u>infrastructure, including telecommunications towers and</u>	315
<u>telephone poles and lines, including fiber optic lines;</u>	316
<u>(viii) A port, trucking terminal, or other freight</u>	317
<u>transportation facility;</u>	318
<u>(ix) A gas processing plant, including a plant used in the</u>	319
<u>processing, treatment, or fractionation of natural gas or</u>	320
<u>natural gas liquids;</u>	321
<u>(x) A transmission facility used by a federally licensed</u>	322
<u>radio or television station;</u>	323
<u>(xi) A steel-making facility that uses an electric arc</u>	324
<u>furnace to make steel;</u>	325
<u>(xii) A facility identified and regulated by the United</u>	326
<u>States department of homeland security's chemical facility anti-</u>	327
<u>terrorism standards program under 6 C.F.R. part 27;</u>	328
<u>(xiii) A dam that is regulated by the state or federal</u>	329
<u>government;</u>	330
<u>(xiv) A crude oil or refined products storage and</u>	331
<u>distribution facility, including valve sites, pipeline</u>	332
<u>interconnections, pump station, metering station, below- or</u>	333
<u>above-ground pipeline, or piping and truck loading or off-</u>	334
<u>loading facility;</u>	335

<u>(xv) A video service network and broadband infrastructure,</u>	336
<u>including associated buildings and facilities, video service</u>	337
<u>headends, towers, utility poles, and utility lines such as fiber</u>	338
<u>optic lines. As used in this division, "video service network"</u>	339
<u>has the same meaning as in section 1332.21 of the Revised Code.</u>	340
<u>(xvi) Any above-ground portion of an oil, gas, hazardous</u>	341
<u>liquid or chemical pipeline, tank, or other storage facility;</u>	342
<u>(xvii) Any above-ground portion of a well, well pad, or</u>	343
<u>production operation;</u>	344
<u>(xviii) A laydown area or construction site for pipe and</u>	345
<u>other equipment intended for use on an interstate or intrastate</u>	346
<u>natural gas or crude oil pipeline;</u>	347
<u>(xix) Any mining operation, including any processing</u>	348
<u>equipment, batching operation, or support facility for that</u>	349
<u>mining operation.</u>	350
<u>(b) With respect to a video service network or broadband</u>	351
<u>or wireless telecommunications infrastructure, the above-ground</u>	352
<u>portion of a facility installed in a public right-of-way on a</u>	353
<u>utility pole or in a conduit;</u>	354
<u>(c) Any railroad property;</u>	355
<u>(d) An electronic asset of any of the following:</u>	356
<u>(i) An electric light company that is a public utility</u>	357
<u>under section 4905.02 of the Revised Code;</u>	358
<u>(ii) An electric cooperative, as defined in section</u>	359
<u>4928.01 of the Revised Code;</u>	360
<u>(iii) A municipal electric utility, as defined in section</u>	361
<u>4928.01 of the Revised Code;</u>	362

(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code; 363
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(v) A telephone company that is a public utility under section 4905.02 of the Revised Code; 365
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(vi) A video service provider, including a cable operator, as those terms are defined in section 1332.21 of the Revised Code. 367
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(6) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks. 370
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Sec. 2911.211. (A) (1) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him that person. 374
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(2) No person shall enter or remain on a critical infrastructure facility with purpose to destroy or tamper with the facility. 380
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(B) Whoever violates this section is guilty of aggravated trespass⁷. Aggravated trespass in violation of division (A) (1) of this section is a misdemeanor of the first degree. Aggravated trespass in violation of division (A) (2) of this section is a felony of the third degree. Notwithstanding section 2929.31 of the Revised Code, any organization found guilty of complicity in a violation of division (A) (2) of this section under section 2923.03 of the Revised Code shall be punished with a fine that is ten times the maximum fine that can be imposed on an 383
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<u>individual for a felony of the third degree.</u>	392
<u>(C) As used in this section:</u>	393
<u>(1) "Critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code.</u>	394 395
<u>(2) "Organization" has the same meaning as in section 2901.23 of the Revised Code.</u>	396 397
Sec. 2917.21. (A) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:	398 399 400 401 402
(1) Makes the telecommunication with purpose to harass, intimidate, or abuse any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;	403 404 405 406
(2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;	407 408 409 410 411 412 413 414
(3) During the telecommunication, violates section 2903.21 of the Revised Code;	415 416
(4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any	417 418 419

member of the recipient's family, or any other person who 420
resides at the premises to which the telecommunication is made 421
owns, leases, resides, or works in, will at the time of the 422
destruction or damaging be near or in, has the responsibility of 423
protecting, or insures the property that will be destroyed or 424
damaged; 425

(5) Knowingly makes the telecommunication to the recipient 426
of the telecommunication, to another person at the premises to 427
which the telecommunication is made, or to those premises, and 428
the recipient or another person at those premises previously has 429
told the caller not to make a telecommunication to those 430
premises or to any persons at those premises; 431

(6) Knowingly makes any comment, request, suggestion, or 432
proposal to the recipient of the telecommunication that is 433
threatening, intimidating, menacing, coercive, or obscene with 434
the intent to abuse, threaten, or harass the recipient; 435

(7) Without a lawful business purpose, knowingly 436
interrupts the telecommunication service of any person; 437

(8) Without a lawful business purpose, knowingly transmits 438
to any person, regardless of whether the telecommunication is 439
heard in its entirety, any file, document, or other 440
communication that prevents that person from using the person's 441
telephone service or electronic communication device; 442

(9) Knowingly makes any false statement concerning the 443
death, injury, illness, disfigurement, reputation, indecent 444
conduct, or criminal conduct of the recipient of the 445
telecommunication or family or household member of the recipient 446
with purpose to abuse, threaten, intimidate, or harass the 447
recipient; 448

(10) Knowingly incites another person through a 449
telecommunication or other means to harass or participate in the 450
harassment of a person; 451

(11) Knowingly alarms the recipient by making a 452
telecommunication without a lawful purpose at an hour or hours 453
known to be inconvenient to the recipient and in an offensive or 454
repetitive manner. 455

(B) (1) No person shall make or cause to be made a 456
telecommunication, or permit a telecommunication to be made from 457
a telecommunications device under the person's control, with 458
purpose to abuse, threaten, or harass another person. 459

(2) No person shall knowingly post a text or audio 460
statement or an image on an internet web site or web page for 461
the purpose of abusing, threatening, or harassing another 462
person. 463

(C) (1) Whoever violates this section is guilty of 464
telecommunications harassment. 465

(2) A violation of division (A) (1), (2), (3), (5), (6), 466
(7), (8), (9), (10), or (11) or (B) of this section is a 467
misdemeanor of the first degree on a first offense and a felony 468
of the fifth degree on each subsequent offense. 469

(3) Except as otherwise provided in division (C) (3) of 470
this section, a violation of division (A) (4) of this section is 471
a misdemeanor of the first degree on a first offense and a 472
felony of the fifth degree on each subsequent offense. If a 473
violation of division (A) (4) of this section results in economic 474
harm of one thousand dollars or more but less than seven 475
thousand five hundred dollars, telecommunications harassment is 476
a felony of the fifth degree. If a violation of division (A) (4) 477

of this section results in economic harm of seven thousand five 478
hundred dollars or more but less than one hundred fifty thousand 479
dollars, telecommunications harassment is a felony of the fourth 480
degree. If a violation of division (A) (4) of this section 481
results in economic harm of one hundred fifty thousand dollars 482
or more, telecommunications harassment is a felony of the third 483
degree. 484

(4) Notwithstanding section 2929.31 of the Revised Code, 485
if any organization is found guilty of complicity under section 486
2923.03 of the Revised Code in a violation of division (A) (4) of 487
this section that involves a threat of damage to or destruction 488
of a critical infrastructure facility, the organization shall be 489
punished with a fine that is ten times the maximum fine that can 490
be imposed on an individual for the violation of division (A) (4) 491
of this section. 492

(D) No cause of action may be asserted in any court of 493
this state against any provider of a telecommunications service, 494
interactive computer service as defined in section 230 of Title 495
47 of the United States Code, or information service, or against 496
any officer, employee, or agent of a telecommunication service, 497
interactive computer service as defined in section 230 of Title 498
47 of the United States Code, or information service, for any 499
injury, death, or loss to person or property that allegedly 500
arises out of the provider's, officer's, employee's, or agent's 501
provision of information, facilities, or assistance in 502
accordance with the terms of a court order that is issued in 503
relation to the investigation or prosecution of an alleged 504
violation of this section. A provider of a telecommunications 505
service, interactive computer service as defined in section 230 506
of Title 47 of the United States Code, or information service, 507
or an officer, employee, or agent of a telecommunications 508

service, interactive computer service as defined in section 230 509
of Title 47 of the United States Code, or information service, 510
is immune from any civil or criminal liability for injury, 511
death, or loss to person or property that allegedly arises out 512
of the provider's, officer's, employee's, or agent's provision 513
of information, facilities, or assistance in accordance with the 514
terms of a court order that is issued in relation to the 515
investigation or prosecution of an alleged violation of this 516
section. 517

(E) (1) This section does not apply to a person solely 518
because the person provided access or connection to or from an 519
electronic method of remotely transferring information not under 520
that person's control, including having provided capabilities 521
that are incidental to providing access or connection to or from 522
the electronic method of remotely transferring the information, 523
and that do not include the creation of the content of the 524
material that is the subject of the access or connection. In 525
addition, any person providing access or connection to or from 526
an electronic method of remotely transferring information not 527
under that person's control shall not be liable for any action 528
voluntarily taken in good faith to block the receipt or 529
transmission through its service of any information that the 530
person believes is, or will be sent, in violation of this 531
section. 532

(2) Division (E) (1) of this section does not create an 533
affirmative duty for any person providing access or connection 534
to or from an electronic method of remotely transferring 535
information not under that person's control to block the receipt 536
or transmission through its service of any information that it 537
believes is, or will be sent, in violation of this section 538
except as otherwise provided by law. 539

(3) Division (E) (1) of this section does not apply to a 540
person who conspires with a person actively involved in the 541
creation or knowing distribution of material in violation of 542
this section or who knowingly advertises the availability of 543
material of that nature. 544

(4) A provider or user of an interactive computer service, 545
as defined in section 230 of Title 47 of the United States Code, 546
shall neither be treated as the publisher or speaker of any 547
information provided by another information content provider, as 548
defined in section 230 of Title 47 of the United States Code, 549
nor held civilly or criminally liable for the creation or 550
development of information provided by another information 551
content provider, as defined in section 230 of Title 47 of the 552
United States Code. Nothing in this division shall be construed 553
to protect a person from liability to the extent that the person 554
developed or created any content in violation of this section. 555

(F) Divisions (A) (5) to (11) and (B) (2) of this section do 556
not apply to a person who, while employed or contracted by a 557
newspaper, magazine, press association, news agency, news wire 558
service, cable channel or cable operator, or radio or television 559
station, is gathering, processing, transmitting, compiling, 560
editing, or disseminating information for the general public 561
within the scope of the person's employment in that capacity or 562
the person's contractual authority in that capacity. 563

(G) As used in this section: 564

(1) "Critical infrastructure facility" has the same 565
meaning as in section 2911.21 of the Revised Code. 566

(2) "Economic harm" means all direct, incidental, and 567
consequential pecuniary harm suffered by a victim as a result of 568

criminal conduct. "Economic harm" includes, but is not limited	569
to, all of the following:	570
(a) All wages, salaries, or other compensation lost as a	571
result of the criminal conduct;	572
(b) The cost of all wages, salaries, or other compensation	573
paid to employees for time those employees are prevented from	574
working as a result of the criminal conduct;	575
(c) The overhead costs incurred for the time that a	576
business is shut down as a result of the criminal conduct;	577
(d) The loss of value to tangible or intangible property	578
that was damaged as a result of the criminal conduct.	579
(2) <u>(3)</u> "Caller" means the person described in division	580
(A) of this section who makes or causes to be made a	581
telecommunication or who permits a telecommunication to be made	582
from a telecommunications device under that person's control.	583
(3) <u>(4)</u> "Telecommunication" and "telecommunications	584
device" have the same meanings as in section 2913.01 of the	585
Revised Code.	586
(4) <u>(5)</u> "Sexual activity" has the same meaning as in	587
section 2907.01 of the Revised Code.	588
(5) <u>(6)</u> "Family or household member" means any of the	589
following:	590
(a) Any of the following who is residing or has resided	591
with the recipient of the telecommunication against whom the act	592
prohibited in division (A) (9) of this section is committed:	593
(i) A spouse, a person living as a spouse, or a former	594
spouse of the recipient;	595

(ii) A parent, a foster parent, or a child of the recipient, or another person related by consanguinity or affinity to the recipient;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the recipient, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the recipient.

(b) The natural parent of any child of whom the recipient of the telecommunication against whom the act prohibited in division (A) (9) of this section is committed is the other natural parent or is the putative other natural parent.

~~(6)~~ (7) "Person living as a spouse" means a person who is living or has lived with the recipient of the telecommunication against whom the act prohibited in division (A) (9) of this section is committed in a common law marital relationship, who otherwise is cohabiting with the recipient, or who otherwise has cohabited with the recipient within five years prior to the date of the alleged commission of the act in question.

~~(7)~~ (8) "Cable operator" has the same meaning as in section 1332.21 of the Revised Code.

(H) Nothing in this section prohibits a person from making a telecommunication to a debtor that is in compliance with the "Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended.

Sec. 2917.32. (A) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and

likely to cause public inconvenience or alarm; 625

(2) Knowingly cause a false alarm of fire or other 626
emergency to be transmitted to or within any organization, 627
public or private, for dealing with emergencies involving a risk 628
of physical harm to persons or property; 629

(3) Report to any law enforcement agency an alleged 630
offense or other incident within its concern, knowing that such 631
offense did not occur; 632

(4) Initiate or circulate a report or warning of an 633
alleged or impending fire, explosion, crime, or other 634
catastrophe, knowing that the report or warning is false and 635
likely to impede the operation of a critical infrastructure 636
facility. 637

(B) This section does not apply to any person conducting 638
an authorized fire or emergency drill. 639

(C) (1) Whoever violates this section is guilty of making 640
false alarms. 641

(2) Except as otherwise provided in division (C) (3), (4), 642
(5), or (6) of this section, making false alarms is a 643
misdemeanor of the first degree. 644

(3) Except as otherwise provided in division (C) (4) of 645
this section, if a violation of this section results in economic 646
harm of one thousand dollars or more but less than seven 647
thousand five hundred dollars, making false alarms is a felony 648
of the fifth degree. 649

(4) If a violation of this section pertains to a 650
purported, threatened, or actual use of a weapon of mass 651
destruction, making false alarms is a felony of the third 652

degree. 653

(5) If a violation of this section results in economic 654
harm of seven thousand five hundred dollars or more but less 655
than one hundred fifty thousand dollars and if division (C) (4) 656
of this section does not apply, making false alarms is a felony 657
of the fourth degree. 658

(6) If a violation of this section results in economic 659
harm of one hundred fifty thousand dollars or more, making false 660
alarms is a felony of the third degree. 661

(D) Notwithstanding section 2929.31 of the Revised Code, 662
any organization found guilty of complicity under section 663
2923.03 of the Revised Code in a violation of division (A) (4) of 664
this section shall be punished with a fine that is ten times the 665
maximum fine that can be imposed on an individual for the 666
violation of division (A) (4) of this section. 667

(E) (1) It is not a defense to a charge under this section 668
that pertains to a purported or threatened use of a weapon of 669
mass destruction that the offender did not possess or have the 670
ability to use a weapon of mass destruction or that what was 671
represented to be a weapon of mass destruction was not a weapon 672
of mass destruction. 673

(2) Any act that is a violation of this section and any 674
other section of the Revised Code may be prosecuted under this 675
section, the other section, or both sections. 676

~~(E)~~ (F) As used in this section, ~~"economic :~~ 677

(1) "Critical infrastructure facility" has the same 678
meaning as in section 2911.21 of the Revised Code. 679

(2) "Economic harm" and "weapon of mass destruction" have 680

the same meanings as in section 2917.31 of the Revised Code. 681

Section 2. That existing sections 2909.07, 2909.10, 682
2911.21, 2911.211, 2917.21, and 2917.32 of the Revised Code are 683
hereby repealed. 684